

THE
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(7th March to 24th March, 1925)

SECOND SESSION
OF THE
SECOND LEGISLATIVE ASSEMBLY, 1925



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Legislative Assembly.

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LEGISLATIVE ASSEMBLY.

Saturday, 7th March, 1925.

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

QUESTIONS AND ANSWERS.

ARREST OF SRIJUT PREMANATHA DUTTA AFTER HIS ACQUITTAL IN THE CHITTAGONG MURDER CASE.

1151. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state whether the arrest of Srijut Premanatha Dutta immediately after acquittal and release in the Chittagong murder case has been made under Bengal Regulation III or under the Bengal Criminal Law Amendment Ordinance, and if so, whether the authority or the approval of the Government of India was obtained to the steps taken?

The Honourable Sir Alexander Muddiman: The arrest was made by the Local Government on its own authority under the Bengal Criminal Law Amendment Ordinance. The approval of the Government of India was not necessary and was not applied for.

Mr. A. Rangaswami Iyengar: May I know, Sir, if the Government of India have laid down any policy in respect of cases in which persons have been acquitted of offences that they may still be proceeded against under the Criminal Law Ordinance?

The Honourable Sir Alexander Muddiman: In circumstances where men are acquitted on the ground that the legal evidence is not complete but grave suspicion exists the use of the Ordinance is justifiable enough.

Mr. A. Rangaswami Iyengar: Am I to take it that, notwithstanding the fact that the court found there was not sufficient evidence, nevertheless the Government would proceed under the Ordinance even after the verdict of the court?

The Honourable Sir Alexander Muddiman: Certainly. That was one of the objects of the Ordinance, to deal with cases in which complete legal proof was not sufficient.

Mr. A. Rangaswami Iyengar: Even where a man was brought before a court and acquitted?

The Honourable Sir Alexander Muddiman: Certainly. It might be so.

TERMINATION OF THE NORTH-WEST FRONTIER PROVINCE SECURITY REGULATION OF 1922.

1152. ***Lala Duni Chand:** (a) Will the Government please state the date on which the term of the North West Frontier Province Security Regulation of 1922 will terminate?

(b) Do Government propose to continue it and, if so, will they consult the Legislative Assembly before giving a further lease of life to it?

(c) Will the Government please lay on the table a list showing names, addresses of and the offences committed by the persons who have been dealt with under the said Regulation? Will Government please also state the nature of punishment awarded in each case under this Regulation?

The Honourable Sir Alexander Muddiman: (a) 9th March 1925.

(b) The Government of India have already decided that it is necessary to continue the Regulation for a further period of three years.

(c) A statement is laid on the table giving the information asked for by the Honourable Member up to 31st December 1924.

STATEMENT.

Proceedings under the North-West Frontier Provinces Security Regulation, 1922.

Serial No.	Name of person.	Residence.	Section under which dealt with.	Nature of order.	Reasons for the issue of order.	REMARKS.
1	Maulvi Muhammad Ishaq.	Hazara District.	3 (a)	Forbidden to enter the N.-W. F. P. on his release from jail.	Originally detained under Regulation III of 1918. It was considered undesirable that he should return to the Province owing to his past political activities. The order was served on Muhammad Ishaq.	
2	Mokarrab Hussain.	Bannu . . .	3 (b)	Forbidden to return to the Bannu District.	Connected with political agitation in 1921 at Bannu from where he absconded to Afghanistan. Apprehended at Peshawar when returning from Kabul.	
3	Maulvi Ibrahim.	Lahore . . .	3 (c)	Ordered to leave the Province.	Delivered a very seditious speech at Peshawar at a largely attended meeting in Peshawar City.	
4	Faiz Muhammad.	Darbar (near Chakdara), Dir, Swat and Chitral Agency.	3 (c) and 3 (d).	Ordered to reside in Peshawar City and not to leave it without the permission of the Officer in Charge, Intelligence Branch, N.-W. F. P. and to abstain from all action hostile to Government.	Belonged to the Rawalpindi Police. Deserted and went to Kabul where he associated with Indian revolutionaries. Expelled from Kabul with other Indian revolutionaries. Arrested at Quetta and sent to Peshawar. Bears a bad character and presence in the Malakand Agency considered undesirable.	

Proceedings under the North-West Frontier Province Security Regulation, 1922—contd.

Serial No.	Name of person.	Residence.	Section under which dealt with.	Nature of order.	Reasons for the issue of order.	REMARKS.
5	Mohar Singh, Secretary, Singh Sabha.	Peshawar	3 (d)	(1) To abstain for a period of one year from all communications with the unlawful associations known as the Sri Gurdwara Parbandhak Committee.	Holding political meetings and processions and spreading political propaganda among the Sikh troops in Peshawar.	
6	Rundar Singh, ex-Secretary, Singh Sabha.	Do.	3 (d)	(2) To abstain from organising or participating in political demonstration within the limits of the N. W. F. P.		
7	Toja Singh, Vice President, Singh Sabha.	Do.	3 (d)	(3) To abstain from all action hostile to Government.		
8	Atma Singh, Treasurer, Singh Sabha.	Do.	3 (d)			
9	Sundar Singh	Do.	3 (e)	Ordered to leave the Province.	Holding political meetings and processions and spreading political propaganda among Sikh troops in Peshawar.	
10	Sadhu Singh	Do.	3 (e)	Do.	Holding political meetings and stirring up agitation among Sikhs.	
11	M. Moyney (formerly an officer of the 1st/2nd Punjab).	No fixed residence.	3 (e)	Do.	Undesirable activities in Afghanistan and N.-W. F. P. tribal territory. Arrested at Landi Kotal when returning from Kabul.	Past political activities.
12	Syed Haib Shah	Lahore	3 (b)	Ordered not to enter, reside or remain in the Peshawar District		
13	Sudh Singh	Sargotha	3 (e)	Ordered to leave the Province.	Seditious speaker.	
14	Nasir Ahmad	Peshawar	3 (l)	Forbidden to enter the area lying to the west of the administered border of the N.-W. F. P.	Working as a revolutionary agent.	

GRANT OF A SUM OF RS. 10,000 TO KHAN BAHADUR NAWAB DOST MUHAMMAD KHAN OF TAHKAL, PESHAWAR DISTRICT.

1153. *Lala Duni Chand: (a) Will the Government please state whether Sir John Maffey while relinquishing charge of his duties as Chief Commissioner, North-West Frontier Province, gave a sum of Rs. 10,000 to Khan Bahadur Nawab Dost Muhammad Khan of Tahkal, District Peshawar, in the North West Frontier Province?

(b) If the answer to part (a) be in the affirmative, will the Government please state out of which fund the said amount was given and for what purpose?

Mr. Denys Bray: With your permission, Sir, I will answer this and the next two questions together.

I will give the Honourable Member the answers as soon as I get the information from the local administration.

ENTRY BY KHAN BAHADUR NAWAB DOST MUHAMMAD KHAN INTO THE CITY OF PESHAWAR WITH AN ARMED FORCE.

†1154. ***Lala Duni Chand:** (a) Will the Government please state as to whether it has been brought to the notice of Government that Khan Bahadur Nawab Dost Muhammad Khan of Tahkal while passing through the Cantonment of Peshawar entered the city of Peshawar with an armed force of over 500 Pathans and if so, with what object?

(b) Did the Government take any action against the said Nawab Dost Muhammad Khan for a breach of the law? If not, why?

PUBLICATION BY KHAN BAHADUR NAWAB DOST MUHAMMAD KHAN OF A PAMPHLET CONTAINING CERTAIN ALLEGATIONS AGAINST THE HINDUS.

†1155. ***Lala Duni Chand:** (a) Will the Government please state whether it has been brought to their notice that a pamphlet under the title of "Nasihah Nama brai Ghaur o' Khaus Ahalyan-i-Oeshawar," was published and issued by Khan Bahadur Nawab Dost Muhammad Khan of Tahkal about the third week of September 1924?

(b) Is it a fact that the cost of the publication of the said pamphlet was paid out of the Political Fund, if so, why?

(c) Was it stated in pages 22-23 of the said pamphlet that the Hindus in general aided the Japanese Government during the Great War with a view to overthrow the British Government in India, and have the Government so far taken any action against the author of the said pamphlet?

(d) Will the Government please lay on the table for the information of the House the English translation of pages 22-23, 24-25 and 26 and 27 of the said publication?

SALE OF STAMPS TO THE PUBLIC ON SUNDAYS AND POST OFFICE HOLIDAYS.

1156. ***Khan Bahadur W. M. Hussanally:** (a) With reference to answer to question No. 907 will Government please state at what Post Office in Sind stamps were sold to the public hitherto on Sundays and other Post Office holidays?

(b) At what Post Office in that Province will stamps be sold on such days under the new orders?

(c) From what hour to what hour?

Sir Geoffrey Clarke: (a) At Karachi Head Office, Karachi Frere Hall, Manora, Kotri, Tatta, Sukkur, Jacobabad and Sehwan.

(b) At all head, sub and departmental branch offices.

(c) The hours are those during which the offices are open for the receipt and despatch of mails. They vary according to local circumstances and can be ascertained in each case at the office concerned.

TOTAL COST OF ESTABLISHMENT EMPLOYED TO SELL STAMPS TO THE PUBLIC.

1157. ***Khan Bahadur W. M. Hussanally:** (a) What is the total cost to the Postal Department of the establishment employed to sell stamps to the public?

† For answer to this question, see answer below question No. 1153.

(b) What would be the cost if the old system of sale on commission were reverted to?

(c) Is there any other objection to sale on commission besides cost?

(d) Would that cost be not covered by the larger sale on commission?

Sir Geoffrey Clarke: (a) Postage stamps are required to be sold at post offices by window and counter clerks and outside by some postmen and all village postmen and mail-peons. In certain specially selected post offices separate stamp vendors are provided at an annual cost of Rs. 56,604.

(b) Rs. 10,62,844 based on last year's sales.

(c) Yes. There are administrative objections.

(d) No. This would make no difference to the amount of stamps sold.

RESOLUTIONS OF THE RAILWAY PASSENGERS' CONFERENCE.

1158. ***Khan Bahadur W. M. Hussanally:** With reference to answer to question No. 909 will Government please inquire from Agents what action, if any, has been taken by them on the said Resolutions and place the same on the table?

The Honourable Sir Charles Innes: Government regret that they cannot take the action suggested. The resolutions referred to matters which are within the competence of Agents, and Government are not prepared to admit that every time a Conference of this kind passes a series of resolutions, railway administrations should be required to report what action has been taken on those resolutions.

PAYMENT OF CLAIMS FOR GOODS LOST OR STOLEN ON INDIAN RAILWAYS.

1159. ***Khan Bahadur W. M. Hussanally:** (a) With reference to answer to Question No. 916 regarding payment of claims for goods lost or stolen on Railways, were copies of these reports supplied to Members?

(b) If not, do Government propose to supply them?

The Honourable Sir Charles Innes: Copies of the reports have been placed in the Library. If any Honourable Member requires a copy for his own use, he can get one on application to the Railway Board.

THE STATION MASTER OF SIMLA.

1160. ***Khan Bahadur W. M. Hussanally:** With reference to answer to question No. 917 regarding the appointment of the station master at Simla will Government make inquiries and supply the information?

The Honourable Sir Charles Innes: The Government regret that they cannot undertake to make inquiries regarding the posting of station masters to particular stations.

MEASURES TAKEN TO PUT A STOP TO CORRUPTION AND BLACKMAIL ON THE NORTH WESTERN RAILWAY.

1161. ***Khan Bahadur W. M. Hussanally:** (a) With reference to answer to question No. 918 will Government please state what steps has the Agent, North-Western Railway, taken to put down corruption and blackmail on the Railway and how far have these steps succeeded?

(b) If no steps have been taken, what steps does he propose to take?

The Honourable Sir Charles Innes: The Honourable Member is referred to the speech made by Mr. Hindley in this House on 26th February last, in which he referred particularly to the measures taken on the North Western Railway.

SCHOOLS MAINTAINED BY THE NORTH WESTERN RAILWAY FOR THE CHILDREN OF THEIR EUROPEAN AND INDIAN EMPLOYEES.

1162. ***Khan Bahadur W. M. Hussanally:** (a) With reference to answer to question No. 919 how many and what schools were maintained by the North Western Railway for the benefit of the two communities?

(b) What kind of education is imparted at each class of schools and upto what standard?

(c) What is the reason of the disproportionate amounts spent on the two classes of schools?

(d) Do Government propose to extend the system and range of education of the children of Indian employees of railways? If so, when? If not, why?

The Honourable Sir Charles Innes: The number of schools maintained by the North Western Railway for the benefit of the communities is as below:

Europeans and Anglo-Indians	...	...	...	5
Indians	...	...	...	1

The Government do not know the kind of education imparted at the different schools.

The amount spent on the 5 European and Anglo-Indian schools was Rs. 13,644 and on one Indian school Rs. 6,754. The whole question of assistance to be given by railways to their employees for the education of their children is now being considered.

THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

SECOND STAGE—*contd.*

Expenditure from Revenue—contd.

DEMAND No. 17—TAXES ON INCOME.

Mr. President: The House will now resume consideration of Part II of the Budget. The motion to adjourn the discussion yesterday means that the entire consideration of "Customs" was postponed till next Thursday. We therefore come to Demand No. 17, "Taxes on Income." The question is:

"That a sum not exceeding Rs. 62,57,000 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, 1926, in respect of 'Taxes on Income'."

It will be convenient to take all the motions for reduction by Rs. 100 together. They all raise questions relating to the general administration of the Income-tax Department. The one exception to that seems to me

to be the one standing in the name of Mr. Neogy, which raises the particular question of the operation of Devolution Rule No. 15 under which the provinces share to some extent in the excess of income-tax realized over a certain level. As regards the larger amounts of reduction, they seem to me to raise lesser questions, and, therefore, I propose to call on Lala Duni Chand first to move the reduction of Rs. 100 in respect of the general policy of the Income-tax Department.

GRIEVANCES OF INCOME-TAX ASSESSEES IN THE PUNJAB.

Lala Duni Chand (Ambala Division: Non-Muhammadan): Sir, the two motions Nos. 17 and 21 that stand in my name are allied motions, and I propose to take them together. My whole object in putting forward these motions is to draw the attention of the Government to the state of affairs as it obtains in my province with reference to the administration of the Income-Tax Department. I do not deny, in fact I endorse the statement of the Honourable the Finance Member, that in certain quarters there is a tendency to evade the payment of the dues to which the Government are entitled. I think the Government are fully entitled to realize every pie of what is due to them. I am in favour of the Government employing every legal process to realize what is under the law due to them. But while I recognize that there are a certain number of tax-payers who want to evade the payment of the Government revenue, there are a much larger number of people out of whom more than is due to the Government is realized. The policy of the Government in recent years, so far at any rate as the Punjab is concerned, and I shall speak only with regard to the Punjab, has been to get out of the tax-payers more than they are really liable to pay. The Government have been in greater need of money during recent years, and I understand that for that reason the Government have adopted the policy of getting more out of the tax-payer than he is really liable to pay. Various methods have been adopted by the Government to achieve this object in view. (*Mr. K. Ahmad*: "Why did you pass the Income-tax Act?") I have already said that whatever Government are entitled to get by way of income-tax, they ought to get, but the Government are not entitled to get even a pice more than the Income-tax Act entitles them to realize. I have already made my position clear. Unfortunately the impression has been created in the Income-tax Department that the Government need more money and that therefore the subordinates of the Government should get more money out of the people. I say, Sir, that practically what I should call a process of extortion has been going on. I may at once make it clear that I am not using the word "extortion" in any criminal sense; I am using the word "extortion" in the sense in which I shall use it in the case of a lawyer like Mr. K. Ahmed to whom a client comes and Mr. K. Ahmed thinks that the client believes that he is indispensable to him. Immediately the lawyer comes to know that he is indispensable to the client, he will try to extort the maximum amount out of him. Similarly, when that impression is created in the Department that the Government want more money, the subordinate officers of Government try to get more money for the Government. I would here invite the attention of the House to the income-tax realizations during recent years in my province. The Explanatory Memorandum shows that in 1921-22 the income-tax realizations in the Punjab were Rs. 50,31,329. In the next year, 1922-23, they were Rs. 76,36,881. This comparative statement at once shows that in the course of one year there

[Lala Duni Chand.]

was an increase of about 52 per cent. in the income-tax realizations. What can it be due to? Can it be due to a sudden increase in the income of the province as a whole? Or was it due to the policy that was adopted by the Government? I venture to think that this rapid increase, this abnormal increase, from Rs. 50 lakhs to Rs. 76 lakhs was due to the policy that has been adopted by the Government in connection with income-tax administration. In later years the same policy has been pursued. The income-tax payers of the Punjab have got many grievances in connection with the administration of income-tax. In the first place they are suffering from what I have already described as the policy of the Government of getting the maximum out of the people to which the Government are not entitled. A persistent and insistent cry has been raised during the last ten years in the Punjab, and representations have been made from almost every town against over-assessment and the methods of assessment. I would like that the Government should enforce the law most rigidly and to its logical conclusions. Notwithstanding the fact that the protest has been so strong, I hear of very few cases in which the Government have thought it fit to start any prosecution. I would like in the case of those defaulters who deliberately want to cheat the Government that prosecutions should be started; but the Government are afraid of starting prosecutions, not because they do not want to start prosecutions, but the Government do not start prosecutions as they find themselves in a very false position. (*Mr. K. Ahmed*: "Oh, no.") Excuse me, please. Various income-tax officers know exactly the position that if the matter is put before a criminal Court, the Income-tax Department will be exposed. Now, under the law everybody is required to put in income-tax returns. I know in a very large percentage of cases the income-tax returns are not accepted. What are the alternatives open to the Government under these circumstances? Either to prosecute those people who put in false returns or to accept those returns as correct. The Government do neither. The Government neither prosecute those people who are supposed to have put in false returns nor do the Government accept the correctness of their returns. Income-tax officers go on assessing people much more than they should. Another thing is, Sir, that the state of trade is not at all taken into consideration in making assessments. I understand in the case of certain articles in certain years people made fat profits and the people should pay on those fat profits; but at the same time in the case of other trades, it is a well known fact that people suffer seriously and no account is taken by the income-tax officers of those losses. It is the general practice of income-tax officers to take cognisance of the profits and to ignore the losses. I would particularly ask the Government Member in charge to go into the question of the grievances of the Punjab in the matter of over-assessment and if inquiry is held into the grievances of the Punjab most of the grievances will be substantiated. Then, I submit, Sir, there is a good deal of defect in the law. What kind of law have we got now? The income-tax officer assesses and an appeal lies to the Assistant Commissioner and in certain cases the Income-tax Commissioner. Practically the Assistant Commissioner and the Commissioner are also income-tax officers for the purposes of making assessment. It is an old old story about which the people of India have been crying that the powers of prosecutor and judge should not be vested in one and the same person. It is a farce really to appoint one officer of the department as the assessing officer

and another officer of the department as an appellate authority. I submit that it is the special need of the country in connection with income-tax administration that the power to hear appeals should be made over to some agency other than the Income-tax Department agency. Then, there is the law regarding interest. Whatever interest accrues in a certain year is regarded as the income on which income-tax should be charged. We know it as a matter of fact that even 10 per cent. of the interest that accrues is not really realised. It means that on 90 per cent. of the income that is never realised income-tax is charged. This part of the law requires alteration and I hope the Government will see their way to remedy this state of law. Then, I submit, Sir, my province particularly suffers from another kind of grievance, and it is this. Whenever a big person happens to be the assessee the income-tax officer really likes that he should dance attendance on him in his office from day to day. If he sends his clerk or his manager to the income-tax officer, an average income-tax officer thinks that it is an insult to him that the big man himself does not come and he sends only the clerk. (*Mr. K. Ahmed*: "Let him send a pleader also.") It will be perhaps better. The case may be different in other provinces. I am not talking about other provinces. A good deal of the element of personal likes and dislikes enters into the question of assessment. If the income-tax officer dislikes a certain person he will not have any scruples to assess him correctly. I submit there have been many cases of that kind in my province. I may invite the attention of the House to a recent case. That case is *sub judice*. Beyond making a mere statement of fact I will not say anything about that case. The income-tax officer was charging a certain firm from year to year at very exorbitant rates and each year the assessee was filing objections, with the result that the assessment was considerably reduced. What has happened recently is that the income-tax officer took the law into his own hands and went to the premises of that firm and got hold of all the books, etc., the firm had. The result has been that there are now two criminal cases going on, one by the income-tax officer against the proprietor of the firm and the other by the proprietor of the firm against the income-tax officer. I do not want to say anything further, Sir, about this case, which is *sub judice*. I submit that there has been a good deal of abuse of income-tax administration in Amritsar, in Sialkot, etc. Serious allegations have been made against the method of assessment and most of these allegations have been substantiated. Really from every quarter of the Punjab the cry comes that the income-tax officers do not take into consideration the question whether the man to be assessed should be correctly assessed at a certain figure or not. All that they want is that he should be assessed at the highest figure regardless of the true state of affairs concerning his income. These are the few grievances among many of the tax-payers of the Punjab to which I have invited the attention of the House. Whenever the question of individual grievances of the income-tax payers is raised in the House the Honourable the Finance Member, Sir Basil Blackett, always says that this House is not the proper place where individual grievances should be agitated. I have seen it more than once that this is the view that has been advanced by the Honourable the Finance Member. I know if it was a case of one or two individual grievances, of course those may not be agitated on the floor of this House. But I know that almost every second tax-payer in the Punjab has got a grievance of that kind. I think this is the proper place where this question should be agitated.

[Lala Duni Chand.]

I particularly request the Honourable the Finance Member to make inquiries into the grievances of the tax-payers of the Punjab. I have already stated, let him get whatever he is entitled to but let him not get what he is not entitled to. If he holds an impartial inquiry into the grievances of the income-tax-payers of the Punjab, he will find that what I have submitted to the House is correct and that whatever questions I have been raising regarding the abuse of the income-tax administration in my province are right. It is only with this object in view that I have raised this question in the House. I know that the House will not be very enthusiastic over the particular grievances of a particular province. Therefore, I would not very much care to press a motion of that kind to a division. But this does not mean that the point underlying my motion does not deserve consideration. I have placed the case of my province in the hope that the grievances of the income-tax payers of the Punjab will be gone into and redress granted to them. At one time, Sir, I was under the orders of my party that I was not to move this motion formally, though I could ventilate by means of a speech the grievances of my province. (Laughter.) I belong to a party whose orders are binding upon me and I must obey those orders. But I have now consulted the Secretary of my party and I am authorised by him to move this motion. Therefore, I formally move this motion.

Mr. President: Reduction moved:

“That the Demand under the head ‘Taxes on Income’ be reduced by Rs. 100.”

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, it appears to me that my Honourable friend Lala Duni Chand has misrepresented the whole case in his motion. Sir, by moving for the reduction of the grant in question by Rs. 100 he meant to pass a vote of censure on Government. Is not that so? (*Lala Duni Chand*: “No, Sir.”) He has attacked the whole Government staff. He says that you have got a number of income-tax officers, you have got Assistant Commissioners and you have got Commissioners who are in charge of this department to extort—that language has been used—money, but this expression has been qualified by saying that that extortion is not for use in the criminal court. I thank my friend for giving me the professional complement I have the honour to enjoy at the Bar. But I contend that if it is not extortion, then probably it is not to be found in the dictionary. I think my friend’s own factory has produced that kind of thing that he has said about the Government officers. Then, Sir, he said that this is a grievance on behalf of the people of his province, the Punjab. Sir, I remember the time when the Income-tax Act was passed and I remember also that at one stage my Honourable friend had been opposing it. In spite of all that he took part in it and the Act was finally passed. Therefore, if this tax is to be paid to the Government according to that Act by the people of this country including the Punjab, I do not think my friend ought to have any grievance. Furthermore, Sir, he says that this is the grievance of his province and it must be inquired into. The suitable way for him to ventilate the grievances of his province would be to give notice of a Resolution to the Secretary of the Legislative Assembly. If he is prepared, as he said he is, to ask the Government to inquire into the matter, then he ought to

withdraw his motion and save us from the difficulty of going into the case. If he is not—I think he is—then what justification is there for him to attack the Government officers unnecessarily? Where is the extortion? There are Government officers and there is the law. So, if you submit an account which is accurate, it is all right and you must pay the amount assessed. If, on the other hand, the account is not correct, then the man ought to be prosecuted as there is a passage in declaratory portion to fill in the income-tax form to the effect that “ I, so and so, submit this account and hereby declare that this is the correct and true account for the year, and so forth ”. I shall be surprised if it was meant that my Honourable friend desired to get some encouragement in a court of law and extort money from the assessee and from the public as cases are settled instead of prosecution for submitting an inaccurate account and assessments are being made on some understanding between the assessee and the Government. That would be the abuse of the powers of the court, and that will also be against the public policy. If my friend's ulterior motive is that the Government are wrong because they do not prosecute a man for submitting an account which is not accurate, then this will be rather urging for fomenting litigations. Then again my friend has been talking of the Assistant Commissioners and the Commissioners: These are the two officers who assess incomes and these are the people who sanction prosecutions and before whom people are prosecuted. My learned friend's clients are very rich men. He said that he had two cases but he does not like to say who the parties are because the case are still *sub judice*. I say that my friend cannot have a proper idea by being engaged only in two cases.

Lala Duni Chand: I am not engaged in these cases; I have nothing to do with them.

Mr. K. Ahmed: Probably his friends have to do with those cases and he is speaking on their behalf only. I say that two cases are not the test cases for forming such opinions. Therefore, my friend has got no legs to stand upon. I wish that he will withdraw his motion because his arguments will not hold water. I support the Government officers because they are really doing things in a businesslike manner and what is needful under the circumstances.

ASSESSMENT OF THE VALUE OF RENT-FREE QUARTERS AS A PART OF SALARY.

Colonel J. D. Crawford (Bengal: European): Sir, I wish to intervene in this debate on the question of the grievances of the public regarding income-tax to make one particular point and that is the unfair incidence arising from the inclusion of rent-free quarters in income. To explain my point I will illustrate it by one case. Take a man getting a salary of Rs. 1,500 a month, or a total of Rs. 18,000 per annum. In a place like Calcutta or Bombay his rent-free quarters, or the allowance which may be given to him in lieu of rent-free quarters, will amount to not less than Rs. 300 per mensem, making altogether a total of Rs. 21,600. He would at once become liable to income-tax at 1 anna per rupee, as his income will be over Rs. 20,000. But if that same man on the same salary were living in the mufassil where he will get far better accommodation at a rate of Rs. 100 per mensem, his total income will be shown as Rs. 19,200 and he will escape the additional taxation.

Mr. Harchandrai Vishindas (Sind: Non-Muhammadan): On a point of order, Sir. Is this a part of the Punjab grievances to which I thought the debate at present was to be confined?

Mr. President: I pointed out that I am now taking motions for reduction Nos. 17, 21, 22, 24 and 26 together, leaving the whole field of income-tax administration open to debate.

Colonel J. D. Crawford: Might I suggest to the Honourable the Finance Member that the whole question of the inclusion of rent-free quarters might be reconsidered and that it might be possible to introduce some system assessing such quarters at, say, 10 per cent. of the salary of the individual concerned, or at the actual rate whichever is less. I can assure him that the subject is one which has caused considerable heart-burning in Calcutta. It was with the greatest difficulty that I myself signed my income-tax paper showing the amount and value of my rent-free quarters, and I was sorry to do so this year because I felt that I had a real grievance in comparison to the men who were living in cheaper provinces.

INADEQUACY OF INCOME-TAX STAFF IN SIND.

Mr. Harchandrai Vishindas (Sind: Non-Muhammadan): Sir, my motion for a reduction of Rs. 100 is intended to draw the attention of the Income-Tax Department to a particular grievance relating to my province of Sind, and I do not share the despair of my friend Lala Duni Chand that because the grievance relates to one province, there will be no enthusiasm on the part of the Members. Only yesterday's example shows that on a grievance relating to the individual city of Bombay, namely, the existence of the cotton excise duty, all Members, including Pandit Motilal Nehru, joined with the Bombay Members in attacking that impost. Sir, when I rise and relate the grievances affecting my province, I dare say a great deal of sympathy will be shown by Honourable Members when they see that my representation is a reasonable one. In this instance I am not going to attack the staff or to say there is any unfair incidence of taxation so far as my province is concerned, but I attack the Income-Tax Department only in so far as they are not quite just and fair to the merchants of Sind. I mean to say the staff is so very inadequate, as I will try to explain in detail, that the merchants suffer a good deal of inconvenience and delay, and for that reason when the Honourable Mr. Sim, who was then in charge of this income-tax portfolio, visited Karachi, the merchants approached him and pointed out this grievance. Whether Mr. Sim made any kind of investigation into these grievances and whether there has been any action for any kind of redress of these grievances the public do not know. Now my complaint is this, that the income-tax staff in Sind consists of these officers:—

- 1 Assistant Commissioner for Sind,
- 3 income-tax officers for Karachi town,
- 1 income-tax officer for Hyderabad and district,
- 1 income-tax officer for Sukkur and parts of Sukkur and Nawab Shah districts,
- 1 income-tax officer for Shikarpur and part of Sukkur district, and
- 1 income-tax officer for Larkhana district.

In the Budget there is no provision made for any extra staff, although it is intended for the next year to take over the whole of the income-tax work, including that of villages, by this department alone. Up till now the income-tax work in the province of Sind has been done by this exclusive department only in certain selected areas which I have just mentioned, but from the next year the whole work of the province, including that of the villages and towns, will be taken over by this department, and all that work which used to be done or which is being done by the Revenue Department will be taken away from them. That being so, one would naturally expect that there would be an increase in the staff, but there is no provision for such increase in the Budget. As a matter of fact even the present staff is quite inadequate for the work allotted to it for this reason. At page 214 of the Standing Finance Committee's Report, Volume IV, No. 3, it is laid down that one income-tax officer is necessary for every 700 ordinary assesseees, and one for every 4,000 salaried assesseees, and 1 for 900 reference cases. If this ratio were given effect to, in the city of Karachi alone, where there are 3,200 ordinary assesseees, and nearly 2,000 of the other classes, we should have had 5 income-tax officers, instead of which there are only 3.

Mr. K. Ahmed: So much the better. You get the benefit.

Mr. Harchandrai Vishindas: Mr. Kabeer-ud-Din Ahmed does not understand me at all. He probably thinks we escape the income-tax. We do not. It only means that those officers are over-worked. And if we do escape unjustly, then I say, on the principle laid down by Lala Duni Chand and the complaint made by Colonel Crawford the other day, we ought to be assessed properly. It may be Mr. Ahmed's mentality that he should escape from payment of income-tax, but that is not mine. As a matter of fact, I say that even with the present amount of work which will be thrown upon these income-tax officers in accordance with the number and proportion laid down by the Standing Finance Committee, there ought to be 5 officers in Karachi even now. Instead of that there are only 3. And what is more, after taking up such extra work in Sind, these three are to be curtailed to two.

Mr. K. Ahmed: Therefore there is no justification for moving for a reduction at all.

Mr. Harchandrai Vishindas: Mr. Ahmed is so far distant that I am not able to hear him, so I will not answer. The present number of officers are not to be reduced to two, and one is being sent far away into the district of Thar and Parkar. In Hyderabad town and district the number of assesseees is 2,000 and therefore, according to the above calculation, there should be at least two, if not three, income-tax officers. These are, Sir, the only grievances I have. I dare say the Honourable the Finance Member will make a satisfactory explanation which will necessitate my withdrawal of this motion—if it is satisfactory.

ALLOWANCES OF INCOME-TAX OFFICERS, ETC.

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): Sir, I wish to supplement the remarks of my friend Mr. Harchandrai Vishindas by saying only a few words in regard to this particular motion, and that is that if one of the three income-tax officers who are now posted to Karachi is taken away from the city work and is made to do the income-tax work of the district of Karachi, plus the district of Thar and Parkar, it will be simply

[Khan Bahadur W. M. Hussanally.]

impossible for him to cope with the work. I believe the gentlemen who propounded the scheme are not aware of local circumstances and local distances. Karachi district is a very extensive district with hardly any railway communication. Thar and Parkar district again is entirely devoid of railway communication. The railway in both these districts only passes through one corner and does not reach the interior of the district at all. The result will be that this officer, if he has to do the entire work of both these districts, will not be able to finish the work of the two districts even within two years' time if he has to go from village to village. There are villages and towns in the Thar and Parkar district which are perhaps two or three hundred miles away from the headquarters. I am informed that the scheme does not provide for any extra establishment, so that if he has to serve notices upon the assessees, how is he to do so? There are only a very few post offices in both these districts and it will take months before a notice is served on any assessee in the interior of the district. Therefore, this scheme is entirely unworkable, and I do hope the Board of Inland Revenue will reconsider the whole scheme. The best system would be to allow the Revenue Department to continue doing the assessment work of the interior of these districts rather than take over the whole of the income-tax work of these two districts. My friend Mr. Hudson is not here in the House, but I suppose if he were consulted, he would bear me out in what I say.

Mr. K. Ahmed: What common sense is there, Sir?

Khan Bahadur W. M. Hussanally: I am sorry I cannot hear my friend Mr. Ahmed. Mr. Hudson I see is there. I dare say he will bear me out with regard to the distances and the unworkability of the scheme.

Sir, I have a similar motion in my name. I do not know if I will be in order if I speak on that motion also just now. I think it will save time. My motion is with regard to the allowances that are paid to the income-tax officers in Sind and their pay. The income-tax officers of the Bombay Presidency begin on Rs. 300 and rise by a biennial increase of Rs. 50 to Rs. 900. Well now this will do very well for new recruits who can rise to the maximum in course of time, but the income-tax officers as they exist at the present moment, particularly in Sind, have been taken from the Revenue Department. They have got long service at their back and they have begun to get these increments after they joined the Income-tax Department, so they can never hope to rise to the maximum or any decent pay before they retire, because the increments are biennial; whereas in other Provinces, and particularly in the Delhi Province, the increase allowed is Rs. 40 a month every year, though the maximum is Rs. 850 only whereas the maximum for the Bombay Presidency is Rs. 900. I do not see why there should not be a uniform system everywhere. I think it will be more satisfactory to people even if the increase were reduced a little, but the increase were made annual. Many of these old men that have been taken from the Revenue Department into the Income-tax Department would then be able to rise to some decent pay before they retire. I therefore make that suggestion for the consideration of the Board of Revenue.

Another point that I want to raise in connection with this matter is the question of allowances. I can assure my Honourable friends Mr. Lloyd and Mr. Tottenham whom I do not see in the House (Mr. Harchandrai.

Vishindas: "He is in the gallery." (*Mr. K. Ahmed*: "Order, order.") (I wish my friend Mr. Kabeerud-Din Ahmed would not ejaculate like that. He is simply wasting the time of the House.) I can assure them both that there is any amount of discontent prevalent among income-tax officers in Karachi. I know that the former Assistant Commissioner, who died a little time ago, used to get Rs. 200 a month as local allowance. After his death, however, the new incumbent, who came in, had his allowance entirely stopped for a long time. Well, recently I am told he has been allowed Rs. 140 a month as local allowance and that also only for six months. The rest of the time he is supposed to be touring (though he does not do it for six months together) and for the period he travels he draws his ordinary travelling allowance under the rules but no local allowance. But what are the allowances that the local provincial men in the same position get? The Deputy Collectors who are posted to Karachi and have no touring get Rs. 200 a month as Karachi allowance all the year round. Whereas a Deputy Collector who is a touring officer gets Rs. 150 a month *plus* six months' Karachi allowance when he is at headquarters, the Assistant Commissioner of Income-Tax gets Rs. 140 rent for six months only, as if he has not to keep a house during the time he is supposed to be on tour; and so far as conveyance allowance is concerned he gets nothing. There are three income-tax officers in Karachi. One of them gets Rs. 100 rent and Rs. 100 conveyance allowance, so that he may be said to be all right. The second man gets Rs. 100 rent and no conveyance allowance. The third man gets Rs. 60 rent and no conveyance allowance. Now, I do not see why there is this distinction made. All three of them have any amount of outdoor work to do in the city. The travelling allowance or daily allowance under the rules is entirely a separate thing altogether. The Assistant Commissioner naturally has to keep a house all the year round in Karachi, and I do not see why his house rent should be confined to six months and no more. The whole question requires reconsideration and resettlement, and I hope the Board will give attention to it.

EXTRA TAXATION OF COMPANIES REGISTERED UNDER THE INDIAN COMPANIES ACT AS COMPARED WITH PRIVATE FIRMS.

Sir Gordon Fraser (Madras: European): Sir, may I with your permission move No. 25? It does not refer to new taxation but to the question of present taxation. The motion which stands in my name is:

"That the Demand under the head 'Taxes on Income' be reduced by Re. 1."

I do so in order to draw attention to what I consider to be the unfair treatment of those in this country who trade as companies under the Indian Companies Act. My contention is that this tax is likely to deter traders from carrying on their business as companies. I think that instead of penalising such companies every effort ought to be made, every encouragement ought to be given to traders to trade under the Indian Companies Act, so that as far as possible all the commerce and industry of this country should come under the conditions and restrictions of the Act. The tax referred to is the flat rate tax of one anna in the rupee that is charged as super-tax on the profits of all companies registered under the Act. The result is that shareholders in such companies are penalised to this extent as against their competitors who trade as ordinary traders. Now, Sir, I contend as I have already said that it is to the benefit of the general public as a whole that the commerce and industry of this country should

[Sir Gordon Fraser.]

be carried on as far as possible under the conditions laid down by the Act. I think the reason is obvious because a company has to lay all its cards on the table, it has a definitely subscribed amount of capital

Mr. President: That question comes under Schedule III of the Finance Bill and not under this. I understand the Honourable Member is raising a point which would require an amendment of the Act?

Sir Gordon Fraser: Yes, I think that is so, Sir.

Mr. President: We are now discussing the administration of the existing Act and not the amendment of the Act. The proper opportunity will arise on the Finance Bill.

Sir Gordon Fraser: There is only one other point I would like to refer to, Sir. It is a peculiar feature of the present Act and of the method of administration of the Act that burden falls most heavily on those who conduct their business on sound lines and maintain proper methods of accountancy. It is not necessary to go into details because we all know that very many in this country escape taxation either wholly or in part. In many cases they pay very much less than the amount to which they are liable. I knew sometime ago an Indian trader in Madras who I knew perfectly well was making a very substantial profit. I asked him to what extent he was paying income-tax on those large profits I knew he was making. He seemed to be very surprised and he told me he was not paying any income-tax at all but he was subscribing to the War Loan! It shows there are some who do not think themselves morally bound to pay if they can possibly get out of it. I do not want to condemn the administration of the Act at present as I realise the many difficulties there are to contend with.

12 Noon. I also realise that since the transfer of the department to the Central Board of Revenue there have been very great improvements. But the fact remains that many that are liable to pay escape wholly or in part, and I want to draw the particular attention of the Central Board of Revenue to this and I hope that everything possible will be done to rope in all those who are liable, whether they pay the tax now or not.

EXEMPTION FROM INCOME-TAX OF THE AMOUNT REPRESENTING THE RENT OF GOVERNMENT HOUSES OCCUPIED BY GOVERNORS OF PROVINCES, ETC.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadian): Sir, we have heard the grievances of those who want to be exempt from the payment of income-tax. I want to draw the attention of the Honourable the Finance Member to certain cases in which income-tax ought to be levied and is not levied. Particularly, Sir, I want to draw the attention of my Honourable friend, Mr. Patel, to what I am going to say. Sir, it is well known that Governors in all provinces occupy Government Houses that are rent free. Quite recently a case was brought into prominence (*Mr. V. J. Patel*: "I am not a Governor.") Under the Swaraj Government I hope Mr. Patel will be a Governor of some province. Well, Sir, quite recently in Bihar and Orissa attention was drawn particularly to this question by the local income-tax officer of Bihar and Orissa assessing the Governor of Bihar and Orissa on the amount representing the rent which he would have had to pay upon the Government House. Well, Sir, that decision of the local income-tax officer was upheld by the appellate authority in Bihar and Orissa.

But to our great surprise and astonishment that decision was upset by the Government of India. I ask Sir Basil Blackett to tell me whether that is a fact or not. I do not see any reason why any person, whatever be his rank or his dignity, should be exempt from the operation of this law. If Sir Basil Blackett, when he occupies a Government quarter, has to pay rent and in that way to undergo a deduction in the total amount of his income, why should any other officer of Government, when he occupies a house that is rent free, not be assessed to income-tax upon the amount that represents the rent of the house? Because after all the tax-payer has had to find the money for building the house and the capital expenditure which has been incurred for the construction of Government houses in various places has got to be replenished. (*Mr. K. Ahmed*: "A Governor is a Governor.") I do not see why my Honourable friend Mr. Kabeer-ud-Din Ahmed betrays particular anxiety in this matter; so far as we are aware, he has no chance of occupying any Government House in any province. I draw the attention of the House to this question not with a view to show disrespect or disregard for any of the representatives of the King-Emperor in the various provinces, but merely to draw attention to a case of gross injustice in which the tax-payers have to suffer. (*Mr. K. Ahmed*: "No, not a bit.") Well, Sir, I do not know what is the practice in Delhi. So far as I have been able to calculate, the rent of the Government House that is being built in Raisina would come to no less than Rs. 75,000 a month, and I ask Sir Basil Blackett to tell the House plainly whether he proposes to assess His Excellency the Viceroy to income-tax upon the amount representing the rent of Government House. (*Sir Chimanlal Setalvad*: "The salary of the Viceroy would then be a *minus* quantity.") So much the better; the non-votable character of his salary would then become votable by that device. But I ask the House to consider this question in all seriousness. It is not a question which ought to be laughed away. The case actually happened in Bihar and Orissa and the Governor of Bihar and Orissa was assessed income-tax upon the amount representing the rent of the Government House which he occupies. I ask, why did the Government of India upset the decision of the local income-tax authority? That is one of my questions.

The next question, Sir, is one which concerns chiefly Members coming from Bihar and Orissa. It is well known that almost all the mines in Chota Nagpur in the districts of Manbhum and Singbhum belong to people who live either in Calcutta or in Bombay. In justice and in equity the income-tax leviable upon such mine owners ought to go to the accounts of Bihar and Orissa—of course a proportionate share will go to Bihar and the rest to the Government of India. But, Sir, is it not a fact that the Government of Bihar and Orissa gets absolutely nothing from the income-tax levied upon those mine owners who actually derive their profits in Bihar and Orissa? I cannot assert with any authority, but I state from information that the Government of Bihar did make certain efforts to induce the Government of India to make some rules whereby the mine owners of mines within the jurisdiction of Bihar and Orissa would have to pay income-tax in such a way that the proportionate share of the tax could go to our province. Why has that suggestion not been considered seriously by the Government of India? Do the Government of India think that the province of Bihar and Orissa is so rich that it can forego the income from income-tax that is levied upon mine owners who reside in Calcutta or Bombay? I submit that in justice and in equity a proportionate share of the income-tax levied upon persons who carry on business and who derive profit in my province ought to go to my province.

TAXATION OF SMALL TRADERS.

***Mr. H. G. Cocke** (Bombay: European): There are just one or two points in connection with the income-tax administration which I should like to refer to. One is the question of delays. I think that the administration generally has improved in the last few years, but there are still very considerable delays in certain matters which accountants and others have to take up; and I have found it necessary in certain cases to write over the heads of Collectors, who sit on letters and consider the matters put to them to be great problems, direct sometimes to the Commissioner of the Province and sometimes to the Central Board of Revenue. I hope that when such cases are brought to the notice of the highest authorities they will do their best to investigate the cause which led to delay on the part of the Collectors, with a view to tightening up the administration generally. Matters sometimes go on for three or four months which ought really to take only three or four weeks.

The question of one-man companies is perhaps hardly within the question of administration. But the question does arise whether the present law and administration can touch them. I believe it is admitted that they cannot be touched; but one would like to know what steps the Government propose to take. Chambers of Commerce were circulated and opinions were invited and given some months ago now, and one has heard no more, and one would like to know what steps have been taken with this end in view. I should like to throw out the suggestion that the Income-tax Manual compiled by Mr. Sim—I think about four years ago—which has now got many correction slips added to it be got out in a new edition. It has become extremely unwieldy and very difficult to refer to. It requires a new index. Every correction slip means taking out the old index and putting in a new one.

I should also be very interested to know whether Government can give any statistics with reference to the taxation of small traders. We all know that this is a great evil of income-tax law. As Sir Gordon Fraser has said, the man trading in the open, the European trader and the better class Indian trader, who keep proper accounts, are assessed; but the bazar traders who make very good profits are very difficult to get at. I should very much like to know whether Government have any statistics to show the number of forms which they send out to be filled up and how many of these forms are returned and how many do not come back, and of the latter, how many lead ultimately to assessments; and whether any real attempt is made to get at the small trader in small towns, I mean in a place like Nasik, which is rather off the usual track. It is a very important point, and as I say the traders in towns feel somewhat suspicious that they pay income-tax at a high rate, and that if those in small places are made to pay income-tax, the rate could be made materially lower. I have often wondered whether it would be possible to institute a traders' tax at a round figure as an alternative to income-tax in the case of small traders giving them the option of paying income-tax

Mr. President: That arises under the Finance Bill and not under the Demand which the House is now discussing.

Mr. H. G. Cocke: Sir, with all due respect, I may say that if the administration is faulty in the collection of taxes from small traders, is not a suggestion in connection with this question in order?

*Speech not corrected by the Honourable Member.

Mr. President: A suggestion is quite in order, but the Honourable Member is discussing an amendment of the law which is not in order. I understand the Honourable Member wishes to amend the law. As I have said, it can only be done when the Finance Bill comes up.

Mr. H. G. Cocke: Yes, it would amount to that, undoubtedly. But if the administration is faulty, perhaps I thought I would be in order to throw out a suggestion

Mr. President: I do not want to be severe in this matter. I put it in this way. The Honourable Member is entitled to throw out an idea, but he is not entitled to dissect it before the House.

Mr. H. G. Cocke: Very well, Sir. What I say is if a traders' tax were instituted, instead of the administration requiring the small trader to pay income-tax, he would still have the option of paying income-tax on the usual scale if he chose, and the Government would have the opportunity of demanding from him income-tax regularly. I think a lot of administrative inconvenience and difficulty could be got over if a small trader were able to pay a round sum instead of a detailed amount which really leads to very considerable trouble.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province: Nominated Non-Official): Sir, I do not wish to say much on this subject, because I have no experience of the operation of the Income-tax Act, nor am I a trader to be worried by it. But I wish to quote a glaring instance of the overzealousness of the income-tax officers in assessing income-tax. A certain official, who had retired from service, was receiving a part of his pension regularly: After some time on the full settlement of his pension, he was paid a larger sum as arrears of pension after the deduction of the usual income-tax. The income-tax officer sent him a notice later on to say that the arrears having raised the total amount paid during the year, the income-tax should be charged at a higher rate than what was deducted from his pension month by month. It was pointed out to the income-tax officer that the mistake made was not due to any fault of the poor pensioner, but was due to delay on the part of Government in adjusting his pension. However, that did not appeal to the income-tax officer, and he ruled that the accumulated pension having been paid in a certain year, it must be counted as income for that year and that the pensioner must be assessed at a higher rate. He was asked for his authority. The ruling quoted by the income-tax officer was found not very satisfying and so a second reference was made to the income-tax officer. Finding that his argument was a bit weak, he sent one of his forms to be filled in, asking the poor pensioner to state whether he had any other income from any other source. It is with these devices that the income-tax officers try to raise their revenue. I need not say what happened. The assessee had to submit to the ruling of the income-tax officer. But what I really want to bring to the notice of the Government Members is that, leaving aside this particular case for the moment, it is either the poor Government servant or the pensioner who suffers most at the hands of the income-tax officers, more than the traders and business men. No part of his pay or pension can escape the notice of the income-tax officer, while the trader is not so much exposed, and his account books are not so much subjected to scrutiny. I trust that the department will exercise a more vigorous scrutiny of the account books and returns submitted by traders and business men than the accounts of the Government servants and poor pensioners.

PAYMENT OF INCOME-TAX BY INSTALMENTS.

***Mr. Bipin Chandra Pal** (Calcutta: Non-Muhammadan Urban): I want, Sir, to invite the attention of the income-tax administration to a very small point. We all know that the reputation of a tax-gatherer is of a stricter type, and I think the tradition has come down even to our day that those who collect taxes try to take as much as they can out of the tax-payer and those who are called upon to pay the tax try their best to pay as little as they can. (*A Voice*: "Quite natural.") Yes, I know it is quite natural, but whatever is natural is not always moral.

Now, Sir, my complaint is this, that the Income-tax Department makes it very difficult for poor tax-payers to meet their demand. They make a whole demand for a year just about the close of the year, and this demand comes about the end of March or in the beginning of February. I know of instances when honest tax-payers applied to the Income-tax Department to be allowed to pay their income-tax from month to month or from quarter to quarter, and the reply of the department was that the law does not allow them to accept payments by instalments. I do not know if the law allows the department to do so or not, but I hope the administration will see to it that those who want to pay their taxes either monthly or quarterly in advance will not be debarred from doing so. (*A Voice*: "Any arrears.") I do not mean arrears, but I say that those who want to pay their taxes every month or every quarter in advance should be allowed to do so.

EXEMPTION FROM INCOME-TAX OF SECURITIES HELD BY CO-OPERATIVE CREDIT SOCIETIES.

***Diwan Bahadur M. Ramachandra Rao** (Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I wish to draw attention to a matter of all-India importance and that is in regard to co-operative societies. I gave notice of a motion, because co-operative societies are liable to income-tax. Sir, as the question of income-tax administration is under discussion, I wish to mention this point, with your permission, so that this matter may also be considered along with the other matters to which attention has been drawn. Sir, as Honourable Members are aware, the co-operative movement has been in existence now for some years, and the whole object of that movement is to promote thrift and to bring persons into that movement with the express object of promoting in them the spirit of thrift. I understand, Sir, that some time ago the Central Board of Revenue decided that the securities held by the co-operative credit societies are liable to income-tax. There are three questions relating to this matter. One is when security is held within the taxable limit, and again when security is held above the taxable limit, and then there is the question of super-tax. Whatever may be the distinction between these three classes of income, it seems to me, Sir, that a very essential object of the co-operative societies would be defeated if incomes derived from securities with co-operative societies are liable to taxation. I understand, Sir, that in England the practice is the other way. Co-operative societies are totally exempt from income-tax and, in view of the importance of the movement, I trust that the administration will see its way to exempt these societies from income-tax. I understand, Sir, that the Government have the power now under the existing Act; it would not necessarily mean an amendment of the Act. I am bringing this matter up, Sir, because it is a matter of extreme

importance that every assistance should be afforded by the Government to the growth of this movement. This has been their declared policy and I trust, Sir, that the matter will receive consideration.

Mr. A. Rangaswami Iyengar: I move, Sir, that the question be now put.

PAYMENT OF REFUNDS OF INDIAN INCOME-TAX BY THE HIGH COMMISSIONER FOR INDIA IN CERTAIN CASES.

***Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber: Indian Commerce): I wish, Sir, to refer only to one special item which I dare say Honourable Members of this House may have noticed in the Minutes of the Standing Finance Committee which have been circulated to this House. The Income-tax Department, I understand, have authorised the High Commissioner for India in London to refund income-tax or Indian income-tax to Englishmen resident in England on presentation of the coupons which generally go out with dividend bonds. I understood, Sir, in the Standing Finance Committee, where this question of giving sanction for increases in the necessary staff for the High Commissioner came up, that of late years such claims for refund have been increasing. It would be, I think, interesting to this House to know the extent of the increases and also the authority under which the High Commissioner is allowed to refund income-tax. I understood from an esteemed lawyer member of the Standing Finance Committee that the Income-tax Act, as it stands at present, does not allow such a refund of income-tax by anybody except certain officials specially so appointed by the Government of India. I do not grudge at all, Sir, the due refund of income-tax to anybody either in India or in England but I feel that, if the Government of India give facilities for the refund of income-tax to those in Great Britain, there might as well be a reciprocity in the matter and there might be some organisation available in India where Indians who pay income-tax on British securities, etc., may also have the same ease in getting the necessary refunds.

Mr. A. H. Lloyd (Member, Central Board of Revenue): Sir, this debate began with the motion moved by the Honourable Member from the Punjab who desired to express the grievances of the Punjab income-tax payers. He allowed himself, I am afraid, to use somewhat strong expressions. I will not refer again to the use of the word "extortion" because he got out of that by giving it a different meaning from the one which is usually applied to it. But these are the actual words which he used in another passage:

"Government have been in recent years in greater need of money and I understand that for that reason Government have adopted the policy of getting more out of the tax-payer than is due to Government."

On behalf of the Central Board of Revenue, which is engaged in the administration of the Income-tax Department, and naturally also on behalf of the Government of India itself, I am bound to repudiate that suggestion most emphatically. In all the tax-gathering departments that are under our control, and I am quite sure in all the tax-gathering departments in India, constant care is taken to impress upon all concerned that their duty is to obtain what is strictly due to Government, neither more nor less. He tried to support his suggestion by quoting the rapid increase in receipts between two recent years from about 50 lakhs to 76 lakhs in that province. This increase can be readily explained without imputing illegal conduct to any officer. It was due surely to the great improvement which has been effected in recent

*Speech not corrected by the Honourable Member.

[Mr. A. H. Lloyd.]

years in the administration of the department owing to the operations of the recently organised special staff. (*Lala Duni Chand*: "Was this improvement effected in that particular year?") Just about that time. The Honourable Member admitted that there was a certain number of tax-payers who wanted to avoid paying their just dues but he added that there was a much larger number out of whom more than is due to Government is realised. I have here the report of the Income-tax Commissioner for the Punjab and the North-West Frontier Province, and I think it will interest the House to know that in the year 1923-24 in the Punjab, out of 23,363 persons who were taxed, only 4,839 declared themselves to be taxable. Or, if you exclude the people who are obviously caught, people with salaries and companies, out of 19,675 people who were found to be taxable, only 2,914 submitted returns and admitted that they were taxable. In the face of figures like that, Sir, can it be claimed that the Income-tax Department, if it has recourse to a provision of the law which is designed for dealing with those who do not submit returns or keep accounts, is acting extortionately or unjustly? The point of the Honourable Mover has already been dealt with by Mr. Kabeer-ud-Din and, if I may say so, it struck me that Mr. Ahmed's speech deserved the serious attention of the House and not, I venture to say, to be greeted with laughter. (*Lala Duni Chand*: "You give away your case when you quote Mr. Ahmed.") I venture to differ from my Honourable friend. But the point is also rubbed in by the remarks which the Honourable Members from Madras and Bombay, Sir Gordon Fraser and Mr. Cocks, have made regarding the inequity of the strict taxation of companies and others who keep proper accounts while their competitors who do not keep proper accounts, generally small traders, are able to evade taxation. This raises a point that cannot be too often repeated, namely, that evasion of income-tax is not merely a fraud upon the Government but is a fraud upon the honest citizen and a fraud upon the general body of tax-payers. If evasion is successful, it reduces the yield of the tax and another tax must be found. Well, Sir, we know from yesterday's debate that this House has already got other purposes to which to devote the proceeds of another tax if another tax can be found. The Honourable Member referred to income-tax returns, and said:

"If an income-tax return is submitted, what are the alternatives? The income-tax officer should either accept it or he should prosecute."

I am afraid the speaker has not read the Income-tax Act. A very clear alternative is laid down by the Act,—an Act which was passed by this Assembly. It has been the policy of the Department to refrain from having recourse to extreme measures in the earlier years of the operation of the current Income-tax Act. The report of the Central Board of Revenue of India on the returns for the year 1923-24 shows this. It is not attributable to the department's being afraid of prosecuting but to the fact that it has been willing to be lenient until the public has become better accustomed, than it has shown itself so far, to meeting the demand upon it for the payment of the just dues of Government; that is to say, of the other tax-payers.

The suggestion that the appeals are a farce is one which I really cannot allow to go unchallenged. In the year to which I have referred, in the province from which the speaker himself comes, the Assistant Commissioner and the Commissioner modified orders in 230 cases. That is not a farce.

Lala Duni Chand: What was the percentage of the appeals accepted?

Mr. A. H. Lloyd: I have not got that figure. Any figures of that sort would be misleading. I merely quoted the figure I gave to show that it is absolutely wrong to use any such expression as "farce". The Assistant Commissioners and Commissioners of Income-tax are officers of a decidedly high status and they can be trusted with the duty that has been imposed upon them by the law of deciding appeals in a just manner. The Honourable Member proceeded to express great solicitude for certain "big persons" who found themselves inconvenienced because they were required to attend the income-tax officer's office, presumably because they had failed to send proper information by their representatives. I do not know whether there is any foundation for this allegation, Sir, but I do not think that the House will consider, generally speaking, that extraordinary measures that would be inconvenient to the Department should be taken in favour of persons who happen to be men of influence in a particular locality. Any such suggestion hardly strikes me as being very democratic.

Perhaps I have given too much time to the Honourable Member's remarks. There are one or two other matters to which I should like to refer before the House proceeds to vote. I will therefore pass on to what Colonel Crawford said about rent-free quarters. He urged Government to reconsider the arrangement of assessing the value of rent-free quarters as a part of salary. The same point was raised incidentally, or more than incidentally, by what was said by the Honourable Member from Bihar and Orissa regarding Government Houses. There is no doubt at all that if the income-tax officer did find that the Governor of Bihar and Orissa was liable to pay income-tax on the rental value of the free house or houses given to him, he was right in law, and it is not correct to say that his decision was upset by the Government of India

Mr. Devaki Prasad Sinha: I am very sorry to interrupt the Honourable Member, but is it

Mr. A. H. Lloyd: Would the Honourable Member mind my finishing? I am in the middle of a sentence. It is not correct to say that the decision was upset by the Government of India. The point was a new one. It had never been contemplated that tax should be charged upon the rental value of the Government Houses or of Viceregal Lodge, and when the point came to their notice, it received the careful attention of the Government of India, which decided that the case was a special one and one for the exercise of the powers conferred upon the Executive Government by the Income-tax Act of making an exemption from taxation by notification under the Act.

Mr. T. C. Gcswami (Calcutta Suburbs: Non-Muhammadan Urban): Does that not mean upsetting the decision?

Mr. A. H. Lloyd: The expression "upset" appears to me to relate to an interpretation of the law, not to an alteration of the operation of the law by executive statutory power.

Mr. Devaki Prasad Sinha: May I ask if that notification related to the period before the issue of the notification or if the notification came into operation after it was issued?

Mr. A. H. Lloyd: May I ask for notice of that question?

Mr. N. M. Joshi (Nominated: Labour Interests): Answer to-day; otherwise we will vote against that grant.

Mr. A. H. Lloyd: The notification is of general effect. It applies to all Government Houses and to Viceregal Lodge.

Mr. Devaki Prasad Sinha: Subsequently, and not to the period before the issue of the notification.

Mr. A. H. Lloyd: As regards the general question, I do not think it is my province to discuss it, but I think the House will see that the Honourable Member answered his own point by what he said about the rental value of the new Viceregal Lodge at Raisina.

To return now to Colonel Crawford's case that the same concession should be given to those who occupy rent-free quarters of a less exalted character, this is a matter which will receive careful consideration. His suggestion that the amount of the rental value of a house taken into the income for assessment should be limited to 10 per cent. of the salary certainly seems to merit consideration. It is not possible for me to say anything more on that. But I would just mention that there is a difficulty. If you allow the value of rent-free houses to be tax-free, it is difficult to withhold the same concession from house rent allowances. If you allow those free, you might be able to see that Government or municipal bodies fixed the amount of house allowance at a suitable proportion to the pay, but other employers could conceivably fix the house rent at a very much higher figure than was really justified, leaving a very much smaller figure for salary. There is also another great difficulty which I do not think is perhaps realised. If you do allow house rent allowance free, what about those whose pay is fixed not with reference to what I might call mufassal cost of living with an additional allowance for living in a large expensive town but who draw a salary which is fixed definitely for work in that large town and in fixing which the cost of the house rent has been taken into account? However, the whole subject will receive further examination.

Two Members from Sind have spoken, but I venture to suggest that the points which they made are really points which it is not easy to deal with in detail in the House. Mr. Harchandrai Vishindas spoke of the inadequate staff in the province of Sind and in support of his argument quoted some figures from the proceedings of the Standing Finance Committee regarding the standard of work set up in one province. The standard given in the volume of the Standing Finance Committee's proceedings which he quoted was not in any sense meant to be taken as of universal application. All sorts of considerations affect the appropriateness of a standard in any particular case. If a very large proportion of income-tax payers are salary earners and a very small proportion are assessed on other income, obviously a standard of work could be laid down including a very much larger number of assesseees for each income-tax officer than elsewhere. Then again the geographical distribution of assesseees would make a big difference. The work in a large town for obvious reasons can be dealt with much more rapidly than is the case when the assesseees are spread about in a number of towns or villages lying in a rural or semi-rural charge. However, the Honourable Member can trust the Central

Board of Revenue to make a demand upon the House for increased staff if it is satisfied that increased staff in any case is necessary. We have not hitherto found that our difficulty has been to persuade the Standing Finance Committee or the House that the staff we were asking for was not big enough.

The other Member from Sind referred to the case of distant villages. I must assure him that it is our policy in the Bombay Presidency to confine the work of our special staff to towns and accessible places and to continue to use the Revenue Department for assessments in more remote places. The same Member voiced the grievances of certain officers imported from other Departments of Government regarding the rates of increment which they receive. I shall not be expected, Sir, I think, to go into this in detail at all. I would merely point out that the initial pay in the case of men who were transferred from other Departments was fixed with reference to their previous service, and the scales of pay in the Income-tax Department were so arranged as to fit in as far as possible with the scales of the provincial services in different provinces. If any individuals have a grievance the proper course for obtaining redress is to make representations. I do not think that the House will desire to discuss this matter further in detail. The same may be said to apply to the question of the allowances to certain individual officers to which the Honourable Member referred.

I have already dealt with Mr. D. P. Sinha's first point. As regards his second point, the distribution of the pie-allowance between provinces, the matter is one which has not, so far as I am aware, been placed before the Government of India. The Government of India have powers under the Government of India Act to settle disputes between provinces in matters of this sort.

Mr. Devaki Prasad Sinha: Is it not a fact that the Government of Bihar and Orissa has sent a representation to the Government of India on this point?

Mr. A. H. Lloyd: I am not aware of that, Sir. So far as can be traced, there is no such representation before the Government of India now.

Mr. Devaki Prasad Sinha: It was sent in last year or the year before last.

Mr. A. H. Lloyd: Then I come to Mr. Cocke. Mr. Cocke complained of delays. We have not received, so far as can be remembered, any complaints of such delays, but if we do receive complaints, the Central Board of Revenue and the Commissioners of Income-tax will certainly take any measures that are possible to put the matter right. The last thing that the Department wishes to do is to make itself more unpopular than unfortunately its very existence compels it to be by causing inconvenience to members of the public in the manner suggested. As regards the matter of one-man companies, all that can be said at the moment is that the matter is still under the consideration of the Government of India, and I am not in a position to disclose, or shall I say that there is no definite final decision of the Government of India which can be disclosed. It is proposed to reprint the Manual shortly. As regards the case of small traders, I have made some allusions to this matter already. We do not possess special statistics showing traders separately from other assesses, but perhaps I need not proceed further with that point as you,

[Mr. A. H. Lloyd.]

Sir, have ruled that it was a matter which should only be glanced at rather than discussed at length. The Honourable Member who sits behind me (Nawab Sir Sahibzada Abdul Qaiyum) took up a few minutes of the time of the House by describing the hard lot of a pensioner who had received in one year an amount of his pension which did not represent what was due to him for one year and was taxed upon his actual receipts in the year. This is correct in law, and I am afraid once again that I should be offending against your ruling, Sir, if I were to enter upon a lengthy argument as to whether the law should or should not be amended in this respect.

Nawab Sir Sahibzada Abdul Qaiyum: May I know, Sir, whether if the Government were to allow pensions or salaries to be accumulated, they would then be entitled to assess the income at higher rates? What is there to prevent the Government from paying their servants by the year or by the decade and then assessing them at a higher rate of income-tax?

Mr. A. H. Lloyd: The answer to that question, Sir, is that common honesty would prevent it. When cases of the sort happen, they happen through accidental causes. We should remember that it will also be found that the principle cuts both ways, and that cases do occur where a salaried person or a pensioned person pays less income-tax than would have been due from him had his salary or pay been disbursed strictly according to the period when it fell due.

Nawab Sir Sahibzada Abdul Qaiyum: But the question is whether the rate should be raised higher on that account, or whether it should be the same rate. I do not want Government servants and pensioners to escape assessment, but why should the rate be raised when there is an accumulation of arrears?

Mr. A. H. Lloyd: The point is really one of law, Sir, but I merely meant to state that the *rate* can be lowered as well as increased in the manner described. With his plea that the case of Government servants and pensioners should receive special consideration as they have no opportunity of escaping from taxation at the full rate to which they are liable. I might perhaps admit a certain natural sympathy of my own. But I am afraid that it is no argument for administering the law otherwise than literally, where such persons are concerned.

The Honourable Mr. Bipin Chandra Pal desired that income-tax should be accepted in instalments. That would be an exceedingly inconvenient practice and it probably would be undesirable to regularise it or make it of general application. The result of it would be to postpone the collection of the tax throughout the year, to postpone by that extent the receipts of money into the Government treasuries and it might therefore eventually mean loss to the Government, loss of interest. We get back to the old point that this would be a case of benefiting individuals at the cost of the general tax-payer.

I think perhaps the House has heard enough from me; but there is one point that Sir Purshotamdas Thakurdas raised that should be mentioned. (Mr. V. J. Patel: "And Mr. Ramachandra Rao.") I must apologise to my Honourable friend Mr. Ramachandra Rao for having overlooked his remarks about co-operative societies. He has raised a

complicated question which it is not very easy to discuss in a debate of this sort, and I think, Sir, with your permission, I will take refuge behind your ruling that proposals for the amendment of the law should not be discussed in a debate on administration.

Diwan Bahadur M. Ramachandra Rao: My point was whether the Government of India have power to exempt societies, as they have granted exemption in the case of the Governor of Bihar and Orissa.

Mr. A. H. Lloyd: The use by Government of this power of statutory exemption is a matter of general administration and not the administration of a particular taxing department and the point might perhaps be raised on another part of the Budget Demands.

Mr. M. A. Jinnah: Is the use of that power by the Government of India only confined to the Governors and Viceroys?

Mr. A. H. Lloyd: Certainly not, there are a number of exemptions in existence.

Mr. M. A. Jinnah: Why do not you exempt these societies?

Mr. A. H. Lloyd: Sir Purshotamdas Thakurdas raised the question of payments made by the High Commissioner of refunds in certain cases where section 48 applies—what is called small incomes relief. The arrangements made were described to the members of the Standing Finance Committee. The criticism which that Committee directed to the matter has not been overlooked and in accordance with the undertaking that was given to the Committee, the matter is being carefully examined, but it is not possible at this moment to announce any final decision in anticipation of what may be done before the period of one year expires for which the Standing Finance Committee agreed that the existing arrangements should be carried on, by approving of the grant of certain additional staff for the purpose. The point, I can assure him, will not be overlooked and such measures as may be necessary will be undertaken and such limitations and such control over any work for which we may employ the High Commissioner's services as may be appropriate will certainly be devised.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): May I then take it that the additional expenditure for which application was made to the Standing Finance Committee has not been put in the Budget?

Mr. A. H. Lloyd: No, Sir. It has been sanctioned for one year in accordance with

Sir Purshotamdas Thakurdas: I am afraid I do not see that in the record of the Standing Finance Committee. I have got a copy here.

The Honourable Sir Basil Blackett (Finance Member): If the Honourable Member will look at the record in Vol. IV, No. 3, dated the 26th January 1923, page 297, he will find the following statement:

"But the Committee were not satisfied that a case had been made out for making permanent arrangements for this work and agreed to the additional staff proposed being entertained for a period of one year only."

Mr. A. H. Lloyd: The Honourable Member has perhaps forgotten that the matter came up twice in the Committee. I have nothing more to say, Sir.

Mr. President: The question is:

“That the Demand under the head ‘Taxes on Income’ be reduced by Rs. 100.”

The motion was negatived.

OPERATION OF DEVOLUTION RULE NO. 15 AND THE BENEFIT DERIVED BY PROVINCES THEREUNDER.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I move that the Demand under the head “Taxes on Income” be reduced by Rs. 100.

As I have indicated on the notice paper, my intention is to discuss the operation of Devolution Rule No. 15 and the benefit derived by the various provinces thereunder. During the general discussion on the Budget the Meston Settlement came in for a good deal of criticism. I believe that there is a complete unanimity of opinion as to the necessity of revising the Meston Settlement. But I am not going into that question on this occasion. My intention is to draw the attention of the Government to the fact that Devolution Rule No. 15, which was intended to give the industrial provinces a share in the Taxes on Income, has failed in its primary object in so far as it does not benefit either Bombay or Bengal. Sir, I hope the House will bear with me a little when I give the brief history of this rule. As the House is aware, the Montagu-Chelmsford Report laid down the outlines of the financial re-arrangement as between the Central Government and the Provincial Governments which would be a feature of the proposed reformed constitution. It laid down that income-tax, which had so long been divided between the Central Government and the Provincial Governments, was to belong solely to the Government of India. This naturally aroused a good deal of opposition from Bombay and Bengal. And when the Meston Committee came out, a specific term of reference was added at the instance of Bombay, which raised the question as to whether the provinces were to get any share of the income-tax at all. The Meston Committee in dealing with that point observed as follows, in paragraph 7 of their report:

“We doubt if it will be possible permanently to exclude local Governments from some form of direct taxation upon the industrial and commercial earnings of their people and we recognise the natural anxiety of provinces to retain a share in a rapidly growing head of revenue. But so far as the income-tax is concerned, we see no reason to vary the scheme of the report.”

Thereafter, when the matter came up before the Joint Parliamentary Committee, the Governments of Bombay and Bengal, and I think a number of public associations in those provinces, sent up representations to the authorities in England asking for a reconsideration of this matter. The Joint Parliamentary Committee had the advantage of consulting the Secretary of State's Council on the point, and then they proposed the addition of Devolution Rule 15 so as to meet the demand of these two provinces for a share of the income-tax. In their report on Devolution

Rule No. 15, the Joint Parliamentary Committee observe as follows:

“Certain provinces, particularly the three presidencies, are dissatisfied with the treatment of their own claims, and the Government of Bombay contest not only the amount of their contribution, but also the allocation of the heads of revenue on which the whole scheme is based. The Committee see no reason to differ from the fundamental features of the proposals, and they are definitely opposed to provincialising the taxation of income.”

And a little later they proceed to observe as follows :

"None the less the Committee would be glad, on grounds of policy, to alleviate the disappointment caused by the restraints which the system of contribution lays on the employment by the provinces of their revenues. In searching for such alleviation they have been materially assisted by suggestions from the Council of India, a body to whose advice great weight attaches inasmuch as it is the authority charged by law with the responsibility of controlling the revenues of India. Accepting the more important of these suggestions the Committee are of opinion :

- (1) That there should be granted to all provinces some share in the growth of revenue from taxation on incomes so far as that growth is attributable to an increase in the amount of income assessed."

Then follow some suggestions which do not bear on this point. Now, Sir, we come to Devolution Rule No. 15, clause (1) of which runs as follows :

"Whenever the assessed income of any year subsequent to the year 1920-21 exceeds in any Governor's Province or in the Province of Burma the assessed income of the year 1920-21, there shall be allocated to the local Government of that Province an amount calculated at the rate of three pias in each rupee of the amount of such excess."

Now, Sir, what is the result of the practical working of this rule? I am indebted to the courtesy of Mr. Rau for the statistical statement I propose to lay on the table in this House, and which I trust will be incorporated as an appendix* to this debate. When we examine this statement we find that in the last four years the Government of India have distributed about Rs. 90 lakhs to the different provinces under the provisions of Devolution Rule No. 15, and in the Budget this year they propose to set apart 25½ lakhs for the same purpose. When we examine the figures of the last four years we find that out of Rs. 89,96,000, Rs. 16,90,000 have fallen to the lot of Madras, Rs. 17,72,000 to Bombay, Rs. 95,000 only to Bengal, Rs. 3,53,000 to the United Provinces, Rs. 14,74,000 to the Punjab, Rs. 8,52,000 to Burma, Rs. 10,35,000 to Bihar and Orissa, Rs. 6,63,000 to the Central Provinces, and Rs. 10,62,000 to Assam.

When we come to the figures of the Budget year 1925-26, we find that out of a total of 25½ lakhs;

2,00,000 go to Madras,
 nil to Bombay,
 nil to Bengal,
 nil to the United Provinces,
 4,94,000 to the Punjab,
 8,28,000 to Burma,
 4,88,000 to Bihar and Orissa,
 nil to the Central Provinces, and
 5,40,000 to Assam.

Now, Sir, surely it was not the intention of the Joint Parliamentary Committee that the two industrial provinces should be deprived of a share of the income-tax revenue and that the other provinces, for whose benefit it was not mainly intended, should come in for such large shares. But I do not complain that the other provinces derived some benefit under the provisions of this Rule. My complaint is that in fixing the figures for 1920-21 as the standard, the Government of India and the authorities in England did a great injustice both to Bombay and Bengal, for we find that 1920-21 was a year of unprecedented boom in the industrial conditions

* Printed as Appendix A to these Proceedings.

[Mr. K. C. Neogy.]

of these two provinces. The boom lingered for two years more in Bombay for we find that in 1921-22 they came in for Rs. 14,72,000 under this rule and in 1922-23 for 3 lakhs. After that Bombay has not got anything as the result of the working of this rule. In Bengal, it was only in 1921-22 when the figure of 1920-21 was exceeded, with the result that she got Rs. 95,000 that year, and in the succeeding years she got nothing out of this arrangement. Now, Sir, I think it was unpardonable on the part of Government to overlook the fact that both these provinces were passing through abnormal conditions of trade in that year and one would have expected Government to point out to the authorities in England that it was unjust to take the figures of 1920-21 as the basis for calculation. Sir, as early as September 1920 when the draft rules framed by the Joint Parliamentary Committee were published even a humble student of politics like myself pointed out in a newspaper article, which I hold in my hand, that:

“there was some risk in fixing the assignment on the basis of receipts for 1920-21 because it must not be forgotten that the recent inflation is not a little due to the prevalence of abnormal conditions during and after the War, and may suffer a shrinkage. . . . The proper course would be to fix the assignments on the basis of average receipts during the last few years.”

That was the suggestion I put forward as early as September 1920.

Now, Sir, when we come to a province like Assam we find that in 1920-21 their income-tax receipts stood at a comparatively low figure, perhaps due to the fact that the tea trade was experiencing a slump, and as the tea trade has been recovering, we find that their share of income-tax under Devolution Rule 15 is going up by leaps and bounds. I maintain that it was wrong on the part of the authorities to take the figures of 1920-21 as the basis for calculation.

Sir, I am not concerned just now with the principles of federal finance. I am not going to enter into that vexed question as to whether income-tax receipts can as a principle of sound federal finance be claimed by the provinces to be shared with the Central Government. What I would point out is that unlike the Devolution Rules dealing with the provincial contributions, Rule 15 is meant to be a permanent feature of the present financial arrangement between the provinces and the Central Government. And so long as the revision of the Meston Settlement is not undertaken, this Devolution Rule will continue to operate to the hardship of the industrial provinces, because I think the Honourable the Finance Member will not contest my proposition that these two provinces cannot be expected to exceed the standard figures fixed by this rule in the near future. I take it, Sir, that the Joint Parliamentary Committee and the Government of India did not intend Devolution Rule 15 to be a joke so far as Bombay and Bengal are concerned. If that be so, may I appeal to Government to take this question up with the authorities in England and see that a proper basis of calculation is arrived at. I am not asking for any revolutionary change in the financial arrangements between the provinces and the Central Government. What I ask for is that you should give effect to the intention which the Joint Parliamentary Committee undoubtedly had in mind in framing Devolution Rule No. 15. Sir, the Honourable Finance Member is shortly proceeding home on leave. May I appeal to him to devote a part of his well-earned rest for the purpose of amending the rule in consultation with the authorities in England? Sir, it is not

my intention to press this motion to a division. (*Cries of "Why not?"*) Well, I am entirely in the hands of the House; but I hope the reply which I am going to get from the Honourable Finance Member will be a hopeful one, and that he will agree to reopen this question in consultation with the authorities in England. I move my motion.

Mr. President: Reduction moved:

"That the Demand under the head 'Taxes on Income' be reduced by Rs. 100."

***Sir Chimanlal Setalvad** (Bombay: Nominated Non-official): Sir, I have great pleasure in joining with my Honourable friend Mr. Neogy in drawing attention to the very unfair manner in which Devolution Rule 15 is worked. I do not propose, Sir, on this occasion to go into the iniquity of the Meston Award when it treated the industrial provinces by the same rule as it treated what may be called the agricultural provinces, because that large question is not before the House on this motion, and I hope that we shall get another opportunity to debate that much-vexed question. But the fact remains that this Devolution Rule No. 15, which was intended as a sort of corrective to the iniquity of the Meston Award, has not fulfilled its purpose. As has been pointed out already, while Madras under Devolution Rule 15 got 4 lakhs and odd in 1921-22, 10 lakhs and odd in 1922-23, 2 lakhs in 1923-24, and 2 lakhs in 1924-25, and while the Punjab got 30 lakhs in 1921-22, 5.69 lakhs in 1922-23, 4.24 lakhs in 1923-24, 4.51 lakhs in 1924-25 and 4.94 lakhs in 1925-26, Bombay gets nothing in 1923-24, 1924-25 and 1925-26 and Bengal has got nothing since 1921-22, in which year she got only .95 lakhs. I have taken the figures of Madras and the Punjab only as illustrative of the situation. The other provinces too have also profited, while the two industrial provinces of Bombay and Bengal have not profited at all. For instance, Bihar and Orissa will get in 1925-26, 4.88 lakhs; it got 4.35 lakhs in 1924-25 and 2.55 lakhs in 1923-24, and also 2.87 lakhs in 1922-23; it must be remembered that Bihar and Orissa is the province that pays no provincial contribution at all.

Mr. Devaki Prasad Sinha: May I correct the Honourable Member? Bihar and Orissa is not an agricultural province entirely; it is greatly industrial.

Sir Chimanlal Setalvad: I never said it was agricultural. I am only pointing out that here is a province which pays no provincial contribution at all but still profits so largely by this Devolution Rule 15, while the two provinces for whose benefit it was designed have not profited at all and are not likely to profit in future years. The result, therefore, of Devolution Rule 15 is this, that Madras, which under the Meston Settlement got a windfall of 5 crores odd, gets a further windfall every year which now comes to 2 lakhs for 1925-26; similarly, the Punjab, which also got a windfall under the Meston Settlement, now gets a further windfall under this income-tax arrangement; and its share will be 4.94 in 1925-26; while the only two provinces of Bombay and Bengal, to whom this sop was thrown on the recommendation of the Joint Parliamentary Committee, have not benefited at all under the arrangement. Devolution Rule 15 was so framed as necessarily to lead to this result; because what was provided was that the provinces would get a certain share in any increase in the amount of income assessed over the income of 1920-21. So the situation was this, that we got a share in any increase in the total

*Speech not corrected by the Honourable Member.

[Sir Chimanlal Setalvad.]

income assessed, but the provinces got no share at all in any increased amount of tax by raising the incidence of taxation, namely, the rate of assessment. Where the Government of India raised the rate of assessment and thereby the total income-tax of any particular province increased, the province got no increase in it at all, but when the total number of assessees increased the provinces shared in the increase.

Then, Sir, as has been pointed out already, so far as Bengal and Bombay were concerned, the situation worked really very hard on them, because the datum line was taken in a very exceptional year 1920-21, when there was an exceptional boom in trade and industry, and therefore the income-tax collected in that year stood at a very high figure. In subsequent years it has not been possible to exceed that datum line taken, which was a very very exceptional year indeed, with the result that has been put before the House. As has been pointed out already by my friend Mr. Neogy, the matter requires to be immediately dealt with. Here is a plea not for reopening the Meston Settlement, because that will take time; the matter will have to be thoroughly gone into from all aspects and some fresh Committee probably will have to be appointed to investigate the whole question. But what has been pointed out now is that the Meston Settlement which was made to give some relief to the provinces most affected by it, namely, Bombay and Bengal, has worked in such a freakish manner that no time should be lost in immediately tackling this Devolution Rule No. 15, and I do hope, Sir, that the Government of India and the Honourable the Finance Member will take this matter into their immediate consideration and arrive at some solution of the difficulty that has been pointed out in the working of Devolution Rule No. 15. As I said, Sir, I do not propose to enter on this occasion into the question of the Meston Settlement. As you know, Sir, Bombay is particularly sore. Bombay feels that she has been treated very very badly indeed by the manner in which the Meston Settlement was made, and I may again tell the House what I told the House once before, I think last year, that Bombay will never rest content till the Meston Settlement is reopened and some more equitable arrangement is arrived at. However, as I said, I will take another opportunity of pressing the view of Bombay on the attention of the House. For the present I only wish to draw the attention of the House to the unfair way in which Devolution Rule No. 15 has worked, and we do hope that the Government of India will take immediate steps to remedy the situation.

The Honourable Sir Basil Blackett (Finance Member): Sir, I should like to join my voice with that of the last two speakers in complaining of the inequitable way in which Devolution Rule No. 15 has worked against the Government of India. Sir, that rule was intended to arrange that there should be a datum line for income-tax in 1920-21 and that a share in the increase and the growth of revenue from taxation of income, so far as that growth is attributable to an increase in the amount of income assessed, should go in some measure to the Provincial Governments. With one exception, that of the year 1921-22, the net revenue of the Government of India from Taxes on Income has been considerably less each year than the amount in 1920-21. None the less we have had to pay out each year to these grasping provinces sums amounting to lakhs and lakhs of rupees. (Mr. Duraiswami Iyengar: "We pay you crores; you pay us lakhs".) I fully recognise that the way in which this Rule has worked, has not been

altogether satisfactory. It has, as is pointed out by Mr. Neogy, had the result that, since 1921-22, Bengal has had no gain from the provision, Bombay has had a sum of 3 lakhs in 1922-23 and nothing since, and that the amount that has gone to Madras is exceedingly small. The increase has been chiefly in the case of the agricultural provinces, if I may include Bihar and Orissa as a partially agricultural province, and not in the case of the provinces where there are large industrial centres such as Bombay, Cawnpore, Madras or Calcutta. That was certainly not the intention with which the Joint Select Committee had framed their proposals. The explanation is quite a simple one. It is that the year 1920-21 was a year of very good trade and the datum line has been a high one, which has not been reached in the case of the industrial portions of India since, with the exception of the year 1921-22, whereas, mainly because additional assessments have been made and our income-tax machinery has been getting more effective, the same has not applied to the agricultural provinces. The problem is simply to see whether we could find some datum line for the future better than the datum line which has worked in the past. It is probable that, with the existing datum line, it will be at any rate two or three years before either Bombay or Bengal get a share in the income-tax. I do not know why Mr. Neogy should expect me to take this exciting subject home with me to London or why he should think that it is specially to be debated in London. It is a matter for consideration in the ordinary course by the Government of India. No doubt, it would require reference to the Secretary of State for final settlement but I do not see any reason why it should be regarded as a matter that should be taken to Whitehall and should not be discussed in Delhi. I would suggest that the proper way for its discussion would be for the Finance Members of the provinces who are particularly interested to bring it up on the agenda of the next Finance Members' Conference. That would be an opportunity for discussing it. It is a matter that would have to be discussed between all the provinces and could hardly be settled offhand by the Government of India, and, as the Government of India are prepared to go

Sir Chimanlal Setalvad: May I know from the Finance Member whether the Finance Members of the various provinces have not already in their previous conferences brought this matter to his notice?

The Honourable Sir Basil Blackett: I do not remember its being brought to my notice—at any rate it has not been put as a formal matter for discussion and I would suggest that it might very well be brought up formally at the next conference. Though I do not want to prophesy or to promise that the Government of India would be willing to make any large concession, I am quite prepared to consider the matter and see whether we can arrive at something that would at any rate give some effect to the purpose that lies behind Devolution Rule No. 15.

Mr. President: The original question was:

“That a sum not exceeding Rs. 62,57,000 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, 1926, in respect of ‘Taxes on Income’.”

Since which an amendment has been moved:

“That the Demand under the head ‘Taxes on Income’ be reduced by Rs. 100.”

The question I have to put is that that reduction be made.

The Assembly divided:

AYES—63.

Abhyankar, Mr. M. V.
 Abul Kasem, Maulvi.
 Acharya, Mr. M. K.
 Ahmed, Mr. K.
 Aiyangar, Mr. C. Duraiswami.
 Alimuzzaman Chowdhry, Mr.
 Belvi, Mr. D. V.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Cocke, Mr. H. G.
 Crawford, Colonel J. D.
 Dalal, Sardar B. A.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Dr. S. K.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Ghose, Mr. S. C.
 Goswami, Mr. T. C.
 Govind Das, Seth.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Hussanally, Khan Bahadur W. M.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kasturbhai Lalbhai, Mr.
 Kazim Ali, Shaikh-e-Chatgam Maulvi
 Muhammad.
 Kelkar, Mr. N. C.
 Kidwai, Shaikh Mushir Hosain.

Lindsay, Mr. Darcy.
 Lohokare, Dr. K. G.
 Makan, Mr. M. E.
 Mehta, Mr. Jannadas M.
 Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Mutalik, Sardar V. N.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Pal, Mr. Bipin Chandra.
 Patel, Mr. V. J.
 Purshotamdas Thakurdas, Sir.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Rhodes, Sir Campbell.
 Roy, Mr. Bhabendra Chandra.
 Samiullah Khan, Mr. M.
 Setalvad, Sir, Chimanlal.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Syamacharan, Mr.
 Sykes, Mr. E. F.
 Tok Kyi. Maung.
 Yakub, Maulvi Muhammad.

NOES—41.

Abdul Mumin, Khan Bahadur
 Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Ahmad Ali Khan, Mr.
 Aiyer, Sir P. S. Sivaswamy.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Ashworth, Mr. E. H.
 Badi-uz-Zaman, Maulvi.
 Bhoire, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Clarke, Sir Geoffrey.
 Cosgrave, Mr. W. A.
 Fleming, Mr. E. G.
 Fraser, Sir Gordon.
 Graham, Mr. L.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Hudson, Mr. W. F.
 Innes, The Honourable Sir Charles.
 Lloyd, Mr. A. H.

Mahmood Schanfmad Sahib Bahadur,
 Mr.
 Marr, Mr. A.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Moir, Mr. T. E.
 Muddiman, The Honourable Sir
 Alexander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Naidu, Mr. M. C.
 Raj Narain, Rai Bahadur.
 Rangachariar, Diwan Bahadur T.
 Rau, Mr. P. R.
 Reddi, Mr. K. Venkataramana.
 Rushbrook-Williams, Prof. J. F.
 Sastri, Diwan Bahadur C. V.
 Visvanatha.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Tonkinson, Mr. H.
 Wajihuddin, Haji.
 Webb, Mr. M.

The motion was adopted.

Mr. President: I had almost said "The unwilling Ayes have it!" I observe that the House could not at first make up its mind as to whether to divide or not, and then when it did decide to divide, more than half of the House did not know which way to vote. If Honourable Members will kindly make up their minds beforehand, thereby not delaying divisions, I should be much obliged. I have no concern which way Honourable Members vote, but I have some concern with the speed with which they do vote.

The Assembly then adjourned for Lunch till Twenty-five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-five Minutes to Three of the Clock, Mr. Deputy President in the Chair.

ADDITIONAL PROVISION IN THE VARIOUS PROVINCES.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): Sir, I beg to move:

"That the Demand under the head 'Taxes on Income' be reduced by Rs. 3-50 lakhs."

The object of this motion, Sir, is to point out how the expenditure of this department has been growing and how we have been budgetting accurately for the amount of growth of expenditure that should be allowed. Usually you find that you budget for more than what could be spent. Of course not that the money is lost, as it will be argued on behalf of the Government. It will be there no doubt. But the effect of such small variations will be that about a crore or a crore and a half will be put on the expenditure side in excess of what ordinarily should be allowed for increase of expenditure that you anticipate. While I am willing that you should pay attention to the details of the expenditure and allow a margin for ordinary growth of expenditure and also that where the Finance Committee have gone into a question and allowed extra provision under a particular head, you should give credit to such amounts, you ought also to take care that the Budget does not include amounts too much unnecessarily put into it and bring the Budget to as safe a limit as possible. It is with that end that I have brought forward this motion. It could easily be shown that much more than 3-50 lakhs may be cut, up to 6 or 7 lakhs without any prejudice to the work undertaken by the Department, but I do not want to do it. I want to leave a fair margin over and above the ordinary growth for leaving it to the Honourable Members of the Government to adjust the current expenditure as it may arise. Briefly I will explain the position. Pages 6 and 7 of the Explanatory Memorandum by the Financial Secretary, that small book that has been placed with the Budget, will show the difference in the expenditure. At page 7 you will find the expenditure was 22 lakhs in 1921-22 for an income of 22 crores which you see in page 6 for the year. The expenditure rose to 44 lakhs in 1922-23 for an income of 18 crores which you see in page 6.

Mr. T. C. Goswami (Calcutta Suburbs: Non-Muhammadan Urban): On a point of order, Sir, is there a quorum in the House?

Mr. Deputy President: Yes.

Mr. K. Rama Aiyangar: The actuals of 1923-24 show an expenditure of 62 lakhs for an income of 18 crores; you will see that income in page 6. But it must be borne in mind that of the 62 lakhs that is provided in 1923-24, you will find by examination of the details of the Budget appearing in pages 11 to 17 . . .

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): On a point of order, is there a quorum in the House?

Mr. Deputy President: Yes, I see the quorum in the lobby.

Mr. K. Rama Aiyangar: Pages up to 17, if examined, will show that out of the 62 lakhs provided for expenditure in 1923-24 about 20 lakhs have been provided for to be paid to the Provincial Governments for part of work that had been done by them in the previous years. You will see this amount under Madras, Bombay, Bengal and other provinces. The provision under Madras was for 10 lakhs in 1923-24 and similarly provision has been made in other provinces which comes to about 20 lakhs. This amount has to be taken out of 62 lakhs and the normal expenditure would thus be only about 42 lakhs in the year. In the Budget of 1924-25 it was provided to spend about 60 lakhs.

Mr. C. S. Ranga Iyer: On a point of order, Sir. Is it reasonable to continue the proceedings of the House when there is no quorum? It does not matter whether the quorum is in the lobby or not. With due respect to you, Sir, is it proper or is it legal to continue the proceedings of the House when there is no quorum?

(The bell rang in order to obtain the necessary quorum after which Mr. K. Rama Aiyangar resumed his speech.)

Mr. K. Rama Aiyangar: As I said, Sir, the budget estimate of 65 lakhs for 1924-25 included about 13 lakhs as monies so payable leaving it at about 52 lakhs as net expenditure that was expected to be expended this year, over and above the payments payable to several Provincial Governments. But the actuals or rather the revised estimates indicate that they expect an expenditure of about 60 lakhs only, though the provision was for 65 lakhs in the Budget. It will be found that of this 60 lakhs about 10 lakhs is the kind of expenditure to which I have already referred. This amount of 10 lakhs appears under several provinces. So that the actual figure showing the expenditure over and above such estimates comes to only about 50 lakhs in the revised estimate of the present year. But the expenditure for the next year is put at 66 lakhs. On an examination of all the heads of the provisions for payments to Provincial Governments for the staff they employed for collecting this revenue, it will come to only 4.52 lakhs for that year. So that it will be seen that 62 lakhs is provided over and above the payments to be made to Provincial Governments in the year 1925-26. The corresponding amount that is expected to be spent, even according to the revised estimate this year, is only 50.51 lakhs. So that it is found that a budget provision of about 10 lakhs extra is made for the new year. If we understand that position, I can easily explain how this extra 10 lakhs is provided under the various heads in these pages that I have referred to.

Under each head, say Madras, the North West Frontier Province, Bengal, Bombay, I will show you the figures, which show how this extra budget has been made out. You will find at page 12, under the head Travelling Allowance, House-rent and other allowances an extra Rs. 7,000 is budgeted for; under the head of Pay of Officers, an extra Rs. 41,000 is budgeted for; under the head Clerical Staff, and under Leave Salary about Rs. 50,000 extra is provided, and under the head Miscellaneous Contingent Charges about Rs. 30,000 is provided. This is all in Madras. In Bombay it will be seen from page 13, under the head Contingent Expenditure Rs. 50,000 is provided, under the head Income-tax Officer, etc., an extra Rs. 50,000 is provided, and for Staff Servants, Inspectors, etc., an extra Rs. 24,000 is provided; and in all the extra provided is about two lakhs in Bombay. Similarly in Bengal, under the head of Collection of Income-tax, Commissioner, etc., there is a provision made of Rs. 1·60 lakhs over and above the provision for the revised estimate of this year. But it will be seen that about Rs. 25,200 has been sanctioned as a special case in the case of several Income-tax officers by the Standing Finance Committee. Leaving that aside, you will find an extra provision of Rs. 1·20 lakhs which is not accounted for except probably that it will be taken into account under the provision which will be made to increase the last. As I have pointed out, the comparison of the various years' figures show that this excess will be on an average scale of two or three lakhs. Similarly, on page 14 in the total for Bengal there is an extra provision which is about Rs. 25,000 more than that of the previous year, and in the United Provinces about Rs. 80,000 extra, and in the Punjab Rs. 40,000 extra, and Burma in all about Rs. 30,000 under the head Temporary Income-tax Officers, etc., and Rs. 30,000 under the head Leave Salary, House-rent and other allowances, and Rs. 80,000 in all. Similarly, you will find an extra provision for Bihar and Orissa, and in the Central Provinces about Rs. 20,000 each. So that making a calculation on that I find an extra provision in all of Rs. 6,50,000 over and above what is the normal increase on staff has been provided. Wherever I find, by a comparison of the revised estimate of 1924-25 and the Budget of 1925-26 the sum under Officers' Pay is likely to be more on account of the usual incremental scale, I do not take that into consideration. I leave that as a natural increase that must follow, but where there is extra staff, or where there is no extra contingent provision made which is more than enough, which has been our experience previously, I only want, as I said out of Rs. 6,50,000 which is extra provided over and above the ordinary increase, only Rs. 3·50 to be cut, leaving the other three lakhs to the Department to meet and sanction the contingent needs that may arise. As I have pointed out, I have taken care to see that where the Standing Finance Committee has been approached for sanction to any increment for the purposes that have been explained to them, and where it has been put in asterisks in the notes of the Budget, as you will see from an examination of that, I have allowed all that to stand. I have allowed as a second matter the amount that has been provided for the natural, ordinary increase in pay of officers and staff, and I have allowed also an extra about Rs. 3 lakhs and odd with the department for purposes of their own. I am only asking for a Rs. 3·5 lakhs cut.

My object in doing so is, as I said at the commencement, to avoid over-budgeting so that the total under all Demands at the disposal of the Assembly may be more as it ought to be without the chance of the amount budgeted standing as surplus at the end of the year without the Assembly's control. It is proper to budget within reasonable limits which would allow

[Mr. K. Rama Aiyangar.]

of fair use, under all anticipations, of money that is provided in the Budget. It is with that view that I press this motion.

As regards my Honourable friend Mr. Rangaswami Iyengar's motion, he has given only a cut of 1 lakh. Apparently he wanted to confine his motion to one item only of extra reduced provision that might be made. I have gone more deeply into the matter and I have laid by much more than is necessary for the growing ordinary expenditure and this is the way in which I have been examining the thing. I am satisfied that as they have shown 4 lakhs less expenditure this year they are going to show less expenditure next year also. Not that the money will be lost, but the opportunity this Assembly has of exercising its mind to devoting the surplus that might remain is lost by such small things being added and the total they make being lost to the Assembly. I therefore press this motion.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhamadan Rural): Sir, I should prefer to support the motion moved by my Honourable friend for a cut of 3½ lakhs in preference to my cut of one lakh, because, if it is carried, it may not be necessary for me to move this cut and because the matter I desire to take up in my motion is also to some extent covered by the motion which he has placed before the House. If, however, the motion of Mr. Rama Aiyangar is not carried, I will then have the opportunity of formerly moving my motion.

The point I wish to emphasise is that so far as this kind of expenditure is concerned, the Finance Member in his very lucid speech on the Budget referred in paragraph 55 to the practice of all Departments of overestimating expenditure. It is a practice that has been inveighed against times out of number on the floor of this House by the non-official representatives of the people who had neither authority nor power to give effect to their wishes in overestimates of this kind. It is a belated recognition on the part of the Finance Member of the evil he has now found out and provided for by what he called a lump deduction. Under each department he has made a deduction of 1 lakh to provide against the dangers of this overestimating. My proposition therefore, Sir, is that this lump deduction need not necessarily be confined to one lakh, but might be at least 2 lakhs under each of the heads under which he has made the deduction. The evil of overestimating expenditure is primarily one which imposes a great burden on the tax-payer. It encourages the Government to extravagance and it adds to the burdens of the tax-payer, and particularly, in the Income-tax Department, as my Honourable friend Mr. Rama Aiyangar has pointed out, this practice of loose budgeting has been carried to an extreme point. It may be, Sir, that that Department is undergoing reorganisation, but surely there must be some principle upon which an expenditure, which only amounted to 60 lakhs last year, should be put down at 66 lakhs this year and notwithstanding the fact that the revenue of this year does not seem to show any considerable advance upon the figures of last year. Nor can it be said that these six lakhs are needed to bring in additional revenue because the prospects of this additional revenue are entirely dependent upon conditions other than those of the establishments employed by the Department.

But apart from the unjust burden on the tax-payer which this overestimating has imposed and to which the Finance Member has properly referred, there is another evil to which the tax-payer is subjected by this

overestimating, and that is that by this process of overestimating, the Government is enabled by the method of reappropriations of grants to take over further use what we may call the excesses created by these speculative figures, and if it is found that certain savings are possible under heads on which probably the scrutiny of the Assembly may not be cast, the savings under that head might be appropriated to excesses under other heads, as to which they place no present proposals before the Assembly. We have known many instances in which new proposals on the part of the Government have been brought into existence after the Budget period and for which funds have been found in very large quantities by reappropriations. That again, is an injustice not only to the tax-payer; it is also an infringement of the powers and privileges of this House. The Finance Member has recognised this and he says:

“ Departmental officers frame their budgets and they naturally provide for the full sanctioned strength; but small savings invariably occur under individual heads of expenditure due mainly to accidental causes, such as a temporary shortage of staff, smaller expenditure on leave salaries and the like.”

These things were till now taken away by reappropriations for fresh expenditure. This lump deduction, therefore, in the Finance Member's opinion seems to impose upon the departments concerned a certain amount of inconvenience; but though it is a convenience to them to have a free hand with the monies of the tax-payer, it is certainly an injustice to this House and to the tax-payer that such large reappropriations should be allowed; and as he very properly says the only inconvenience would be that of compelling them to come to this House with supplementary estimates. If that is an inconvenience, Sir, it is an inconvenience that is inevitable under any scheme of Parliamentary control of the finances of this country; and if the departments want to get rid of that control, it is too late in the day for them to think of it. I, therefore, say that if instead of this lump deduction of one lakh we put down two lakhs, it would also mean exactly what the Finance Member says; the result of it will be that whenever there is an excess of expenditure, they would have necessarily to come up to this House with supplementary demands and the House will be in a better position to scrutinise these demands for extra expenditure whenever the estimates have been found short thereby. Therefore, it is all the more necessary that these lump deductions should be put down at as high a figure as will compel these people not to make reappropriations of this kind, but always to come to this House for every new expenditure of any considerable amount which they have to incur and to obtain the sanction of this House for expenditure for which they have till now been obtaining merely departmental sanctions and in which they have had it all their own way so far. That is my reason for supporting Mr. Rama Aiyangar's amendment.

The Honourable Sir Basil Blackett: Sir, Mr. Rangaswami Iyengar has quite rightly drawn attention to the problem of over-budgeting. It is a little hard—but I am getting accustomed to it—that whenever I mention a means of improving the control of this House and introduce it in the Budget, it is immediately turned against me and I am attacked because it was not done before or on the ground that it is not being done enough. The difficulty of over budgeting is one which will always arise, but I have no reason whatever to suppose that it arises in the present case. It arose last year on the Demand for Taxes on Income, and it is partly on that account and because Mr. Rama Aiyangar has been busy with his usual ingenuity comparing like with unlike that he produces these rather fantastic

[Sir Basil Blackett.]

results. If you compare the budget estimate of last year with the budget estimate of this year there is a difference of less than a lakh. There was a considerable saving on the budget estimate last year, and it was due simply to the fact that the additional staff that was already sanctioned, particularly in the Bombay Presidency for taking over the work from the Bombay officials, was not fully trained and fully available during the whole of the year and considerable savings were therefore effected as the result of the staff not being employed as early in the year as was expected at the time the Budget was framed. If Honourable Members will look carefully at the pages in this volume which deals with Demand No. 17, they will find certain items printed prominently in black lettering, those items represent the only items in this Budget which are not simply recurring provision for items that appeared in previous years. These are all

3 P.M. new items in one form or another. Every one of them has been before the Standing Finance Committee and has been dealt with by that Committee, and the reasons for the necessity of these new items have been given to that Committee, and after a very careful examination by that Committee those items have been recommended by the Standing Finance Committee. I should like to take this opportunity of expressing my own thanks to the Members of the Standing Finance Committee for the very hard work which they have put in. It is sometimes a very laborious job, and I can assure those Members who are not so fortunate or otherwise as to be members of the Standing Finance Committee, that it is really an onerous and exacting task, and a task which is performed with great zeal by the members of that Committee. These items are the only new items in the Budget. All the other items represent a continuance this year of the provision made last year. The reason why there is a considerable increase as compared with the revised estimate of last year is simply that the staff sanctioned last year was not in fact all employed in the early part of the year. We have examined these estimates with great care this year, and there is no reason to expect any recurrence of that form of saving, because the new staff in Bombay has been brought fully into effect before the end of this year, and therefore we shall require the whole provision for that staff next year. I would venture to draw the attention of this House to the fact that during the course of the morning, we were subjected from various quarters to considerable criticism on the ground that our staff was insufficient in various directions, particularly in Bombay. I think the explanation partly lies in the fact that the staff was only gradually being brought into being during the current financial year, and that may perhaps have given rise to the complaints which were being voiced; but as I say, the full sanctioned staff will be fully engaged in the course of the current year.

Mr. Rangaswami Iyengar suggests that we should make the cut that is proposed, 3½ lakhs I think, by way of a special cut on the ground of possible over-budgetting and that we should come back to the Assembly if there is a supplementary estimate. I do not know with what specific purpose he would make this cut.

Mr. A. Rangaswami Iyengar: Same as one lakh.

The Honourable Sir Basil Blackett: But I assure him that that is not the way to frame a budget. The budget estimate of any country that is presented to the Parliament must necessarily be the estimate of the

amount that is likely to be expended in the course of the year. If Honourable Members in the course of their discussions on Demands for Grants make cuts of a few lakhs here and a few lakhs there and ask us to come back for supplementary estimates, if necessary, I must include the expenditure which has been cut out as part of my probable expenditure for the year even if it is not included in the Demand for Grant actually passed. I cannot take the Demand for Grant as representing the probable amount of our expenditure during the year if I have every reason to believe that it will be necessary to come back to the House for a supplementary demand, and if the House has told me in advance that I should come back if I find I need it. We must frame the Budget on some basis, the basis of our probable expenditure. So the only effect of making a cut of this sort here will be that I shall almost certainly have to come back for a supplementary estimate and no change whatever would be possible in the figures of our estimate.

Mr. A. Rangaswami Iyengar: May I know, Sir, what was the principle by which a 5 per cent. cut all round was made in the Budget two years ago, or why a lump deduction against over-estimating was made this year?

The Honourable Sir Basil Blackett: A 5 per cent. cut was not made two years ago but was made three years ago. A 5 per cent. cut was made when the Retrenchment Committee was about to be appointed. If I may venture to say this, I may say that it is a very dangerous principle because the House is really not exercising its full control if it makes an all-round cut and tells the Government to come back again if they want more. I am not putting this point argumentatively, but I think it is a point the House has got to be careful about, because if they do want to appropriate, their direction should be to the Government to appropriate money for the purposes mentioned in the Demands for Grants. If they make an all-round cut and tell the Government they have got a free hand to come back, the House does not exercise its control properly. Now, Mr. Iyengar went on to say that the practice of over-budgeting enabled the departments to resort largely to reappropriations without any control at all. (*Mr. A. Rangaswami Iyengar:* "By this House".) I assure you it is quite incorrect. Any kind of new expenditure has to go first of all to the Standing Finance Committee and has to be approved by the Standing Finance Committee. If it is a transfer within some vote and the total of the vote is not exceeded, it is perfectly true that in that case a supplementary estimate has not to be asked for, but it has to run the gauntlet of the full scrutiny of the Finance Department, which is naturally always anxious to save any money that it can, and after that it has to run the gauntlet of the Standing Finance Committee. And I think that gives the House a very strong control over the practice of reappropriation. Also, there are other rules which are very carefully observed, for example, that the beginning of a completely new scheme cannot be made out of reappropriation in this way. Such reappropriation can only be for casual excesses and not for the starting of new schemes. So that the Honourable Member is, I think, very much overstating his case when he suggests that the sort of reappropriation that results from over-budgeting can be resorted to without full control both from the Finance Department and the Standing Finance Committee, and ultimately of the Assembly itself. If the Standing Finance Committee made a practice of agreeing to things of that sort to which the House did not agree, the remedy is very easily in the hands of

[Sir Basil Blackett.]

the House. And I am sure they will not fail to exercise it. (Mr. A. Rangaswami Iyengar: "The ultimate remedy always exists".) I have explained that there is nothing in this estimate for new expenditure beyond these items printed in bold type which represent new items which are regarded as necessary and have been passed by the Standing Finance Committee. There is no reason that I can see for making a cut in order to prevent over-estimating in this case. Those estimates have already been very carefully considered. I know that, as a matter of fact in this particular case, we have already made quite a considerable pruning. It does not appear in the form of a direct cut, but if Honourable Members will look at page 13 they will see that the provision for the amount payable to Provincial Governments for work done by the provincial staffs is entered as only a lakh and a half, whereas the provision last year was three lakhs. The actual expenditure last year was put down as one lakh and 25 thousand, based I suppose on a percentage of the income received. But I have reason to believe that the figure of a lakh and a half is probably a considerable under-estimate of what is required in the province. I would ask the House therefore not to proceed to make a cut in this estimate. We could not make the cut effective except by reducing staff and so reducing our activities. The result of any such reduction of activities would be a much larger reduction in the income that we should collect. You cannot base the amount of staff required from year to year on the amount that you actually collect. As pointed out rightly by one Member who has spoken before the amount that is actually collected depends very largely on the state of trade. If your staff is to be in a position to take advantage of that good trade, which I hope is coming shortly, and collect revenue with success in the year following that good trade, an attempt to cut it now would, I believe, be most unremunerative. I ask the House, after this explanation, to consent to withdraw this motion.

Mr. Deputy President: The question is:

"That the Demand under the head 'Taxes on Income' be reduced by 3.5 lakhs."

The Assembly divided:

AYES—41.

Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Belvi, Mr. D. V.
 Chaman Lal, Mr.
 Chanda, Mr. Kamini Kumar.
 Das, Pandit Nilakantba.
 Duni Chand, Lala.
 Dutt, Mr. Amar Neth.
 Goswami, Mr. T. C.
 Govind Das, Seth.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Ivengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Kazim Ali, Shaikh-e-Chatgam Maulvi
 Muhammad.
 Kelkar, Mr. N. C.
 Kidwai, Shaikh Mushir Hosain.
 Lohokare, Dr. K. G.
 Malaviya, Pandit Madan Mohan.

Mehta, Mr. Jamnadas M.
 Misra, Pandit Shambhu Dayal.
 Murlaza Sahib Bahadur, Maulvi
 Sayad.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Roy, Mr. Bhabendra Chandra.
 Samiullah Khan, Mr. M.
 Shafee, Maulvi Mohammad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Sinha, Kumar Ganganand.
 Svamacharan, Mr.
 Tok Kyi, Maung.
 Venkatapatiraju, Mr. B.

NOES—66.

Abdul Mumin, Khan Bahadur Muhammad.	Marr, Mr. A.
Abdul Qaiyum, Nawab Sir Sahibzada.	McCallum, Mr. J. L.
Abdul Kasem, Maulvi.	Mitra, The Honourable Sir Bhupendra Nath.
Ahmed, Mr. K.	Moir, Mr. T. E.
Aiyer, Sir P. S. Sivaswamy.	Muddiman, The Honourable Sir Alexander.
Ajab Khan, Captain.	Muhammad Ismail, Khan Bahadur Saiyid.
Akram Hussain, Prince A. M. M.	Mutalik, Sardar V. N.
Alimuzzaman Chowdhry, Mr.	Naidu, Mr. M. C.
Ashworth, Mr. E. H.	Neogy, Mr. K. C.
Bad-uz-Zaman, Maulvi.	Pal, Mr. Bipin Chandra.
Bhore, Mr. J. W.	Purshotamdas Thakurdas, Sir.
Blackett, The Honourable Sir Basil.	Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Bray, Mr. Denys.	Raj Narain, Rai Bahadur.
Burdon, Mr. E.	Ramachandra Rao, Diwan Bahadur M.
Calvert, Mr. H.	Rau, Mr. P. R.
Chetty, Mr. R. K. Shanmukham.	Reddi, Mr. K. Venkataramana.
Cosgrave, Mr. W. A.	Rhodes, Sir Campbell.
Crawford, Colonel J. D.	Rushbrook-Williams, Prof. L. F.
Dalal, Sardar B. A.	Sadiq Hasan, Mr. S.
Das, Mr. B.	Sarda, Rai Sahib M. Harbilas.
Fleming, Mr. E. G.	Sastri, Diwan Bahadur C. V. Viswanatha.
Fraser, Sir Gordon.	Setalvad, Sir Chimanlal.
Ghose, Mr. S. C.	Singh, Mr. Gaya Prasad.
Ghulam Abbas, Sayyad.	Singh, Rai Bahadur S. N.
Graham, Mr. L.	Stanyon, Colonel Sir Henry.
Hira Singh Brar, Sardar Bahadur Captain.	Sykes, Mr. E. F.
Hudson, Mr. W. F.	Tonkinson, Mr. H.
Hussanally, Khan Bahadur W. M.	Webb, Mr. M.
Hyder, Dr. L. K.	Willson, Mr. W. S. J.
Innes, The Honourable Sir Charles	Wilson, Mr. R. A.
Joshi, Mr. N. M.	Yakub, Maulvi Muhammad.
Kasturbhai Lalbhai, Mr.	
Lindsay, Mr. Darcy.	
Lloyd, Mr. A. H.	
Makan, Mr. M. E.	

The motion was negatived.

Mr. A. Rangaswami Iyengar: Sir, I desire to say that, in view of the vote of this House on the previous motion, I fear that I am bound to press my motion for a cut of one lakh. The principle of it I have already explained. Perhaps it was technical, but I can put it from the common sense point of view clearly. Here is the Government coming and saying that "we fear that there has been over-estimating and over-budgetting in this instance. We have guarded against it by a provision of one lakh." We, who represent the tax-payers, fear that your estimating is excessive, but that the amount to be allowed for it may not be one lakh, but just two lakhs. So, we tell the Government fairly that you had better make this cut into two lakhs, and if you are not able to make that retrenchment, I have made the offer quite fairly to the Finance Member, that he can then come down to the House and ask for a supplementary demand. That is the fairest offer that can ever be made to a Government that wants to look after the tax-payer's interests properly. I therefore feel, Sir, that I am bound to move my proposition.

Mr. V. J. Patel: Why do you move it? They will accept it.

The Honourable Sir Basil Blackett (Finance Member): Sir, I have really nothing to add to what I have already said, except that I may quote a Latin proverb. I am afraid of a Swarajist even when he brings gifts, especially when it is a gift of taking away one lakh. The fair proposition that is put before me is that I should alter this estimate in a way in which I do not think that I should be justified in altering it, because after a very careful examination I am satisfied that it is not safe to estimate that we shall require less than we have put in here.

Mr. Deputy President: The question is:

“That the Demand under the head ‘Taxes on Income’ be reduced by Rs. 1 lakh.”

The Assembly divided:

AYES—48.

Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Eama.
 Belvi, Mr. D. V.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shaumukham.
 Das, Pandit Nilakantha.
 Datta, Dr. S. K.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Goswami, Mr. T. C.
 Govind Das, Seth.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Kasturbhai Lalbhai, Mr.
 Kazim Ali, Shaikh-e-Chatgam Maulvi
 Muhammad.
 Kelkar, Mr. N. C.
 Kidwai, Shaikh Mushir Hosain.
 Lohokare, Dr. K. G.
 Malaviya, Pandit Madan Mohan.

Mehta, Mr. Jamnadas M.
 Misra, Pandit. Sambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Narayandas, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ran.
 Piyare Lal, Lala.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Roy, Mr. Bhabendra Chandra.
 Sadiq Hasan, Mr. S.
 Samiullah Khan, Mr. M.
 Shafee, Maulvi Mohammad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Sinha, Kumar Ganganand.
 Syamacharan, Mr.
 Tok Kyi, Maung.
 Venkatapatiraju, Mr. B.

NOES—60.

Abdul Mumin, Khan Bahadur
 Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Abul Kasem, Maulvi.
 Ahmad Ali Khan, Mr.
 Ahmed, Mr. K.
 Aiyer, Sir P. S. Sivaswamy.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Alimuzzaman Chowdhry, Mr.
 Ashworth, Mr. E. H.
 Badi-uz-Zuman, Maulvi.
 Bhole, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Dalal, Sardar B. A.
 Fleming, Mr. E. G.
 Fraser, Sir Gordon.
 Ghose, Mr. S. C.
 Ghulam Abbas, Sayyad.
 Graham, Mr. L.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Hudson, Mr. W. F.
 Hussarally, Khan Bahadur W. M.
 Hyder, Dr. L. K.
 Innes, The Honourable Sir Charles.
 Joshi, Mr. N. M.
 Lindsay, Mr. Darcy.

Lloyd, Mr. A. H.
 Makan, Mr. M. E.
 Marr, Mr. A.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Moir, Mr. T. E.
 Muddiman, The Honourable Sir
 Alexander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Mutalik, Sardar V. N.
 Naidu, Mr. M. C.
 Pal, Mr. Bipin Chandra.
 Purshotamdas Thakurdas, Sir.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Raj Narain, Rai Bahadur.
 Ramachandra Rao, Diwan Bahadur
 M.
 Rau, Mr. P. R.
 Reddi, Mr. K. Venkataramana.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V.
 Visvanatha.
 Setalvad, Sir, Chimanlal.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. P.
 Tonkinson, Mr. H.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.

The motion was negatived.

Mr. Devaki Prasad Sinha: I rise, Sir, to say one word. This morning when Mr. Neogy's motion for a reduction of Rs. 100 was pressed to a division, we, Members coming from Bihar and Orissa, supported it, but our vote seems to have been misunderstood in certain quarters, and I am authorised by my friends and colleagues from Bihar and Orissa to state that our vote meant this and nothing more, that we disapproved of the year 1921-22 being adopted as the standard year. That was the year of booms and if that is adopted as the basic year for income-tax under Rule 15 of the Devolution Rules, it brings injustice to all the provinces. That and that only was the reason for our having supported Mr. Neogy. We dissociate ourselves entirely from any suggestion put forward by Sir Chimanlal Setalvad regarding the burden imposed by the obligation to pay provincial contributions.

Mr. Deputy President: The question is:

"That a sum not exceeding Rs. 62,56,900 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, 1926, in respect of 'Taxes on Income'."

The motion was adopted.

DEMAND NO. 18—SALT.

Mr. Deputy President: The question is:

"That a sum not exceeding Rs. 1,11,26,000 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, 1926, in respect of 'Salt'."

EXTENSION AND IMPROVEMENT OF THE MANUFACTURE OF SALT IN INDIA.

***Mr. B. Venkatapatiraju** (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, my motion is that the Demand under the head 'Salt' be reduced by Rs. 100 in order to raise discussion on the policy of manufacture of more salt in India. I do not know, Sir, whether the Government of India have any definite policy at all regarding the salt industry in India. It is not like other industries; it is a State monopoly. Now, when it is a State monopoly, it is a prime necessity for the people of India to know the policy which the Government of India adopt even hereafter, because we are quite dissatisfied with the past policy of the Government in this respect. I may say that, so far as this industry is concerned, it was in a far better condition in one respect, at any rate, under the East India Company, in that they prohibited the import of foreign salt by imposing a duty which was two or three times higher than the duty levied on the indigenous manufacture of salt. It was stated at that time that, in order to protect the indigenous industry of salt, it was necessary to have a very much higher duty on imported salt, so much so that when Bombay was paying a duty of 12 annas per maund on indigenous salt, it was something between Rs. 5 and Rs. 6 on imported salt. Gradually, the duty on imported salt was reduced and the duty on indigenous salt was increased so as to make it equal at one stage in order, as the House of Commons then put it, not to have any preference for one or the other, but to treat them equally. Our trustees, the Parliament, are very kind enough to state that they do not want to treat imported salt and the locally manufactured salt on a different footing in order to help the indigenous industry of India. The necessary consequence of levying the same duty both on the imported

*Speech not corrected by the Honourable Member.

[Mr. B. Venkatapatriaju.]

salt and the indigenous salt was that there was a gradual restriction in the manufacture of salt in India and a greater quantity of salt came from abroad. It is not a mere statement of mine. I can quote my authority from official sources to show that this was the effect and that this is the effect even now, and I can convince this House that by the action of the Government in not putting a prohibitive duty on salt imported into India when we have unlimited resources to manufacture salt either by evaporation or by rock mining or by excavation from lakes, our indigenous salt industry has received a setback. I do not see why our manufacture should be restricted just enough to give sufficient room for imported salt to come in. Perhaps some of you have noticed that during the period of the war when we did not get enough imported salt, much of the salt that was required in India was manufactured in India and supplied, and I am quite certain, whatever quantity is wanted for the increasing population of India, we have enough of resources if the Government make up their mind to manufacture, to excavate or mine a sufficient quantity of salt, and supply it to the people at a reasonable cost. It is not at all a difficult thing. But the truth of the matter is, Government do not want to put an embargo on imported salt. That is the crux of the situation. I may mention, just as we notice in some of the motions on this Demand, there was a time when salt was manufactured in Orissa, and if you refer to the old records, you will find salt was manufactured to a very great extent in Orissa. Now we do not find anything produced in Orissa because Bengal is practically taking imported salt. That was one instance where the whole province was deprived of the manufacture of salt, and that is the reason why two of my friends have given notice specifically that the manufacture of salt in Orissa should be revived, condemning the policy of abolishing it at one time. Just to corroborate the statement made by me, I may quote from the Salt Committee's Report of the year 1904. I will also quote those of later dates. They have given the previous history:

"In the north of India a serious problem for consideration is how the enormous quantity of salt is to be provided which Upper India annually requires."

And the writer of the report says:

"I have shown in my historical note in the Northern India Salt Manual how time and the policy of the British Government have resulted in the extinction of all the less important salt sources in Upper India."

And the Report goes on to say:

"We have enormously increased salt in certain places and abolished it in certain places."

That was in the year 1904. Coming to the year 1922-23, in the Madras Presidency we find a note in the Administration Report of the Salt Department, Madras Presidency, for 1922-23 to the following effect:

"Manufacture was carried on in 45 centres. The monopoly pans at Ganjam, Surla, Karasa, Penugudurru, Kanuparti, Karambalam and Vedaranniyam factories were not worked as there was no necessity to accumulate Government stocks in these factories."

They say there is no necessity to accumulate salt in these factories: Why? Because there was not sufficient demand, and why is there not sufficient demand? Because there is foreign salt. Now, Sir, we are arguing in a circle. You do not want to store larger quantities because there is no demand, and there will be no demand unless you put an embargo on

imported salt. You do not want to put it on and you suffer the consequences of not producing what you are capable of producing in the country. And later on they say:

“Owing to the resumption of the import of foreign salt on a large scale into Calcutta and the low level of prices obtaining there, the hopes that have been entertained of securing an outlet for the Ganjam district factories in the Bengal markets were doomed to disappointment.”

And further in this report it is stated:

“The Chemical Industries Limited, Calcutta, wound up their enterprise at Sumadi Mr. P. S. Venkateswaraiu Nayudu did not work his extensions at Suria as he could not find a market for his salt at Calcutta. Even the Tinnevely merchants who with great difficulty managed to secure a market in Calcutta for about six lakhs of maunds in 1921-22 found it profitable to send only about four lakhs of maunds during 1922-23.”

That was the complaint made in the Administration Report of the Madras Presidency for 1922-23. If you refer to the Bombay Report for 1923-24 you will find the same state of things described there. It says the large decrease is attributable to competition from foreign countries, especially Germany which imports the stuff in ballast. Perhaps out of delicacy this Administration Report does not mention other countries, but, as a matter of fact, if we refer to the actual imports from Germany, we find that they were 8 lakhs and have been reduced to 8 lakhs and 7 lakhs; while from the United Kingdom, from Liverpool and other places, you have got a larger quantity than would appear from what is said.

Mr. A. H. Lloyd: Might I explain for the information of the Honourable Member that the reason why the United Kingdom is not mentioned is probably that salt from the United Kingdom does not usually come in the form of ballast but comes in the holds of ordinary cargo liners.

Mr. B. Venkatapatiraju: I do not understand what Mr. Lloyd wants to correct me for. Perhaps he wants to say that it is only from Germany that it comes as stuff in ballast while from other countries it comes in other ways. In whatever way it comes, however, we find that the United Kingdom sent in 1922, 79,000 tons; in 1923, 110,000 tons; in 1924, 104,000 tons. From Germany we got for the same periods 49,000 tons, 35,000 tons and 26,000 tons; from Spain 55,000 tons, 45,000 tons and 12,000 tons; from Aden and Dependencies, 165,000 tons, 165,000 tons and 216,000 tons; from Italian East Africa 51,000 tons, 75,000 tons and 63,000 tons; and from other countries it increased from 25 tons to 18,242 tons. We are getting it from almost all places. Now, I do not complain whether it comes from one country or another country. My complaint is that there is ample scope in this country to manufacture whatever salt is wanted. You can have refined salt to suit the taste of every person, however, refined he may be. We have seen how in Madras and other Presidencies they were not able to compete and had to close down. So long as the Government do not adopt the policy of encouraging the local industry which is their own monopoly and which will not permit any impetus being given to private enterprise it is absolutely necessary that pressure should be brought to bear upon the Government. I may mention at one time as suggested in the Administration Report of Madras they even went so far as to suggest that it was more economic to close down small factories. They said:

“The Board as at present constituted is of opinion that the present arrangement of having a large number of factories some of them quite small, scattered over the coast line is uneconomic and financially unsound from the point of view both of the Government and of the salt manufacturers.”

[Mr. B. Venkatapatiraju.]

I might say here that you have not only to consider how far it is economic to have a central depot, or a central manufacturing centre, but you have to see how much the people have to pay for taking it from one centre to distant places in the villages. It may be more convenient for the inspecting officials to say we can go and inspect it when it is in a place where our motors run or our trains stop. But when you have got factories for a number of years enabling a large number of persons to be employed there, and helping the villagers to take salt at a lesser cost than would be the case if it was placed in a distant centre, I think in my humble opinion that it is a short-sighted policy on the part of Government if they can economically close down all their small factories in order to found a big centre at some place.

Lastly, Sir, I want the Government to state whether it is not possible to raise the necessary quantity of salt in India. I understand from Mr. Lloyd that it is quite possible. If that is the case, then I think the Government have absolutely no case. Long before imported salt came into India, India enjoyed her own indigenous salt and even now if people have cultivated their taste to such an extent that they are not satisfied with indigenous salt however much it may be refined in this country, they can have the pleasure of purchasing it at a higher cost if necessary. You can improve and increase the production of salt in India by putting an extra duty on imported salt and if necessary reducing the duty on salt that is locally manufactured. If you put it at one rupee on local salt and two rupees on imported salt, you will get a larger income and larger quantities produced in India and you would be helping more people here, though it may be more costly to a very small section. Therefore, I suggest that we must know what the policy of Government is, whether they want India to depend for ever on other countries for such a prime necessity as salt for its use.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-official): Sir, I have given notice of a similar motion with the object of drawing the attention of the Finance Department to certain defects in the administration of the department and with the object of extending and improving the manufacture of salt in this country. Sir, the separation of central finance from provincial finances has been followed by the substitution of a central machinery for the various provincial organisations which were previously working; but unfortunately in this case, though it is now over four years since the separation of the salt revenue took place, the necessary machinery for the centralisation of this source of revenue has not, I believe, been fully carried out. That, I believe, is the reason why there has been no report of the working of the Salt Department as a whole in India; I have made inquiries and I have been informed that such reports are only to be had piecemeal for some provinces but not for the whole of India. Now, Sir, what has happened till now has been that the Central Government were interested in the manufacture of salt and they had various agents in the various Provincial Governments. The various Provincial Governments were very often working from motives of competition and inter-provincial jealousy. For instance, I know that in Madras one of our objects was to oust Bombay salt from the markets in Madras and one of our objects also was to capture the Bengal market for Madras salt. Those were the objects which we in Madras had in view under the old system of administration. Now, when the whole of this

source of revenue belongs to the Central Government, this competition which is meaningless from the point of view of central finance, though not from that of private traders, is bound to disappear. The old system was attended by other defects as well. For instance, the fish-curing yards on the Malabar Coast, instead of being served by salt from Bombay, which is perhaps nearer, were served from Madras, the cost of transport being in this case much higher than it would be if Malabar were supplied with salt from Bombay. As this source of revenue is intended to be administered by the Central Government, these defects and evils ought to disappear and a better system ought to be introduced. Now, Sir, whatever may be the system of manufacture of salt, whether it is the monopoly system or the excise system or the modified excise system, whatever it may be, it is an industry which is controlled by the Government, and it is an industry from which the State derives an enormous amount of revenue. Under these conditions one may expect, and legitimately expect, certain advantages, namely, the production of an adequate quantity of salt to meet the demands of the people, a certain level of purity, a fair amount of uniformity in prices and the avoidance of any large variations in retail prices. On the other hand, what are the facts? They are altogether of a disappointing character. We find that in spite of the extensive sea board of India, large imports of salt have taken place. In the latest year, for which figures are available, the imports amount to one crore and 51 lakhs. In some of the previous years it was a great deal more. One would *prima facie* think there was no justification for the importation of such a large quantity of salt. I do not wish to gloss over the difficulties or imagine that the indigenous manufacture of the requisite quantity and quality of salt could be accomplished merely by the imposition of a protective duty. There are various difficulties in the way, and I wish to refer to some of them. For instance, the process of manufacture even as carried on by the Government is defective. There have been numerous experiments carried on in the different factories with the object of producing the requisite quality of pure salt to satisfy the tastes and the wants of customers, but the Government have not altogether succeeded in doing so. Different factories have followed different methods. For instance, we in Madras made experiments to introduce the Italian method of manufacture of salt; in Bombay they have got their own methods, but none of the methods followed by the Government in their factories have succeeded in producing salt equal in purity to the English salt. There are many who prefer the English salt, and I do not see why they should be deprived of the chance of getting it. The remedy is in improving the manufacture so as to produce the right quality of salt. Then again there are other difficulties which at first sight may not perhaps be appreciated in their full bearing, and one of them is the question of weights and measures. What happens is the Government sell the salt by weight but the sale in some parts as in Madras is by measure. In Upper India it is sold by weight. Now the bearing this has on the quality of the salt is that there are certain qualities of salt which do not give as many measures for the same weight as other sorts. This is the reason why the Bombay salt has been able to displace the Madras salt in the Madras markets themselves. The fact that we are not able to produce pure salt is another reason why we could not succeed in capturing the markets in Bengal. Some regulation ought to be made whereby it will not be possible for the retail dealer to deal with salt in measures instead of weight. Then again, there is another difficulty with regard to these private factories. There

[Sir P. S. Sivaswami Aiyer.]

is an excessive sub-division of holdings which interferes with economical production and with improved methods of production, and one of the results of these methods of wasteful production is that in several provinces large quantities of salt are destroyed year by year. For instance, in Madras last year about a hundred thousand maunds of salt were destroyed. On the one hand you do not produce enough salt to meet the demands of India, and on the other hand you go on destroying your salt. If more economic methods could be devised, if larger holdings could be secured, if a fragmentation of holdings could be prevented, and if improved methods of manufacture could be introduced by the Government, it would be feasible to produce an adequate quantity of salt of sufficient purity. Nor are these the only difficulties. There is the question of transport and moving the salt as near the customers as possible. There are immense variations in the retail prices. For instance, in Madras the cost of manufacture of salt is about 3 to 4 annas a maund. The cost of carriage may be taken as 2 annas per maund. But the retail dealer charges 9 to 13 annas over the duty charged by the Government which works out to 100 or 200 per cent. over the cost price. One object of the Government which control this important industry ought to be to eliminate such immense variations in the retail prices, to eliminate the profits of the middlemen, to bring salt to the doors of the people by devising cheap methods of transportation as well as improved methods of manufacture and removing all the impediments which now stand in the way of the successful administration of this department. I believe, Sir, that these benefits can only come about as the result of a proper inquiry. I think that the Finance Department would be well advised in appointing a committee to go into the whole question of the manufacture of salt, the transportation of salt, and all the connected questions. There is also the further question of the vested interests of the owners of small private factories. How these vested interests should be dealt with will also have to be considered. We have to reconcile these vested interests with the interests of the public at large. The public interests may require that the vested interests of small factories should be squeezed out by compensation. One main object of the department should be to substitute salt manufactured in India itself for the imported salt and to make India completely self-contained.

I believe in the Punjab last year the retail prices charged were enormously in excess of what they ought to have been and I believe my friend Sir Ganga Ram drew the attention of the Finance Minister to it. Complaints have been heard elsewhere too upon these points and I think the Department ought to lose no time in starting this committee so that its labours may be complete and ready for utilisation by the time your machinery for collection and administration comes into being.

REVIVAL OF THE SALT INDUSTRY ON THE ORISSA COAST.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, after my Honourable friend Sir Sivaswami Aiyer has so ably stated the case it is rather needless for me to say anything on the general aspect of the question. I stand here only to press one point, and that is the revival of the salt industry on the Orissa coasts. A Resolution to this effect was once tabled but unfortunately it did not come up for discussion. Commercially speaking it may be argued that the revival of the salt industry on the Orissa coasts will mean some loss, *i.e.*, less profit to the Government, and therefore it cannot be taken up. In 1918, in the Bihar and Orissa Council,

this question was raised and it was perhaps very successfully shown by the mover that even commercially speaking it will not mean a loss and the Bihar Government then held out something like a promise for the revival of the industry. But whether it may mean a little less profit now or not, the question should be viewed from another and a special point of view. India is an agricultural country and specially in the coasts delta lands are liable to floods and droughts. The Orissa coasts are perhaps very often liable to such floods and droughts and people in ancient times have had only that single industry in those coast lands, namely, the industry of salt manufacture. They were living upon that industry and it was not owing to their fault that the industry was abolished.

When Orissa was taken by the British, Orissa was under the Bengal Government. Then the salt industry was organised by the Bengal Government and during the first half of the 19th century and even longer the salt duty in Bengal was much more than the salt duty in Madras. Naturally Orissa salt lands being contiguous to Madras lands, the industry could not be profitable and there was smuggling, which must be inevitable in such a case. Then it was given over during the seventies of the last century to the Madras Government. The Madras Government for certain things had moreover to take the sanction of the Bengal Government. Besides from Madras the distance was great and in those days there was no railway communication, so the Orissa salt industry was practically uncared for. Hence, Madras wanted to be rid of that area and it was during the nineties that it was again handed over to the Bengal Government. And this time it was almost immediately declared that the industry was impossible and it was not profitable at all. Thus the Orissa salt industry, which in the early part of the 19th century had been declared by Stirling to give the best salt ever produced in India and which yielded in those days about 18 lakhs to the Company,—that industry was abolished.

So it has been abolished for the last 25 years and the effect has been that during these 25 years there have been practically five famines in that area and the people are migrating in large numbers for want of occupation. If the Government always look to profit and loss, that is another question. But Government should also consider it their duty to see that people live happily and find some occupation for their living. I think if the salt industry be not revived on the Orissa coasts very soon the land will be in danger of being depopulated in about a generation. (*Mr. K. Ahmed*: "You will get more salt there.") Yes, if our legislators be of that view, then this is, of course, a swifter way of doing things.

Now we are spending some money only for guarding the activities of those people who may secretly manufacture salt. If in this Budget, in this grant any money is included for the Orissa salt industry, it is for preventive measures. And if that money which is spent for these preventive measures,—if it were added to the cost of manufacture and if by calculation there is found any small loss, that loss will be made up by the money which is being at present spent on preventive measures. It is a fact that in 1919 after the Bihar Government expressed its sympathy with the revival of the manufacture, a famine was imminent, and the then Lieutenant-Governor of the province issued a secret circular to the effect that people on the coast may manufacture salt for their home consumption, and this was done as far as I know as a remedy against the imminent famine in that area. Though perhaps on this occasion I may not be allowed as much time as I may require to convince the House that the revival

[Pandit Nilakantha Das.]

of the industry is a necessity in Orissa and that the immediate revival will save the people from starvation and emigration, I may impress this upon the House that apart from the fact that there may be a loss or less profit if the industry is started, it is not good that for the sake of a little loss of that kind the people should be given over to famine.

This will also create administrative difficulties and disadvantages by taxing a people made unable to pay. Otherwise the Provincial Government will have to spend their famine insurance money on those people who have been given over to famine by the Central Government on account of the manner of administration of their Salt Department. Well, the Department may be a commercial Department, and therefore more manufacture of Indian salt may not be taken in hand very readily, but I press upon the attention of the Finance Member the question of the revival of the Orissa salt industry; and I hope very urgent measures, immediate measures, will be taken to revive that industry on the Orissa coast. With these words, Sir, I support this amendment.

Dr. L. K. Hyder (Agra Division: Muhammadan Rural): Sir, I think it is right and proper that attention has been drawn to this very important subject of salt, and I think it is right and proper that some analysis should be made of the factors which govern the import of salt into that particular province, that is, Bengal. As the House knows, there are different sources of supply of salt in India. There are the rock mines in the Punjab and in the North-West Frontier Province. There is the manufacture of salt in Bombay. There is the manufacture of salt in Madras, and there is the manufacture of salt in the Sambhar Lake. Well, it is very interesting to see that these different sources of supply command different areas; that is, the rock salt of the Punjab supplies the Punjab and goes into some parts of the United Provinces, but does not travel beyond. The Bombay salt supplies the Bombay Presidency and comes into competition with the Sambhar salt in the Central Provinces. But it does not reach the Calcutta market, which imports about 14 million maunds of salt annually—a quantity which is about equal to the quantity manufactured in each of the two Presidencies. The Madras salt does not reach the Calcutta market; and I may explain briefly why it is that the Madras salt does not reach the Calcutta market. In the case of these inland sources, we have to take into account the fact that the cost of putting this salt into Calcutta—I am now referring to the Khewra salt—is a very heavy item. That salt is excluded from the Bengal market, and for the same reason the heavy item of transport puts the Bombay salt out of the Calcutta market, so that the only source that can supply the Calcutta market and put an end to this question of import from foreign sources lies in Madras. Now if we examine why it is that Madras does not send more salt to the Calcutta market, the reason has been partly explained by the gentleman who made these quotations from these official publications; that is there are too many factories scattered about, they are not large enough and are thus run uneconomically; sometimes these factories, these basins, are so constructed that a great deal of labour has to be used in putting the salt, scrapping it, dumping it, putting it for storage, then bagging it and then putting it on to the ship, and all this forms such an important item that it adds considerably to the cost of manufactured salt. The other factor that puts the Madras salt out of the reach of the market in Bengal is connected with this question of freight. Well, (Mr.

K. Ahmed: "Want of superior quality?") I will come to that. The foreign salt which comes into the Bengal market comes, I think, from the Italian possessions, from Africa and from Port Said, partly from Germany and partly from Liverpool. Steamers which bring coal and discharge it at Port Said pick up salt in order to earn freight; otherwise they would have to come to India or any other port without any load. So, the masters of these vessels think that it is better to carry something than nothing. So, they bring salt. The freight from Aden and Port Said, therefore, is much less than from the best place of manufacture in the Madras Presidency, which is Tuticorin. On account of this question of freight, on account of this uneconomical methods of manufacture of salt, the Calcutta market is not within the reach of the salt that comes from Madras. Another factor, I think, is that the people of Bengal prefer salt which is not so impure, which does not contain such an amount of magnesium, which the people of Madras love. They love a bite in the salt on account of the magnesium and I suppose it is good for them also to take a little magnesium in addition to the salt: On account of these differences of taste, the Bengali shows no liking for the salt produced in Madras. On account of the heavy cost due to this extra labour and also—a very important reason—on account of the processes of manufacture, Madras salt is thus excluded from the Bengal market. For salt manufacture you require a dry climate. The factory working at Aden with no rain, no moisture, with dry air, operates all the year round and can beat with low freights and through this natural advantage any other factory working for a limited number of months in the year. The length of the season, I think, in Madras is about 5 months; in Ellore it is about 6 months and at Tuticorin 9 months. If you compare this with the factories operating in Aden and in Africa, they can go on manufacturing the whole year round and send salt and allow Madras salt to gain no footing whatever in the Bengal market. There are, however, one or two questions in which I think the Government can help the Madras salt industry. I think if they allowed Madras salt to be exported to Calcutta and admitted it into the store houses, these *golas*, and charged no duty, the salt manufacturer would be in a better position. If they charged the duty only when the salt was issued from the *gola*, then it would be an extra help to the man who manufactures salt in Madras. If the manufacturers, that is, the people who produce salt, adopted the improved methods of production and if they diminished the number of times they have to handle this quantity of salt, that is to say, by putting it from one place to another and then bagging it into the ship.—if they did away with this system and despatched salt in bulk loads to the Calcutta market,—perhaps this country would be in a position to manufacture all the quantity of salt that it requires without the aid of a protective duty which would amount to an increase in the salt duty.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-official): Sir, Dr. Hyder has shown considerable study and knowledge of the salt industry of India. The question before the House, the encouragement of the manufacture of salt in India, is a case of exploiting Bengal for the benefit of other provinces. The importations of salt into India for the 9 months from the 1st April to 31st December this year are only 483,000 tons. Of that Bengal took no less than 415,000 tons and Burma took 68,000 tons. Those two provinces between them took salt amounting to 483,000 tons, practically the whole of the quantity. Therefore, if Madras wants to develop its own salt industries, it would perhaps

[Mr. W. S. J. Willson.]

be fair to invite them to spend upon them the provincial contributions which we propose to allot them under this year's Budget. I think it would be hardly fair to ask the Imperial Government to sacrifice the interests of Bengal to the interests of Madras or any other provinces. (*Mr. A. Rangaswami Iyengar*: "To whom is it to be paid?") My friend Dr. Hyder is not quite correct in saying that Bombay salt does not go into Bengal. It does go there in small quantities, and the reason is this that a salt eater is like any other consumer of anything else. If I have a fancy for Lipton's tea, you cannot make me drink Brook Bond's or anybody else's. And so it happens that in some districts, principally round about Murshidabad, in Bengal they have a liking for Bombay salt and they take the trouble to import it.

Practically the key to the present situation is, as Dr. Hyder rightly observed, in the question of freight and transport. In Orissa, which is one of the provinces concerned, the conditions are bad for the manufacture of salt. In my opinion it is not a case for Government assistance, because there has been within the last two or three years a very bold effort made by a large and influential firm in Calcutta to develop and make salt at Contai. This is a firm which is unlimited in its resources and unlimited in its successes in either directions. But they have only been able to write failure for their effort to manufacture salt at Contai.

The present system of a number of small concerns is and must always be uneconomical. Now, in places like Aden and Port Said with the advantages of climate to which Dr. Hyder alluded, the salt is made in enormous quantities. It is loaded by mechanical gear. The ships go almost alongside and they bring it straight to Calcutta. With Liverpool for example the barge is practically next to the machine as the salt drops practically out of the boiler into the barge. It drops first on to the floor and then into the barge, having been hoisted by mechanical gear.

The Madras coast, I hope Sir Gordon Fraser and others will excuse me for saying so, is hardly a port at all. It is mostly an open roadstead where the loading is very laborious and slow, and is costly.

Mr. Venkatapatiraju talked very lightly about a difference between a duty of Re. 1 and Rs. 2. I seem to remember, Sir, his having a very different story to tell when it was a question of increasing the duty from Rs. 1/4 to Rs. 2/8. I think he was one of those very loud in his shout about the enormous iniquity of raising the duty by 100 per cent. To-day he seems to take quite a different point of view when he wants to exploit his own province at the cost of Bengal. There is also the question of quality which can hardly be appreciated in a speech. You really require to see the samples. Now Madras salt is a discoloured salt, it is not an appetising salt at all. There are many people who prefer a pure article, and the purest salt of course is a boiled salt. That is imported from Liverpool, where the exports have gone down by degrees every year for some years. Hamburg went out altogether during the war and is only coming back in fairly small quantities now. The governing and dominating factor in the price of salt in India is at the present time, and I think will continue to be for all time, the cost of the manufacture of salt in Aden. In Aden there are two large factories. One is owned by an Italian firm and the other is owned by a Bombay firm, and they in my opinion have the ultimate say as to what is to be the price of salt in India, because they have the benefit of the cheapest freight it is possible to get. Dr. Hyder well made the point of freight and

it is of importance. If it were not for this very low freights, you would be getting no English or German salt here at all, but as you well know, it is impossible for ships to leave India full and come out empty. They must bring whatever they can get, however small its contribution may be towards the cost of running the voyage.

Attempts have been made to make salt in Bengal itself, but they are doomed to failure because of the deltas. You cannot make salt where you have a number of rivers emptying themselves into your bay. Inferior quality cannot hope to live against superior quality at a low price, because there are a sufficient number of intelligent people to know a good thing when they meet it. Tuticorin salt is unable to find a market in Bengal, but does, on the other hand, go to the Straits. It is shipped to Malay. Burma, on the other hand, will not take salt from Madras, as far as I know, but it will take it from abroad. Liverpool salt, which gets into Bengal, only penetrates as far as Patná, which is practically the dividing line where, as Dr. Hyder says, the Punjab rock salt holds full sway. I believe a very good Indian solar salt is now being made at Karachi and that negotiations are in progress to send some of it round to test the Bengal market with it; but it is too soon yet to express an opinion as to what the result will be. The import of salt presents a system which I take it is very attractive to Government, a very easy way of collecting the duty from shiploads. Salt is in India in abundance and therefore in war time can be produced although its cost is at that time more expensive as it is bound to be; but I submit that it is better to pay a higher price, as you must upon occasions like that, than deliberately to raise the price against yourselves through peace years which certainly predominate. The Salt Report of Bengal referred to the efforts which have been repeatedly made at Chittagong resulting again in failure. Another thing you have to bear in mind is that even after the salt is made, some salts are better for use in this country than others. The better quality salts do not turn so rapidly into water as local salts. I do not want to go into figures but the figures for wastage at the various *golas* show that to a very marked extent.

There is only one other source of supply which I think Dr. Hyder forgot to mention, and that is Spain. We also get a lot of salt from Spain and it is a very good salt too. We are told that in India the Government should undertake the distribution of salt in order to keep it down to a low price for our friend the poor man. I have taken a hand myself in the distribution of Government salt in order to keep the price down. That was during the War and I think we may say that at that time we did a certain amount of good work in keeping the price down because then as salt was so scarce there was a very large amount of profiteering in it. But having been interested in salt for a number of years in Bengal and having visited every centre where it is distributed and most of the centres where it is made, I have no hesitation in saying that salt is of all things the thing in India upon which the least profit is made and where the costs of distribution are reduced almost to vanishing point. Apart from that it is customary in the villages in Bengal for a little dollop of salt to be actually given with a man's shopping and a great deal of salt changes hands without money changing at all. I therefore think that there is nothing to commend itself in the proposal before the House moved by my Honourable friend Mr. Venkatapatiraju.

Mr. F. G. Fleming (Burma: European): In rising to support this motion I would like to remark first of all that my Honourable friend Mr. Willson has evidently spoken as an importer (Mr. W. S. J. Willson: "I

[Mr. F. G. Fleming.]

am not an importer of salt.") Well, you used to be. Dr. Hyder in his very interesting remarks on the manufacture of salt in India did not refer to Burma. Burma was a considerable producer at one time. Previous to the War I think I am right in saying there was a lot of salt coming in from Germany and the actual manufacture only amounted to 12,000 tons a year. Supplies of salt became short during the War and the Government put out very strong efforts to encourage the manufacture of salt locally which, I think I am right in saying, was brought up to between 40 and 50 thousand tons in 1917. It increased still further until about 1919, just after the Armistice, the encouragement previously given to salt manufacture in Burma was withdrawn, and the reason why it was withdrawn was because the revenue obtained from salt went to the Central Government and the Local Government could not encourage the industry which entailed on them a considerable sum of money in collecting the excise duty. Mr. Willson and others, I believe, referred to the matter of the taste of salt. Salt is put to other uses in several provinces besides eating. It is used for curing hides and salting fish, and considerable quantities of Burma salt were used for the latter purpose. Since the industry has died, the import of foreign salt is evidently considerable, seeing that in the Explanatory Memorandum the note against the 34 lakhs revenue budgetted for, for the coming year from Burma says, "Chiefly duty on imported salt". The salt is there in Burma and the industry wants encouragement; it will afford employment and a means of livelihood to a lot of people who are at the moment earning rather a precarious livelihood. One point which is supposed to be against the Burma salt industry is that the revenue from salt goes to the Central Government. I think, Sir, if you refer to the Report of the Burma Reforms Committee of which you had the honour of being the Chairman, under the chapter on Division of Finance, Central and Provincial, there is the following paragraph:

"The question of the transfer of salt to the provincial list was not raised by the Local Government but was pressed on us by some officers. We consider that both for the encouragement of the local industry in salt as well as on other grounds this subject might well be given over to the Local Government."

The salt experimental factory is at the moment, I believe, being transferred to Kyaukpyu from Amherst which will then give it a sea-board more easily accessible for larger steamers; and if sufficient support is given to the industry, there is no reason why it should not become a large export district for other parts of India; and in the hope that this motion may encourage some investigation, Sir, I support it.

Mr. W. S. J. Willson: May I ask my Honourable friend whether he will have to import his labour to make his salt with?

Mr. T. E. Moir (Madras: Nominated Official): Sir, on one or two days during our recent proceedings and again to-day this House has rather reminded me of a scene which took place on the North Inch of Perth, in the 15th century I think, when two wild Highland hosts engaged in deadly combat, while the government of the country looked on with unconcealed delight. Here too province has engaged province in deadly combat this afternoon while the Government of the country looks on and enjoys a much needed and well-deserved rest. But, Sir, on this occasion I hope to act as a peace-maker because I wish entirely to disassociate myself from the proposal put forward by my Honourable friend Mr. Venkatapatiraju. His proposal for increasing the production of salt in Madras or in India—he

naturally referred largely to my own province and I admit it is a question in which my province is very much concerned—was to impose a double duty, if necessary, on all imported salt in order that Madras salt might take its place. Naturally we had a protest from Bengal and I entirely sympathise with Bengal and have no intention of supporting that proposal, because as long as we do control the manufacture of salt in this country, as long as we regulate its production and to a large degree determine its price, I think we are bound to pay every attention to variations of taste and that we should as little as possible attempt to disturb the existing habits and customs of the country. I would not therefore propose that the use of Madras or any other indigenous salt should be enforced in this way at the expense of Bengal. But that does not entirely dispose of the question. It is true that the manufacture of salt has now to all intents and purposes been taken away from the hands of the Local Governments. I think there are advantages in that. For one thing, the interprovincial rivalry and competition which existed in the old days must, I think, tend to disappear, and in that matter, I think all that one province or source can claim against another is that in those matters which are directly under the control of the Central Government, such as rates and charges and rules and so on, they shall be framed on a basis which shall be absolutely fair and equitable as between different sources or province and province. But I do wish to support the much sounder suggestion which was advocated by my Honourable friend Sir Sivaswamy Aiyer. He referred to the fact that in Madras we had from time to time carried out experiments with a view to seeing whether we could bring our salt up to a standard which would enable it to compete with the imported article, and that seems to me entirely the right and proper line of advance to take. I am not at all so optimistic as Mr. Venkatapatiraju as to our capacity for providing such salt. It is not the case that in the Madras Presidency the littoral on which you can produce salt is absolutely unlimited, the area is strictly limited. You could attempt to produce salt all along the coast line, but you could not do so in a large part of that area with any prospect of working on economical lines. But I hope that though the control of salt has passed from the Local Government to the Central Government, it will not be taken by the Central Government as a reason for ceasing to experiment, to investigate as far as possible as to whether there is nothing that can be done. I quite admit that our past experiments to capture markets have proved a failure, but that is possibly because we were not working on right lines or were handicapped or had not expert knowledge and skill at our disposal. The Central Government is in a much better position than a local Government to investigate such points or to secure the necessary skill and scientific advice, and I do hope that this is an issue which the Central Government will not overlook, and that we in Madras may hope that even though we no longer control salt in our presidency, that inquiry and experiment will receive full consideration and, where possible, support and monetary aid from the Central Government.

There is one other small point that I should like to refer to. It also affects the Madras Presidency, though I have no doubt that it is a matter which affects other provinces which are engaged in the manufacture of salt. Latterly it has been the policy to run all those big industries which are now under the control of the Government of India on commercial lines. And I do not object to that as a general principle. But I hope that the Central Government will remember in the case of Madras that we have had for many years a large number of small factories which, if you attempted to

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place them as part of a large scheme on a costing basis, would at once be ruled out, but are not necessarily uneconomical on that account because they all have a small hinterland which they are capable of supplying. It is perfectly true that beyond certain limits they cannot go, and to attempt to extend them on such lines as exist at present would be an entirely uneconomical proposition, but after all in the villages where these factories do exist there is a rather poor agricultural population to which the annual gain which they make from the demand for labour which those small factories create is a very important matter. It arises in the fair season, when there is no work in the fields and when it is very difficult for them to supplement their earnings from agriculture. It is therefore very important for them that for a few months in the year they should be able to get employment in these salt factories, and I hope that, when commercial considerations come up, the Department which is now responsible for the working of the salt factories in the Madras Presidency will not be entirely forgetful of a poor and entirely unrepresented class of agriculturists.

Mr. B. Das (Orissa Division: Non-Muhammadian): Sir, it was a surprise to me when I heard my friend Mr. Willson in his new garb as spokesman for Bengal. In the last May session during the discussion on steel protection I found my Honourable friend Mr. Willson as wing captain of the socialist group engineered by my friends Mr. Chaman Lall, Mr. Joshi and others and advocating free trade for India. Just now we find him advocating the cause of Bengal and speaking on behalf of Bengal. It may be that another day we might find him speaking on behalf of Swaraj Bengal and ousting Mr. C. K. Das from his position. Mr. Willson said that Calcutta imports 400 lacs of maunds of salt. Did he mean that the whole amount of this salt was meant for Bengal? (Interruption from Sir Basil Blackett on amount of salt). The amount does not matter. Sir, what I mean is that my friend Sir Charles Innes has denied the province of Bihar and Orissa a port. Had we our own port, nearly half of this salt would come to that port. Whatever amount of salt is consumed in Bihar and Orissa, or even in the United Provinces and partly in the Punjab, is imported through Calcutta. How can it be that all the salt that is imported through Calcutta port will be consumed by the Bengalis? Mr. Willson must have been in Calcutta in 1904—12 when the people of Calcutta started that big movement—the Swadeshi movement, when they gave up the use of foreign cloth and the use of foreign salt. He must surely recollect that in those days Bengal mainly used rock salt. (Mr. K. Ahmed: “You can put on anything but you cannot eat dirty salt.”) The Honourable Member cannot deny that in those days he consumed rock salt; because he is a Bengali he must have used rock salt in his own house and in the houses of his friends in spite of the dirt and muck in it. Mr. Willson, Sir, kindly alluded to the salt industry in my sub-province of Orissa. What the people of Orissa want is not manufacture of salt on large factory basis. They want it as a cottage industry so that thousands can earn their livelihood by the same and not a small few as will earn a living in a salt factory. Thousands of people live on the barren sea coast of Orissa and these used to manufacture salt and earned their living. At that time the Government of India or the Government of Bengal used to have an income of Rs. 20 lakhs from the salt industry and thousands of people used to earn their livelihood. To-day, those thousands of people are homeless. They have no source of livelihood. What we want Government to do is not to

establish big factories and obtain big revenues for the Government, but to introduce such systems of cottage industry whereby thousands and thousands will earn their livelihood and at the same time Government also will get an adequate share of the produce. If Orissa were giving Rs. 20 lakhs to this Government then let this Government spend Rs. 20 lakhs to develop the salt industry on the Orissa coasts.

The salt industry of Orissa was thrown like a shuttlecock from the Government of Bengal to the Government of Madras and each Government, situated 500 miles away to the north or the south, tried a different method. The Government of Bengal tried the method of manufacturing salt by heating by artificial fuel—the *punga* system while the Government of Madras tried the solar system of evaporation the *kar kach* system and being situated far away from Orissa, each one neglected the Orissa salt industry and so the Orissa salt industry died a natural death. What we expect the Government of India to do is this. The Government of India are there not merely to collect taxes against spending. They are there to see to the prosperity of the people. How are they going to do it? They are to do it by introducing such methods that people get a chance to earn a meagre living, at the same time giving this Government their due share to spend in any way they like.

When I saw Dr. Hyder, a professor, an economist and a member of the Taxation Committee, rise to speak, I thought I would hear from him some good principle, some great principle of economic weight, some good points by which the wealth of this country could be increased. But Dr. Hyder spoke in an imperial tone. Probably his education in a foreign country had given him big ideas of big manufacturing industries. I expected to hear from him how India can be made self-supporting in its consumption of salt. Dr. Hyder complained of the freight from Madras to Bengal. He said that salt is transported cheaper from Aden to Calcutta or Bombay. I know these salt factories at Aden are owned by some of my Bombay friends, Sir, all Indians and the profit of the manufacture of salt at Aden comes to India. Dr. Hyder complained that the freight was too high from Madras and Bombay to Bengal. Whose fault is it? I ask whose fault it is. There is the report of the Indian Mercantile Marine Committee which wants to develop your coastal traffic, or develop your own Indian Mercantile Marine. If you develop that, then the salt of Madras will be carried in cheap bottoms and there will not be such heavy freights. But unfortunately Calcutta and Bombay shipowners have a monopoly of this coastal navigation. They can charge anything they like and naturally an economic industry like salt failed. I do not wish to take up any more of the time of this House, but what I suggest to Government is that they should see to the prosperity of the people and they should consider these demands of the people of Orissa. Let them not try to earn a big income out of them. Let them develop the salt industry on the Orissa coast as a cottage industry and see to it that many thousands of people are not wiped off the Orissa sea coasts.

Sir, my motion on the Orissa salt industry comes after the motion of my friend Mr. Raju. I have no desire to move my motion and I heartily support Mr. Raju's motion.

Sir Gordon Fraser (Madras: European): I had not intended to intervene in this debate but there are one or two points I would like to reply to. I only agree up to a point with my Honourable friend Mr. Moir; I agree with

[Sir Gordon Fraser.]

him that the past experiments in the manufacture of fine white salt for the Bengal and Burma markets were failures. But why? Simply because the Government most deliberately and definitely smashed the business, as I shall explain later on. Dr. Hyder I think made the remark that the sea freights from Aden were less than the sea freights from Tuticorin,—I think I am quoting him correctly. But why should we compare the sea freight from Tuticorin? Tuticorin is not the port that would supply Calcutta. Supplies for Calcutta of salt from Madras would be drawn from the districts bordering on the east coast. And again, why refer to sea freights at all? Surely the proper way to take salt up to Bengal from the north of the Madras Presidency would be by rail. Almost the entire rail traffic between the two places is from the north to the south, from Bengal to Madras. There are thousands and thousands of wagons going back empty from our Presidency to Bengal, to the coalfields; and it seems to me that it would be a very easy matter indeed to grant a very low rate of freight for salt in transit from our Presidency to Bengal. I think Mr. Willson said that Madras never had made and never could make fine white salt suitable to the palate of the Bengalees, or words to that effect. I can assure Mr. Willson that I know from personal and from bitter experience that Madras can make fine white salt because we were interested in the venture and eventually our losses ran into several lakhs. We tried to make and did make salt that both Bengal and Burma took in large quantities and were ready to take as much as we could give them. But why did the venture fail? Simply because the Government with their perfectly absurd rules at that time in connection with the salt industry squeezed the business out of existence. One rule in particular laid down that the salt made in our factories had to pay duty as it left the factory. Now the wastage in transit on salt is very heavy, especially in this case where the salt was made at a factory near Madras and was sent by sea. The wastage was very heavy. We had to pay the duty, which is practically 90 per cent. of the value of the salt we obtained, at the factory. Now imported salt from Aden and other foreign ports goes straight into a godown—I think you call it a *gola* in Calcutta—in bond, and duty is paid on the salt as it is taken out. Now, if that concession had been given to us we could have competed favourably with the imported salt, but in spite of protests Government flatly refused to grant this. Eventually they did make some absurd concession which was of no use to us. It was to the effect that provided we shipped full cargoes from Madras we could ship in bond. But our factory was not on a scale big enough for that and practically it was no use to us. Now, Sir, Mr. Willson referred to the dearth of ports in the Madras Presidency. But he overlooked or is not aware of that up-to-date harbour we have in Madras where my firm put 3,000 tons of cargo on a steamer and did it in 36 hours—that is quite good enough for any port. (Mr. W. S. J. Willson: "Salt?") 3,000 tons of ground-nuts. That is a very good record, and I might mention that in the case of coal we can discharge 1,000 tons daily as a regular outturn. I contend that it is possible to make this fine salt, suitable for Bengal and Burma, in Madras. But if Government insist on the payment of duty at the factory, then I say it is not possible, because there is an extremely heavy loss in wastage, and that wastage having paid the duty, if you work it out on the consignment you will see how much per maund it will amount to; it will come to a figure that would prohibit export. If Government will allow the salt to be shipped in bond and will allow the duty to be

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paid when it leaves the godowns in Calcutta, and provided the railways will, as they ought to do in cases where thousands of wagons are going back to Calcutta, give us a concessional low rate, then I say we can do it. What we want is helpful assistance from Government; we do not want protective duties nor do we want bounties, but we do want helpful assistance and no absurd restrictions imposed as was the case 25 or 30 years ago.

Mr. A. H. Lloyd (Member, Central Board of Revenue): Sir, we have had a debate ranging over a fairly wide field by now and I think perhaps the House, in view of the late hour, will forgive me if I do not deal at great length with the speech of the Honourable Member who moved the motion now before it, because so much of the answer to his speech has already been given by Dr. Hyder and Mr. Willson. With your permission, I will pass on to the speech of Sir Sivaswamy Aiyer. Sir Sivaswamy Aiyer inquired regarding the progress of the centralization of the administration of the Salt Department in India. The answer to that inquiry is that we are now prepared to undertake centralization as soon as we are able to put through the necessary legislation to transfer the control of the Department in the Bombay and Madras Presidencies from the Local Governments to the Government of India and the Central Board of Revenue. That legislation unfortunately was not ready in time for introduction in the present session because we had somewhat protracted correspondence on the subject with one of the Local Governments concerned, and it was clearly not desirable to rush legislation through without having the complete agreement of the other parties concerned. Sir Sivaswamy Aiyer referred to inter-provincial rivalry and competition. This is a point that undoubtedly will receive careful attention from the Central Board of Revenue, but it is a point upon which I think that too much stress can be laid. I am disposed, if I may be permitted to say so, to think that the speaker was not quite correct when he said that the Madras Salt Department did not allow Malabar to obtain its salt from Bombay. It certainly took measures, as I believe, to assist and encourage the producers of salt in Madras to compete with Bombay salt for the Malabar market; the expression "did not allow" seems to imply that it actually imposed restrictions, and I think I am correct in saying that it was not consistent with the law to impose any such restrictions. So far as the policy of the Central administration is concerned, it may be taken provisionally that the attitude of the department is that any market shall be free to get its salt from any source that suits its pleasure, with possible occasional restrictions which may be necessary in connection with problems of wagon supply. That qualification, I think, the House will understand and I need not dilate upon it. When I use the word "restrictions", I do not mean any prohibitory action, but the withholding from one particular source of supply of facilities which another source of supply has for obtaining wagons, a measure the absence of which would have the result of complicating unduly the wagon problem in India. Fortunately that problem is one that has become less acute in recent years and, one may hope, will continue to become less acute. That, however, hardly affects Malabar which is largely served by sea. Sir Sivaswamy Aiyer then went on to speak of the necessity of avoiding variations in prices. I was not quite able to follow him on that point. I suppose he did not mean to suggest that it was the duty of Government to take measures to prevent the price of salt in one place being very widely different from the price of salt in another, that is to say, that it was the duty of Government to make arrangements to see that salt

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should be sold at the same price at a place hundreds of miles from a source of supply as that at which it was sold at a place next door to the source of supply. If any suggestion of that sort was implied in his remark, I can only answer that it could only be realised by Government's taking over all the product of the excise and modified excise factories and all imported salt and thereby securing a complete monopoly of salt, and then, simultaneously, with a reduction of price in places which have to pay a relatively high price now because of their distance from the source of supply, increasing the price of salt to people who live near the source of supply. I ask my Honourable friend from Madras whether he is very anxious to see a measure with that implication put into force so as to deprive people living close to a source of supply of the natural advantage which they enjoy by reason of their proximity to that source. He referred in the same connection to the elimination of undue profits. I feel disposed to leave this with Mr. Willson's remark that the salt trade is not one in ordinary circumstances in which undue profits are made. There is no doubt that in the period of scarcity which came towards the end of the war and after the end of the war profiteering did take place and profiteering on a still greater scale was attempted and was only controlled by extraordinary measures of Government; but we are out of that difficulty now. Even in the one district in the Punjab where a high price did linger unduly after the reduction of the salt duty, the price now,—owing to the ordinary play of economic circumstances, as I suppose,—is reasonable; and throughout India I think it can fairly be claimed that this is not a trade which displays so much profiteering as to call for extraordinary action on the part of Government, that is to say, as to require Government to take measures which would interfere with the ordinary machinery of distribution through merchants and retailers. Sir Sivaswamy Aiyer and Sir Gordon Fraser do not agree upon the capacity of the Madras Presidency to produce salt of a quality good enough for Bengal. The provisional view of the Central Board of Revenue, which took up this subject very early in the days of its constitution, is that in all probability it is possible to produce in Madras, on a large scale, salt good enough for Bengal. We also claim that some of the salt which we are producing in our own monopoly sources in northern India is as good. The point which cannot be too emphatically stated is this, that the difficulties which stand in the way of the marketing of Madras salt in Bengal are not primarily difficulties of that sort. The difficulties lie in two factors, namely, climate and freights. Dr. Hyder's choice of Tuticorin in his remarks about freight was inspired by the fact which he had himself mentioned that Tuticorin is in that part of the Madras Presidency which is best fitted to compete with Aden and Port Said because it is the part where work can be carried on for the largest number of months in the year. The figure which Dr. Hyder gave, namely, 9 months, is, I think, correct, whereas in the northern part of the Madras Presidency to which one Honourable Member referred (I think it was Sir Gordon Fraser), the manufacturing season cannot be said to be more than five months in the year. Therefore any enterprise set up in that part of the Presidency is at a great initial disadvantage and it can only make up that disadvantage in one of two ways. The first is to have the cost of transport from that area to Calcutta or any other similar market appreciably less than the cost of transport from a place like Aden; the second is, as Mr. Raju desired, to introduce a protective difference of duty.

Sir Gordon Fraser: May I know how long salt is stored in Calcutta?

Mr. A. H. Lloyd: The period for which salt is stored in Calcutta varies according to the demand of the market and the quantity in stock. I have known salt stored in Calcutta for as long a period as two years or even longer. But, Sir, I found at a particular time when I had occasion to examine the matter that it was kept for six months on the average.

Sir Sivaswamy Aiyer also referred to several other matters which have some bearing upon this problem of the competition of different qualities of salt in the various provinces. At certain places salt is sold by measure instead of by weight. He also referred to the fragmentation of holdings and to the fact that excess stocks of salt have from time to time to be destroyed. This last fact is not unconnected with the first point about sale by measure, because it is the light salt which does not last long, whereas heavier salt is said to improve by being stored. These are points all of which have already been brought to the notice of the Central Board of Revenue and have received the Board's most careful consideration, but it is impossible at this moment to make any definite pronouncement that the solution of any of them is visible.

Diwan Bahadur T. Rangachariar: Will you undertake an inquiry?

Mr. A. H. Lloyd: I was just coming to that. Sir Sivaswamy Aiyer proposed that a committee of inquiry should be formed. The last thing that this department would wish to do would be to burke any sort of inquiry, but the Board is aware that the Taxation Inquiry Committee, which is now sitting, is going into this matter of the production of salt, and the time for instituting a special inquiry into this matter will be when we receive the report of the Taxation Inquiry Committee.

Diwan Bahadur M. Ramachandra Rao: May I ask if that Committee is dealing with the question of the extended manufacture of salt in this country or the question of its quality?

Mr. A. H. Lloyd: Judging from the questionnaire, I should say they were dealing with the subject on very broad lines indeed.

Then with regard to the general question (I do not wish to tax the patience of the House too much) I would only just like to refer to Mr. Moir's remark that we should not, in putting the salt department on a commercial basis, do it too strictly so as to imperil such ramifications of the industry as are defensible, although perhaps not economically entirely sound. That is a doctrine to which we attach full weight. We are fully prepared to recognise that the concentration, for example, of work in a very limited number of factories is a policy which should only be adopted with the greatest circumspection because we appreciate the point that a small factory may be able to serve a particular hinterland favourably, and also we appreciate the importance of seasonal work to a number of agriculturists whose services would not be available for work in a factory run on large lines. Therefore I would assure the Honourable Member that we are not contemplating immediately any drastic departure from the present organisation of the country's salt department in the direction of concentration, and any measures that are taken will be taken (one or two instances have already occurred) when there is a really unfair burden upon the Government finances (or rather, I should say, as I said this morning, upon the other tax-payers), because the licensee is unable to make any payment at all towards the reasonable charge made for the cost

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of supervision of the factory. We certainly have no intention of being too strict in this matter.

May I say something also as to Sir Gordon Fraser's speech in which he spoke of certain experiments which were failures and attributed that failure to Government action? As he himself has said that he was intimately concerned with the venture, I find some hesitation in controverting what he said; but it does seem to me, on all the facts before us so far, that it is doubtful whether a large scale venture producing the sort of salt which that enterprise attempted to produce on a smaller scale could have worked to a cost of production that would have left them a profit, unless there had been a difference in the duty.

Sir Gordon Fraser complained of the unfair treatment Madras salt received in the matter of payment of duty at the factory, the maker therefore being deprived of the advantage which the importer enjoys of keeping his salt in bond,—involving also, of course, the important question of wastage. The reference to wastage raises a point which must be carefully considered by Government in making its regulations, and that is this: if a steamer has arrived from Aden in the port of Calcutta we can be quite sure that all the salt not on board has been wasted; but we have to be very careful in making our regulations that a vessel bringing only a small quantity of salt among other things from a local factory, and possibly calling at other places, is in quite as safe a position; and, however that may be, the point is still more serious when we are considering railway transport. It seems to me doubtful whether we should be able to devise really safe measures for protection against fraud in the case of transport by rail.

As regards the matter of bonding in the Calcutta *golas*, a certain amount of Madras salt which is imported by sea does go into the *golas* in bond and does not pay duty until it is cleared. But that is because the salt comes from factories which have been able to meet the difficulty, which Sir Gordon Fraser found insuperable, of taking a whole cargo. The Central Board of Revenue will consider most sympathetically any measures that may be reasonable for relaxing or removing this difficulty. But I have felt obliged to sound this one note of warning; it is not possible offhand to say that complete equality in this matter can be established. However, as I have said before, I take leave to retain the impression, subject to correction, that this particular matter is not the governing factor, but that the governing factor is a combination of the climatic question and the question of freights.

So much for the general question. I must consider now the particular question of Orissa. I am very sorry there is so little time left for me to deal with this matter, which we had hoped it would be possible to have the chance of explaining at greater length in answer to a Resolution. I think perhaps I ought to refer first to Pandit Nilakantha Das's remark that it was not the fault of the poor producers that the industry was abolished. He gave a brief historical sketch from which apparently we were left to draw the conclusion that it was the fault of the Government. It was not, if I may say so, the fault of the Government, either. It may have been the result of the Government's action in one way, in that the

Government allowed a railway to be built between Calcutta and Madras. If Government had prohibited this facilitation of general communications it would no doubt have been perfectly possible for the salt producers of Orissa to retain a market for their product in Orissa, which would have been compelled, owing to difficulties of transport, to pay the price that would make the production of Orissa salt possible. I hope I have made myself clear. Orissa salt was the cheapest salt in Orissa so long as no other salt could get in there except at great expense. When Madras salt and Calcutta imported salt could get in by railway, Orissa salt became an unprofitable speculation.

The whole matter has been receiving the most careful consideration from the Government of Bihar and Orissa, who are our agents for salt work in Orissa. Mr. Nilakantha Das referred to a Resolution which was moved in the Bihar and Orissa Legislative Council; and, as Mr. Willson has mentioned, serious efforts have been made by very powerful companies to develop the industry on a large scale in Orissa. This was considered possible at the end of the war when prices were high. It is the fall in prices alone that has caused it to appear unprofitable, so that those who were willing to make an attempt have now withdrawn. The Government of Bihar and Orissa did, however,

Pandit Nilakantha Das: If it was once very profitable, will Government undertake to try again? If Government declare it to be unprofitable, how could other people come forward?

Mr. A. H. Lloyd: If Government declare the venture unprofitable it is because Government believe honestly that it is unprofitable; and if thereby other people are prevented from coming forward and losing over it, I think they ought to be grateful for the warning.

Pandit Nilakantha Das: As to opinions on commercial questions of profit and loss, Government are readily taken to be the authority by enterprising men and firms which are thus discouraged. Therefore to save the people the Government should take to the industry on a small scale and practically convince the people that it is utterly unprofitable.

Mr. A. H. Lloyd: The Government of India, Sir, are not prepared to undertake a venture, which they are satisfied would be unprofitable, solely in the interests of a limited number of producers. The development of an industry which has natural disadvantages is not the primary function of a tax-collecting department. It is the function of the Local Government to develop industries. We have no objection to the Government of Bihar and Orissa, if it so chooses, paying a bounty which will suffice to make up the difference between a profitable and unprofitable enterprise in Orissa; we are not asking the bounty to be paid to us but to the producers. If that will enable the producer to sell his salt at a fair competing price in the local market and at the same time enable him to meet our reasonable requirements in the matter of the cost of supervision

Sir Gordon Fraser: May I ask definitely if Government will consider the question of the transit of salt in bond and at low rates of freight? That is the question I put and I want an answer to it; if Government will not consider it, then I shall support the motion.

Mr. A. H. Lloyd: If I may return to Orissa, Sir, it seems to me that that is a proposal which would be rather against Orissa

Sir Gordon Fraser: Will Government consider and promise to look into the question?

Mr. A. H. Lloyd: I am asking for permission to postpone my answer to that till I have finished with Orissa. If salt is carried in bond to Orissa from Madras or Calcutta it will be still cheaper in Orissa and the chances of the Orissa industry reviving will be still more remote. That is why I wanted to postpone my answer to that point till I had finished with Orissa.

There is a great deal I should like to say about Orissa; but the only

Pandit Nilakantha Das: May I ask

Mr. A. H. Lloyd: May I finish my sentence, Sir? The only point which I think there is time for me to make is this; if private enterprise is forthcoming and if any one comes forward with reasonable proposals for opening a salt factory or factories in Orissa the Government are prepared to afford every facility, provided the promoters are prepared to pay the amount by which the cost of supervision exceeds 5 per cent. of the duty on the salt produced and provided also that the method of manufacture contemplated is not such as to render it impossible to control illicit practices. I am afraid these last words contain the answer that I must give to Mr. Das. *Panga* salt was given up in Orissa about the year 1870, because it was found that its production was not profitable except as a cover for smuggling. However, Sir, if an industry can be developed which will give us reasonable opportunities for effective supervision without loss to the central exchequer, we are fully prepared to consider the proposal and give it a chance. Gentlemen who wished to enter into such a venture have already been given the opportunity but have withdrawn after due inquiries. If others interested in the industry come forward, they will not receive any discouragement from us. But active encouragement would in our view have to take the form of the payment of cash or its equivalent and that, I venture to suggest, is for the Local Government to offer, because the encouragement and development of industries in the provinces is the function of the Local Governments and not the function of the Central Government.

Now, Sir, with regard to the inquiry made by Sir Gordon Fraser, I think I am at liberty to say that Government will consider very carefully the question whether it is possible to arrange for the transport of salt in bond at low rates of freight by rail—I presume he must be meaning transport by rail as Government have no control over sea freights. Undoubtedly in considering that question we would have to couple with it the question of the re-arrangement of the salt warehouses in Calcutta which at present are so designed that it would be difficult to bring in bonded salt by rail as well as by sea. That is also a point which will have to be considered. While remembering that possible difficulty I believe I am entitled to say that Government will consider the question very carefully; but with regard to railway freights, I think the Honourable Member in charge of Commerce will have a great deal more to say than the Finance Department.

Mr. President: The original question was:

"That a sum not exceeding Rs. 1,11,26,000 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, 1926, in respect of 'Salt'."

Since which an amendment has been moved:

"That the Demand under the head 'Salt' be reduced by Rs. 100."

The question I have to put is that that reduction be made.

The Assembly divided:

AYES—56.

Abhyankar, Mr. M. V.
 . Abul Kasem, Maulvi.
 Acharya, Mr. M. K.
 . Ahmad Ali Khan, Mi.
 Aiyangar, Mr. K. Rama.
 Aiyer, Sir P. S. Sivaswamy.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Dalal, Sardar B. A
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Dr. S. K.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Fleming, Mr. E. G.
 Goswami, Mr. T. C.
 Govind Das, Seth.
 Hans Raj, Lala.
 Iyengar, Mr. A. Rangaswami.
 Joshi, Mr. N. M.
 Kasturbhai Lalbhai, Mr.
 . Kazim Ali, Shaikh-e-Chatgam Maulvi
 Muhammad.
 Kelkar, Mr. N. C.
 Lohokare, Dr. K. G.
 . Makan, Mr. M. E
 Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jannadas M.

Misra, Pandit Harkaran Nath.
 Naidu, Mr. M. C.
 Narain Dass, Mr.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Pal, Mr. Bipin Chandra.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Purshotamdas Thakurdas, Sir.
 Ramachandra Rao, Diwan Bahadur
 M.
 Rangachariar, Diwan Bahadur T.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Roy, Mr. Bhabendra Chandra.
 . Sadiq Hasan, Mr. S.
 . Samiullah Khan, Mr. M.
 Sarada, Rai Sahib M. Harbilas.
 Setalvad, Sir Chimanlal.
 . Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Sinha, Kumar Ganganand.
 Syamacharan, M.
 Tok Kyi, Maung.
 Venkatapatiraju, Mr. B.
 . Yakub, Maulvi Muhammad.

NOES—39.

Abdul Mumin, Khan Bahadur
 Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Ahmed, Mr. K.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Ashworth, Mr. E. H.
 Ehore, Mr. J. W.
 Blackett, The Honourable Sir
 Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Clarke, Sir Geoffrey.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Fraser, Sir Gordon.
 Graham, Mr. L.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Hudson, Mr. W. F.
 Hyder, Dr. L. K.

Innes, The Honourable Sir Charles.
 Lindsay, Mr. Darcy.
 Lloyd, Mr. A. H.
 Marr, Mr. A.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir
 Bhupendra Nath.
 Moir, Mr. T. E.
 Muddiman, The Honourable Sir
 Alexander.
 . Muhammad Ismail, Khan Bahadur
 Saiyid.
 Rau, Mr. P. R.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V.
 Visvanatha.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Tonkinson, Mr. H.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.

The motion was adopted.

Mr. President: Before I adjourn the House, I point out to Honourable Members that though by a vote of the House the Customs vote has been adjourned to Thursday, the first thing to be taken up on that day will be the continuation of the discussion on Salt, as I see there are some large reductions still to be disposed of. I propose to adjourn now and to take up Mr. Jamnadas Mehta's or Mr. Duraiswami Aiyangar's motion—I think Mr. Jamnadas Mehta's—as the first thing on Thursday morning.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 12th March, 1925.

APPENDIX A.

Share of Income-tax paid to the Provincial Governments during—

(In thousands of rupees.)

	1921-22.	1922-23.	1923-24.	1924-25 (Revised).	1925-26 (Budget).
Madras	4,08	...	10,82	2,00	2,00
Bombay	14,72	3,00	...	...	...
Bengal	95	...	...	...	...
United Provinces	3,20	33	...	...	...
Punjab	30	5,69	4,24	4,51	4,94
Burma	3,85	...	38	4,29	8,28
Bihar and Orissa	58	2,87	2,55	4,35	4,68
Central Provinces	90	1,49	3,42	82	...
Assam	2	1,15	4,16	5,29	5,40
TOTAL	28,60*	14,53	25,57	21,26	25,50

* See footnote on page 6 of the Explanatory Memorandum of the Finance Secretary on the Budget for 1925-26.

LEGISLATIVE ASSEMBLY.

Thursday, 12th March, 1925.

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

QUESTIONS AND ANSWERS.

DISCONTINUANCE OF THE RECRUITMENT OF MUSLIM RAJPUTS OF THE AMBALA DISTRICT.

1163. ***Mr. Abdul Hays:** (a) Have any orders been recently issued by the military authorities stopping the recruitment of Muslim Rajputs of the Ambala District in Cavalry No. 15?

(b) Have the military authorities stopped the recruitment of Muslim Rajputs in other units, both cavalry and infantry?

(c) If the answer to the above questions be in the affirmative, will the Government please state the grounds on which such orders have been issued?

(d) In view of the valuable military services rendered by Muslim Rajputs are the Government prepared to reconsider the matter and throw open the doors of military service to the Muslim Rajputs of the Ambala District?

Mr. E. Burdon: (a), (b) and (c). As Musalman Rajputs of the Ambala civil district, who were recruited in comparatively small numbers, did not get on well with the Musalman Rajputs recruited from the other civil districts of the Ambala Civil Division, orders were issued by the military authorities in April 1923, discontinuing their recruitment. At the time the orders were issued, no Musalman Rajputs of the Ambala civil district were serving in the 15th Lancers. These orders do not entail any reduction in the numbers of Musalman Rajputs enlisted for the Army as a whole since Musalman Rajputs of the other civil districts take the place of the Musalman Rajputs of the Ambala civil district.

(d) In view of what I have just stated, Government do not propose to rescind the orders referred to.

Mr. K. Ahmed: What are the particulars showing that they did not get on with the other Musalman Rajputs? Will the Government explain?

Mr. E. Burdon: The other people did not like them, Sir.

Mr. K. Ahmed: Do Government realise the difficulty and importance of a statement like this, that they did not get on? There are a lot of people here who do not like to get on, but they remain all the same. Will the Government set forth the reasons why these people are not allowed to hold their own in military service in view of the great services rendered by them during the War?

COMPULSORY RETIREMENT OF BABU KESHAB CHANDRA MUKHERJEE FROM
THE POSTAL DEPARTMENT.

1164. ***Mr. Amar Nath Dutt:** (a) Is it a fact that Babu Keshab Chandra Mukherjee, a postal pensioner and an inhabitant of Santipur Garh in the district of Nadia in Bengal, at the age of 55 years was compelled to retire from the 4th March 1916 contrary to the provisions of Articles 459 (B) and 464, Civil Service Regulations?

(b) Is it also a fact that his application for an extension of service, in order to enable him to complete earning of 3 years' average emoluments of his grade of Rs. 80 was not granted by the postal authorities without paying due regard to the instructions conveyed in Article 483, Civil Service Regulations?

(c) Under what circumstances was the pensioner whose case is analogous deprived of the consideration suggested in the last sentence of Article 483 of Civil Service Regulations, namely, "The principle of this rule applies to all analogous cases"?

***Sir Geoffrey Clarke:** With your permission, Sir, I will answer on behalf of the Honourable Sir Blupendra Nath Mitra.

I propose to reply to this and the following question together. Government have no detailed information on this case, except that Babu Keshab Chandra Mukherjee's petition to His Excellency the Viceroy was withheld in 1921 by the Director General in the exercise of his powers under the Memorial Rules. Government do not propose to order the reopening of the case.

CASE OF BABU KESHAB CHANDRA MUKHERJEE, LATE OF THE POSTAL
DEPARTMENT.

†1165. ***Mr. Amar Nath Dutt:** (a) Is it a fact that owing to the exigencies of the State the Government had Babu Keshab Chandra Mukherjee's services for re-employment in the Telegraph Department during the course of the very year of his retirement commencing from the 15th November 1916 to 15th December 1920?

(b) Is it a fact that the rule in clause (B) of Article 459 was not worked out with sufficient discretion in the case of this pensioner, who was still capable of further active service, by reason of which he has been deprived of the amount of his pension?

(c) Is it a fact that the time scale of pay system was introduced during the course of second period of his service?

(d) Is it a fact that under Article 422 II of the Civil Service Regulations an interruption of services for any period on pension of Rs. 50 a month is within the competence of the Government of India to condone?

(e) Is it a fact that provision for pension for new service is made in Article 529 and that both services should be combined together for such purpose as contained in the rule "Pension (if any), is admissible only for the new service combined with the old, the whole being counted as one service"?

(f) Is it a fact that his petition to His Excellency the Viceroy was withheld by the postal authorities?

† For answer to this question, see below question No. 1164.

(g) Having regard to the petitioner's grievances and his services in the Postal Department for 33 years, are the Government prepared to place the same petition before His Excellency for such consideration as His Excellency deems proper?

CONSTRUCTION OF A PROPER PLATFORM, A WAITING ROOM AND SHEDS
AT JEHANGIRA ROAD STATION ON THE NORTH WESTERN RAILWAY.

†1166. *Nawab Sir Sahibzada Abdul Qaiyum: (a) Is it a fact that there are no proper platforms at the Jehangira Road station, North Western Railway?

(b) Is it also a fact that there is more traffic at this so-called "flag station" than at the neighbouring regular stations of Akora (Khattak) and Khairabad?

(c) Are the Government aware that there are no waiting rooms or sheds for the passengers at this out-of-the-way station?

(d) Do Government propose to construct a proper platform, a waiting room and sheds for the convenience of the passengers?

DACOITIES ON THE ROADS BETWEEN THE PESHAWAR CITY RAILWAY
STATION AND THE TOWN.

1167. *Nawab Sir Sahibzada Abdul Qaiyum: (a) Are the Government aware that it is not unfrequent that dacoities and high-way robberies are committed on the roads between the Peshawar City railway station and the town; on passengers going and coming by the night trains?

(b) Are the Government prepared to consider the advisability of constructing a platform to the west of the station, on the city side of the railway line, opposite the Hashtnagari Gate of the city, for the night trains, to minimise the danger to which the travellers are at present exposed?

The Honourable Sir Charles Innes: With your permission, Sir, I will answer questions 1166 and 1167 together.

The Government have no information on the points raised but they will forward the Honourable Member's question to the Agent for such action as he may think necessary.

PROTECTION FROM RAIN AND SUN OF THE FIRST AND SECOND CLASS
BOOKING WINDOW IN THE PESHAWAR CITY RAILWAY STATION.

1168. *Captain Ajab Khan: (a) Is it a fact that the second and first class booking window is not protected from rain and sun, in the Peshawar city railway station?

(b) Do the Government know that there is no second or first class exit or way in in the same station and the passage previously used for this purpose is occupied by the police guard on the station?

The Honourable Sir Charles Innes: The points raised will be brought to the notice of the Agent who will be furnished with a copy of this question and answer.

† For answer to this question, see below question No. 1167.

CONFISCATION BY THE CUSTOMS AUTHORITIES AT KARACHI OF A CASE OF BOOKS ADDRESSED TO MR. S. D. HASAN OF THE LABOUR PUBLISHING HOUSE, LAHORE.

1169. *Mr. N. M. Joshi: 1. Will Government be pleased to give the following information:

(a) Is it a fact that Messrs. Lep Transport and Depository, Ltd., International Transport Agents in London, despatched towards the end of January 1924 by the S. S. "Dumana" one case of books, marked "SDH", addressed to Mr. S. D. Hasan of the Labour Publishing House, Lahore, and that the said Company instructed their Agents in Karachi, the Eastern Express Company, Limited, Karachi, to deliver the case to Mr. Hasan at Lahore?

(b) Is it a fact that the said Eastern Express Company could not clear the case of Mr. Hasan on account of their being informed by the customs authorities at Karachi that they have confiscated the case as it contained books which have been proscribed by the Government of India?

2. (a) If the answers to (a) and (b) above be in the affirmative, will Government be pleased to state whether *all* the books in that case have been proscribed by the Government of India? If so, was Mr. Hasan or the Eastern Express Company informed to that effect? If not, why not?

(b) If the answer to earlier part of (a) above be in the negative, will they be further pleased to state whether the books in the said case that are not proscribed by the Government of India, were sent either to Mr. Hasan or to the Eastern Express Company? If so, when? If not, why not?

The Honourable Sir Basil Blackett: The Government have no information on the points raised. If, as would appear from the question, the case contained certain books the importation of which has been prohibited by the Governor General in Council under section 19 of the Sea Customs Act, the Collector of Customs was lawfully entitled to confiscate the case and all its contents under the first clause of section 168 of the same Act. If the Collector of Customs exercised this power, the importer has a right of appeal to the Central Board of Revenue which he does not appear yet to have exercised.

Mr. N. M. Joshi: May I ask, Sir, whether these books were confiscated by the orders of the Government of India or by the Collector?

The Honourable Sir Basil Blackett: I have already stated, Sir, that the Government have no information on the point.

EXPORT OF MONKEYS.

1170. *Raja Raghunandan Prasad Singh: (a) Is it a fact that of late there have been cases of enshippment in large numbers of monkeys to Europe for medical purposes?

(b) Are the Government aware that Hindus all over India have always regarded monkeys as too sacred to be molested or hurt far less killed and that though these animals abound in Brindaban, Puri, Ajodhya and other

Hindu shrines, their mischievous pranks are tolerated rather than resented by the Hindus, who attach considerable merit to feeding these animals at those shrines? Such being the case, do the Government propose to stop the export of these animals out of respect for the Hindu religious sentiment in regard thereto?

The Honourable Sir Alexander Muddiman: The Honourable Member's attention is invited to the answer given by Mr. Tonkinson on the 2nd February 1925 to Mr. S. C. Ghose's question on the same subject. Replies have been received from local Governments, and the matter is under the consideration of the Government of India.

Mr. K. Ahmed: Will the Government be pleased to inquire at the same time and see the difficulties of the people that specially the young children are very often scratched by these monkeys in the streets and certainly it is against the public interests, unless there are certain laudable grounds for supporting the view that this is a religious matter?*

The Honourable Sir Alexander Muddiman: No, Sir, the Government will make no inquiries.

CONSTRUCTION OF A RAILWAY FROM AMRITSAR TO NAROWAL.

1171. ***Mr. S. Sadiq Hasan:** (a) Is it a fact that the Government intend to construct a branch line from Amritsar to Narowal?

(b) If so, is it proposed to have a railway station at Dharamkote Randhava the centre of Kakezai community?

The Honourable Sir Charles Innes: (a) Government have ordered a survey to be made for a railway from Narowal to Amritsar and will await the results of the survey before deciding whether the line should be constructed or not.

(b) The question of providing a railway station at Dharamkote should be referred to the Agent, North Western Railway, under whose orders the survey is being carried out.

DEPOSITS MADE BY HAJ PILGRIMS FOR THEIR RETURN JOURNEYS FROM JEDDAH TO INDIA.

1172. ***Maulvi Mohammad Shafee:** (a) What was the sum asked to be deposited by the Haj pilgrims during the last Haj season at the ports of embarkation in British India on account of the return fare from Jeddah to Bombay or to Karachi?

(b) On what basis was the sum to be deposited calculated?

(c) Was the Central Haj Committee consulted in fixing the amount?

(d) What was the authority that finally fixed the amount?

(e) With whom were the deposits made?

(f) What was the total amount thus deposited by the Haj pilgrims at each of the ports of embarkation?

(g) Was any Haj pilgrim exempted from the deposit system? If so, how many and on what ground?

Mr. J. W. Bhore: (a) Rs. 60 per pilgrim.

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

DEPOSITS MADE BY HAJ PILGRIMS FOR THEIR RETURN JOURNEYS FROM
JEDDAH TO INDIA.

1173. *Maulvi Mohammad Shafee: (a) How were the amounts taken from Haj pilgrims in deposit spent?

(b) Under whose orders were the amounts in deposit spent?

(c) If the amounts were given to the shipowners, what were the amounts paid to each of the shipowners separately together with the exact number of pilgrims which they received on board their ships?

(d) What is the amount still lying in deposit?

Mr. J. W. Bhoré: Sir, with your permission I shall reply to this question and the next question together.

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

DEPOSITS MADE BY HAJ PILGRIMS FOR THEIR RETURN JOURNEYS FROM
JEDDAH TO INDIA.

†1174. *Maulvi Mohammad Shafee: (a) Was any claim for the refund of the deposit paid by Haj pilgrims made?

(b) If so, how many such claims had been preferred, how many claims have been satisfied, and how many claims have been rejected?

(c) What is the balance of the amount in deposit after spending on the return journey of the Haj pilgrims and after satisfying the claims for refunds?

AMENDMENT OF ELECTORAL ROLLS FOR THE COUNCIL OF STATE.

1175. *Mr. C. S. Ranga Iyer: How many applications has the Secretary to the Government of India in the Home Department received from the Members of the Court of the Allahabad University, residing at Cawnpore and Allahabad, praying that, in view of the Government of India, Home Department Notification No. F-807-24, dated the 17th December, 1924, published in the *Gazette of India* of the 20th December, 1924, the newly published electoral rolls for the Council of State, in the United Provinces, be amended, under rule 9, sub-rule (6) of the Council of State Electoral Rules and their names entered on them? What action has been taken or is proposed to be taken on these applications?

Mr. L. Graham: Forty such applications were received. The applicants have been informed that the Government of India contemplate a general resort to sub-rule (6) of rule 9 of the Council of State Electoral Rules as a preliminary to the next general election, and that in these circumstances they consider that no purpose would be served by piecemeal action under the sub-rule in question at this stage.

Mr. C. S. Ranga Iyer: Sir, I hope by the time the election comes, those who are legally qualified will have the right to vote because it interferes with the legal right of Members.

Mr. L. Graham: That is the intention of Government, Sir.

† For answer to this question, see below question No. 1173.

ADDITIONS TO THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

1176. ***Mr. Gaya Prasad Singh:** (a) Will the Government be pleased to state if there is any proposal to add to the Judicial Members of the Privy Council for hearing appeals from India? And if so, is any part of the cost likely to fall on India?

(b) Has there been any correspondence on this subject between the Government of India and the Secretary of State; and if so, will the Government be pleased to lay a copy on the table?

The Honourable Sir Alexander Muddiman: (a) and (b). There has been no correspondence on this subject between the Government of India and the Secretary of State. As I stated in this House on the 17th of February, I have seen opinions to the effect that the Indian ex-Judges who sit with other Judges on the Judicial Committee to hear Indian appeals should be strengthened.

DISCONTINUANCE OF THE COMBINED ALLAHABAD-DEHRA DUN-DELHI EXPRESS FROM THE 1ST OF MARCH, 1925.

1177. ***Maulvi Muhammad Yakub:** (a) Has the attention of the Government been drawn to a note on page 3, column 3 of the *Leader* of Allahabad, dated Friday the 27th February, 1925, about the discontinuance of the combined Allahabad-Dehra Dun-Delhi express train from the 1st of March, 1925.

(b) Do the Government propose to draw the attention of the Oudh and Rohilkhand Railway administration towards the inconvenience of the Allahabad passengers and direct that the above-mentioned train be again continued?

The Honourable Sir Charles Innes: Government will forward the Honourable Member's question to the Agent though they have no doubt he has already seen the complaint referred to.

ALLEGED DISAPPEARANCE OF CARPETS BELONGING TO THE COMMERCE DEPARTMENT.

1178. ***Mr. Chaman Lall:** 1. Is it a fact that, in 1923, the office of the Commerce Department was shifted from the Kennedy House building to the Railway Board building in Simla, and that the Department had at that time some recently bought valuable carpets for use in officers' rooms?

2. Is it also a fact that these carpets were neither left behind in the Kennedy House, nor were taken to the Railway Board building? If so, do Government propose to make an inquiry as to the whereabouts of the missing carpets?

3. Will the Honourable the Commerce Member please state if there is any system of periodical stock-taking in vogue in his Department? If so, is he satisfied that all items of furniture purchased for the Department during the last three years have not suffered a similar fate? If any valuable articles are missing, can he locate official responsibility in regard to the event?

The Honourable Sir Charles Innes: Commerce Department moved from Kennedy House building to the Railway Board building in Simla in 1923. It had not bought carpets for the officers' rooms a short time before the move nor did any carpet disappear during the move.

A list of furniture is maintained and the stock of furniture is checked periodically.

FURNITURE OF THE DECK PASSENGERS' COMMITTEE AND THE FISCAL COMMISSION.

1179. ***Mr. Chaman Lal:** (i) Will the Honourable the Commerce Member please state

(a) whether any non-perishable furniture was purchased for the Deck Passengers' Committee and the Fiscal Commission? If so, what did it consist of and what was its cost?

(b) Whether, on the dissolution of these Committees, the furniture in question was sold off; and if so, what were the sale proceeds?

(ii) If the answer to (b) in the preceding question is in the negative, what has happened to the furniture?

The Honourable Sir Charles Innes: The Government understand that whatever furniture was purchased for the two Committees was sold under the orders of the Finance Department and the proceeds credited to Government.

DISCUSSION OF THE REPORT OF THE REFORMS INQUIRY COMMITTEE.

Diwan Bahadur M. Ramachandra Rao: May I ask a question, Sir, of which I have given private notice to the Honourable Sir Alexander Muddiman?

Will the Government be pleased to state whether adequate facilities would be afforded for the discussion of the Report of the Reforms Inquiry Committee before the end of the current session and the date or dates which the Government are prepared to set apart for such discussion?

The Honourable Sir Alexander Muddiman: Government have very carefully considered whether it would be possible to afford special facilities for discussing the report of the Reforms Inquiry Committee at an early date. They find, however, that it would be impossible for them to announce their provisional conclusions upon the recommendations in the Report during the current session. Government have therefore decided not to afford special facilities for discussion during the current session. An opportunity for discussion will, however, be granted during the next session and before Government arrive at their final conclusions.

Diwan Bahadur M. Ramachandra Rao: May I suggest, Sir, to the Government that they will consider the advisability of calling a special May session for this purpose in view of the fact that His Excellency the Viceroy is going to England for discussing all outstanding questions including the question of reforms? May I ask whether it is not desirable that His Excellency the Viceroy and the Secretary of State should have before them the views of this House on the very important questions which are discussed in this Report?

The Honourable Sir Alexander Muddiman: It is certainly desirable that before any final orders are passed, the views of this House should be before the authorities named, but as the Honourable Member is aware, His Excellency will not return to India by May.

Diwan Bahadur M. Ramachandra Rao: I did not suggest that His Excellency should be present at the discussion. I never suggested that. All that I said was that His Excellency the Viceroy is going to Great Britain with the object of discussing the question of the reforms and that, if this matter is brought up before the House for discussion in the September session, decisions would have been taken by both His Excellency and the Secretary of State before that date.

The Honourable Sir Alexander Muddiman: I think the Honourable Member is under a misapprehension. I have stated that no final orders will be passed on the Report until this House has had an opportunity of giving expression to its views. It is impossible for the Government adequately to discuss this matter unless they are in a position to state their own policy.

Diwan Bahadur M. Ramachandra Rao: May I know, Sir, when the Government are likely to come to their provisional conclusions?

The Honourable Sir Alexander Muddiman: I should think not earlier than in the early part of August.

Pandit Motilal Nehru: Do I understand the Honourable Member to mean that if a Resolution is tabled in this House, he will afford facilities for discussion during the current session?

The Honourable Sir Alexander Muddiman: I have not quite heard the Honourable Member. Would he repeat his question?

Pandit Motilal Nehru: Will it be possible for the Honourable Member to afford facilities for discussion on a Resolution if it is moved by a non-official Member during the current session?

The Honourable Sir Alexander Muddiman: I have already explained, Sir, that Government are not prepared to give special facilities.

Diwan Bahadur M. Ramachandra Rao: May I know, Sir, what the Honourable Member means by special facilities? There must be a day set apart if this subject is taken up on a non-official day, otherwise an official day will have to be given.

The Honourable Sir Alexander Muddiman: Government have no intention of giving facilities for a special discussion on this Report for the reasons I have stated, namely, they are not in a position to put their own case before the House. That being so, they consider that any such discussion must necessarily be of an infructuous and useless character.

Mr. V. J. Patel: Do the Government recognise that the meaning of it is that you drive this House to force a discussion by way of adjournment of the House?

The Honourable Sir Alexander Muddiman: The Honourable Member has of course open to him the facilities which are open to other Members.

Mr. R. K. Shanmukham Chetty: Does the Honourable Member realise that the Government of India might ascertain the views of this House before they arrive at any provisional conclusions on this matter? It will be helpful to Government if they know the views of this House before they arrive at provisional conclusions.

The Honourable Sir Alexander Muddiman: I do not think the Honourable Member is correct in his view.

Mr. Devaki Prasad Sinha: In postponing the matter till the September session, is it the intention of Government to postpone the evil day as far as possible?

The Honourable Sir Alexander Muddiman: I am not aware, Sir, of the arrival of any evil day.

Pandit Motilal Nehru: May I give notice, Sir, that I shall move the adjournment of the House on this question? I do not know if I can give notice on the floor of the House to the Secretary, or I shall have to wait till to-morrow morning.

The Honourable Sir Alexander Muddiman: I understand, Sir, that the rule requires written notice, five minutes before.

Mr. President: The Honourable Member will send me written notice of his intention, and I shall deal with it after questions to-morrow morning.

UNSTARRED QUESTIONS AND ANSWERS.

REPORTS OF THE PROTECTORS OF PILGRIMS OF BOMBAY AND KARACHI.

231. **Maulvi Mohammad Shafee:** Will the Government be pleased to place on the table the reports of the Protectors of Pilgrims of Bombay and of Karachi for the last 10 years or for any shorter period which is available?

Mr. J. W. Bhore: Copies of such reports from 1914-15 onwards as are available have been placed in the Library. There was no pilgrimage from Karachi during the years 1915-16, 1917-18 and 1918-19 on account of the War.

INTRODUCTION OF A DEPOSIT SYSTEM FOR HAJ PILGRIMS.

232. **Maulvi Mohammad Shafee:** (a) Will the Government be pleased to place on the table all the correspondence which they might have got in regard to the initiation of the system of deposits to cover the return journey from Jeddah by Haj pilgrims?

(b) Will the Government be pleased to place on the table the report on the working of the system of deposits by the Haj pilgrims as experienced in the 1924 Haj season?

Mr. J. W. Bhore: (a) and (b). The reply is in the negative.

CORRESPONDENCE ON THE SUBJECT OF THE RAILWAY RETURN TICKET SYSTEM FOR HAJ PILGRIMS.

233. **Maulvi Mohammad Shafee:** Will the Government be pleased to lay on the table all the correspondence and resolutions of the Bombay Government and the Government of India for the introduction of a system of railway return for the Haj pilgrims which took place in the year 1904 and after?

Mr. J. W. Bhore: Government regret that they are unable to comply with the request as the papers referred to are not readily available.

RULES MADE UNDER THE OLD PILGRIM SHIPS ACT.

234. **Maulvi Mohammad Shafee:** Will the Government be pleased to place on the table the rules made under the old Pilgrim Ships Act XIV of 1895?

Mr. J. W. Bhore: A copy of the rules framed by the Government of India has been placed in the Library.

GRANT OF A GRATUITY TO JAMALUDDIN OF THE BRASS-FINISHING SHOP,
MOGHALPURA.

235. **Mr. S. Sadiq Hasan:** Are the Government aware that:

- (a) One Jamaluddin (No. 2919) of the Brass Finishing Shop, Moghalpura, was retired under compulsion from service on the 30th April 1922, after 37 years' service on attaining the age of sixty years?
- (b) That he was not granted any gratuity, the reason given by the Loco Superintendent being that he had been retired before the Government of India orders were issued against forfeiture of gratuity on account of participation in the railway strike in 1919?
- (c) Will the Government be pleased to state whether the orders of Government do not apply in such cases simply because the persons concerned had retired before the date of such orders?

The Honourable Sir Charles Innes: The Honourable Member's attention is invited to part (b) of the reply given to question No. 591 asked by Mr. Devaki Prasad Sinha on the 3rd March 1924, in the Legislative Assembly.

RECRUITMENT OF MUHAMMADANS OF THE FEROZEPUR, JULLUNDUR AND
LUDHIANA DISTRICTS IN CAVALRY REGIMENTS.

236. **Mr. S. Sadiq Hasan:** Are the Government aware that:

- (a) The recruitment in particular of Muhammadans of the Ferozepur, Jullundur and Ludhiana districts has been stopped in the cavalry regiments of the Indian Army?
- (b) If it is a fact, will the Government please state the reasons for such action, but if it is not a fact, will the Government please state how many Muhammadans of these districts have been recruited in cavalry regiments since the demobilization after the War?

Mr. E. Burdon: (a) No, Sir.

(b) The Government of India possess no statistics which show by civil districts the number of Musalmans or other classes recruited since the war in the various branches of the Army.

VICEROY'S COMMISSIONS.

237. **Mr. S. Sadiq Hasan:** Will the Government please state if they intend to fix annually the number of direct appointments for Viceroy's commissions?

Mr. E. Burdon. No, Sir. The number of direct commissions depends on the number of vacancies that occur, and at present the number is restricted to one vacancy in four for cavalry and one vacancy in five for infantry.

PAUCITY OF MUHAMMADANS IN THE CLERICAL LINE OF POST OFFICES
AND THE CIRCLE OFFICE OF THE PUNJAB AND N. W. F. CIRCLE.

238. **Mr. S. Sadiq Hasan:** (a) Are the Government aware of the small number of Muhammadans in the clerical line of Post Offices and the Circle Office of the Punjab and N. W. F. Circle?

(b) If so, have any steps been taken to increase their number and with what result?

(c) If no steps have been taken, do the Government propose to take up this question?

Sir Geoffrey Clarke: (a) and (b). Out of 2,980 clerical appointments in Post Offices in the Punjab and N. W. F. Circle, 1,056 are held by Muhammadans. In the Circle Office out of 89 clerical appointments 35 are held by Muhammadans and the rest by other communities. These figures show that Muhammadans are substantially represented both in the Circle and in the circle office. Special steps have been taken to encourage Muhammadan recruitment with the result that during the last 2 years some 300 Muhammadan candidates were examined for admission to the postal service. Of this number, however, only 160 proved fit for selection.

(c) Does not arise.

PAUCITY OF MUHAMMADAN POSTMASTERS IN THE PUNJAB POSTAL CIRCLE.

239. **Mr. S. Sadiq Hasan:** (a) Is it a fact that the number of Muhammadan postmasters in the Punjab Postal Circle is almost negligible?

(b) If so, do the Government propose to increase their number?

The Honourable Sir Bhupendra Nath Mitra: (a) Of the 38 postmasters in the selection and gazetted grades 8 are at present Muhammadans.

(b) The postmasterships are filled by the promotion of the senior qualified officials in the lower grades and Government are not prepared to depart from this principle.

RECRUITMENT OF MUHAMMADANS IN THE AMRITSAR HEAD POST OFFICE.

240. **Mr. S. Sadiq Hasan:** (a) Is it a fact that the recruitment of Hindus was stopped by the Postmaster General, Punjab, in the Amritsar Head Office and that the Muhammadans and Sikhs were allowed to be recruited?

(b) If so, will the Government be pleased to state how many Hindus, Muhammadans and Sikhs have since been recruited?

(c) If no Muhammadan was recruited, will measures be taken to ensure compliance with the P. M. G.'s orders?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, except in the case of Hindus who were graduates or undergraduates.

(b) Three Sikhs and one Muhammadan were recommended by the Postmaster, Amritsar. Two Sikhs were accepted and the other candidates were rejected by the Postmaster General as they could not pass the test. One Hindu candidate was also accepted by the Postmaster General as a special case.

(c) Government do not propose to interfere.

DISCHARGE OF TWO MUHAMMADAN APPROVED CANDIDATES WITH THREE YEARS' TEMPORARY SERVICE IN THE AMRITSAR POST OFFICE.

241. **Mr. S. Sadiq Hasan:** (a) Is it a fact that two Muhammadan approved candidates having three years' continuous temporary service in the Amritsar Post Office were turned out of the service by the Postmaster, Amritsar, in October 1923, merely for claiming seniority over non-Muhammadans recruited long after them?

(b) If so, are the Government prepared to inquire into this matter?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). Government have no information. If any individual has a grievance, he is at liberty to appeal in the usual manner.

PAUCITY OF MUHAMMADANS IN THE TELEGRAPH DEPARTMENT.

242. **Mr. S. Sadiq Hasan:** (a) Are the Government aware that the number of Muhammadans is very small in the superior Traffic and Engineering Branches of the Telegraph Department in India?

(b) Is it also a fact that the number of Muhammadans is very small in the signalling, clerical and supervisory lines in the Traffic and Engineering Branches of the same Department?

(c) If the answer to (a) and (b) is in the affirmative, are the Government prepared to adopt measures in order to increase the number of Muhammadans in the above branches of the said Department?

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

(b) Yes.

(c) All the officials in the classes referred to in (a) and (b) are recruited as ordinary telegraphists in the first instance. Recruitment of telegraphists through Departmental training classes is closed at present. When it reopens, candidates will be invited from the open market and a preliminary competitive examination will be held as required under the rules of the Department. If Muhammadan candidates with minimum qualifications are then forthcoming they will be taken as probationers for employment as telegraphists.

Appointments* to the clerical establishment in the Traffic and Engineering Branches are made from qualified candidates. Suitable and qualified Muhammadans are also appointed when available.

THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

SECOND STAGE—*contd.*

Expenditure from Revenue—contd.

DEMAND No. 18—SALT—*contd.*

Mr. President: The Assembly will now resume consideration of Part II of the Budget. The question under discussion was:

“That a reduced sum not exceeding Rs. 1,11,25,900 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, 1926, in respect of ‘Salt’.”

MANUFACTURE OF SALT BY PRIVATE ENTERPRISE.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadian Rural): Sir, the object of my motion,

“That the Demand under the head ‘Salt’ be reduced by Rs. 50 lakhs.”

is for the purpose of drawing the attention of the Government to a most important point and at the same time to suggest how the expenditure can be considerably reduced. Sir, when this question of salt administration was taken up on the last day for discussion, unfortunately the entire debate turned into a question of inter-provincial fratricidal amenities, Mr. Willson on the one side refusing and swearing that he will not take Madras salt and Sir Gordon Fraser on the other side attempting to thrust it down his throat. I am not very anxious whether Mr. Willson takes Madras salt or Bombay salt but I am certainly anxious that not only Indians but even Englishmen, so long as they live in India, should take Indian salt and not foreign salt, for they will be truer to India than they are at present.

Khan Bahadur W. M. Hussanally: Do they not do so now?

Mr. C. Duraiswami Aiyangar: One important point that I wish to place before this House is the question whether the Government, in its policy, in its administration of the Salt Department, is supplying to India the quantity that is necessary for consumption. Sir, we are told in the Memorandum that 5 crores of maunds roughly is the quantity that is required for consumption in India. But you will all remember, or such of you as have read the speeches of the late Gopal Krishna Gokhale will remember, that he drew pointed attention to high medical opinion that 20 lbs. per head is necessary for keeping up healthy existence. Sir, the advice which I have had from medical officers ever since goes to confirm the same view and you will find that the Indian Government are not supplying to the people of India the quantity which is absolutely necessary. If you take even 5 crores of maunds to be distributed for consumption in India among the 318 millions, you will find that it comes to only between 12 and 13 lbs. per head of human population.

Mr. A. H. Lloyd (Member, Central Board of Revenue): What about babies? My point is whether babies and small children require 20 lbs. per head.

Mr. C. Duraiswami Aiyangar: I am prepared to give a margin for it, but I am going to mention another item for which my Honourable friend will have to give a margin. (Mr. K. Ahmed: "What about cattle?") The cattle of India require as much salt as men require. I know that in the Madras Presidency the agriculturist would rather spare his own salt than spare the salt of his cattle and if you calculate upon that basis, you will not come even to 6 lbs. per head. Sir, if you take both the cattle as well as human beings into consideration, deducting the babies, then, Sir, I daresay that you will require at the very least 25 lbs. and you will have to produce at the very least 9 crores of maunds of salt every year. If you are going to supply us only with 5 crores or 4'80 crores, how do you expect India to keep up its healthy existence, particularly as you are distributing side by side opium, the health taker? I therefore think that it is absolutely necessary for Government to enlarge their production of salt to such an extent

Mr. President: That matter was under discussion last week and we had a very long discussion on the desirability of expanding the production of salt in India. The Honourable Member must find some other subject to discuss.

Mr. C. Duraiswami Aiyangar: I am only suggesting that by reducing the expenditure on salt production and increasing the private manufacture of salt with, at the same time, Government control and supervision over such manufacture you will not only increase the manufacture of salt but reduce the cost of salt and thereby improve consumption of salt in the country. It is for that purpose that I have placed these facts before you, Sir. I may state that my primary reason for proposing a cut of Rs. 50 lakhs is that the salt that is manufactured in this country must be manufactured purely by private enterprise, Government only keeping a measure of control and supervision over manufacture and distribution. On the other hand, what the Government have been doing is to close down even those factories which at present exist, and the Salt Administration Report of the Madras Presidency will show, as has been pointed out by my Honourable friend, Mr. Venkatarajulu, that they have already closed down 5 factories and that Surla is awaiting its fate.

Mr. President: I have already pointed out that we had a discussion on the subject last week and we cannot go back on that now.

Mr. C. Duraiswami Aiyangar: I am not going back on that, but I am only reminding Honourable Members of what has been already said by Mr. Raju

Mr. President: The Honourable Member, by admitting that it has already been said, must be aware that he is now out of order.

Mr. C. Duraiswami Aiyangar: Without saying more about these points about which at every stage I shall certainly be hampered by relevancy, I will reserve the rest of my remarks on this motion for the Finance Bill. Suffice it to say that if you reduce the expenditure on the production of salt, and by reducing the tax on salt you will increase the popularity of salt, you will make it cheaper and thereby encourage a greater consumption of salt, and for further figures I will reserve my remarks for the Finance Bill. For the present I submit that the function of Government should be merely one of supervision and that the mines as well as factories on the sea-coast should be given on modified excise license, particularly as

[Mr. C. Duraiswami Aiyangar:]

you hear from the Madras Government that the modified license system is becoming popular among merchants. That will save Government the necessity of purchasing large bags of salt and ultimately destroying them as nobody would purchase them.

Mr. K. Ahmed: What about smuggling?

Mr. C. Duraiswami Aiyangar: I leave it to you.

Mr. President: Reduction moved:

"That the Demand under the head 'Salt' be reduced by Rs. 50 lakhs."

The motion was negatived.

CAPITAL COST CHARGED TO REVENUE.

Mr. Jamnadas M. Mehta (Bombay Northern Division: Non-Muhamadan Rural): Sir, I beg to move:

"That the Demand under the head 'Salt' be reduced by Rs. 14,93,000."

Sir, we have been discussing salt so much that it is time some pepper was added to it and in course of time chillies would follow. If the House will turn to page 18 of the Demands for Grants, they will find that under the Northern India Salt Revenue Department it is proposed to incur during the next year an expenditure of Rs. 14,93,000 of a capital character. Now, Sir, it is not right that revenue should be saddled with the cost of capital enterprise; the objects on which the expenditure is proposed to be incurred clearly show that it cannot be charged to revenue. Out of this Rs. 14,93,000, Rs. 1,72,000 is proposed to be spent on the purchase of locomotives, brake vans and trucks; over Rs. 75,000 on staff quarters, Rs. 7,62,000 on the development of salt mines, Rs. 1,42,000 on the purchase of sidings from the Bombay, Baroda and Central India Railway Company I think. In these and other ways, expenditure which ought to be spread over a series of years—because neither staff quarters, nor development of salt mines, nor locomotives will have their usefulness exhausted in the course of one year—is charged to the revenue of next year. I therefore submit that this expenditure of Rs. 14,93,000 should be spread over a series of years and not charged to the revenues of next year alone. It is in this way that the Finance Member has been concealing surpluses. He keeps in his outside pocket a surplus of Rs. 74 lakhs, but if you explore his coat there are small pockets here, there and everywhere in which sometimes lakhs, sometimes crores lie hidden, and, as I proceed further, it will be my duty to show how much more money lies concealed which should not have been charged to revenue but spent for the remission of taxation. For the present under the head Salt I propose that a reduction of Rs. 14,93,000 should be made. If you look at page 9 of the Explanatory Memorandum we are told in paragraph 16:

"A commercialised system of accounting has been introduced since 1924-25 in the Northern India Salt Revenue Department, according to which a depreciation fund to provide for renewals and replacements has been started and interest on the capital outlay is added to the expenditure."

If the Salt Department is being commercialised, and it is proper that it should be, then there should be some system of allocation of expenditure between capital and revenue, and it is clear from the nature of the expenditure which I have just described—on staff quarters, development of mines, purchase of locomotives and so on—that it should not be charged to revenue thereby penalising the tax-payer who should be relieved to the extent of Rs. 14,93,000. Therefore, I hope the House will realise that this expenditure should be deducted from the revenue and charged to capital. I am not objecting to the expenditure itself. The whole of it may be very proper. We require the development of mines, we require staff quarters for the subordinates, but my whole contention is that the expenditure on such objects is of such a character that it cannot be charged to revenue because nearly 80 years or more will elapse before the usefulness of the whole of this new expenditure will have been exhausted. Therefore it does not stand to reason that a whole generation of people should have the benefit of these developments and this year's tax-payer alone should be made to pay for them. That is my justification for moving this reduction.

Mr. President: Reduction moved:

“That the Demand under the head ‘Salt’ be reduced by Rs. 14,93,000.”

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): I would like to ask the Honourable the Finance Member whether these items of expenditure on the capital outlay on salt works which are being charged to revenue have been in previous years charged to the capital account, and if so, I would like to hear an explanation as to why a change of practice has been introduced in the system. As my Honourable friend, Mr. Jamnadas Mehta, has pointed out very clearly, these items of expenditure must clearly go to the capital account and not to the revenue account. I would like to have an explanation on this point from the Honourable the Finance Member.

Mr. N. M. Joshi (Nominated: Labour Interests): I would also like the Honourable Member in charge of the Department to give me some information as regards the business of manufacture of salt. We have been told that the accounts of this Department are now commercialised. I would like to know what is the capital which Government have invested in this industry. Even though money has been spent from revenue, the money spent on buildings, machinery, and such other things, must now be considered as capital invested in that industry. I would also like to know from Government what is the value of the salt which they produce with this capital and what is the profit or loss which they make in this industry. I find that the Government of India are spending one crore 11 lakhs on these departments and they are getting from this department a revenue of 6 crores of rupees. I think, considering this as a tax, this is too large a percentage to expend, namely, more than 16 per cent. for the collection of a tax. The salt tax is bad on moral grounds as well as on economic grounds, but, Sir, the salt tax is bad also on this business ground, namely, that it takes more for its collection than many other taxes. I would therefore like the Government of India to give an explanation on this point.

There is another matter on which I would like the Government of India to give an explanation in connection with this Demand. From the details given as regards this Demand I find that the Government of India are spending about 10 lakhs of rupees as new expenditure which has been

[Mr. N. M. Joshi.]

shown in this book of Demands in black type, but I find also that their expenditure for this year is 15 lakhs more than the revised estimate for the past year. I do not find a clear explanation of this increased expenditure. Moreover, I would like to ask the Government of India whether they place increased expenditure before the Standing Finance Committee for its sanction. I find from the report of the Standing Finance Committee that new items of expenditure have been placed before the Standing Finance Committee, but it is not the practice of the Government of India to place increased expenditure on old items before the Standing Finance Committee. The Standing Finance Committee will not be of much use if Government do not consult it when they increase the expenditure on items on which they have been spending some money. I therefore want to know from the Honourable the Finance Member whether he does not think it advisable to place additional expenditure on old items also before the Standing Finance Committee for its approval. As regards the point raised by my friend from Bombay, I heartily support his view that the money spent on capital expenditure should not be debited to revenue account but should be spent from capital account.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I do not desire to make a speech but only to call attention to one fact on which I should like to know the policy of the Government. My friend Mr. Jamnadas Mehta has rightly pointed out that the habit of charging to revenue capital expenditure has become more or less chronic, but, on the other hand, I find the Government of India in their instructions to the Madras Government have laid down a definite principle to be adopted in charging capital expenditure to revenue. I find, Sir, in the Memorandum of the Madras Government on their Budget for 1925-26, they have stated on page 67 that "the Government of India have since decided that expenditure on civil works costing less than 5 lakhs should be met from revenues". Therefore, according to the Government of India's own principle expenditure which is above 5 lakhs ought to be charged to capital account and not to revenue account. On that basis the motion of my friend Mr. Jamnadas Mehta is on the Government of India's own decisions sound and the amount is bound to be charged to capital and not to revenue.

Sardar V. N. Mutalik (Gujarat and Deccan Sardars and Inamdars: Landholders): In this connection I am glad that the larger question has been raised by my Honourable friend Mr. Jamnadas Mehta. The real question in this case is that Government should clearly lay down for the guidance of this House the principle on which expenditure is charged either to capital or to revenue. Some of these items to my mind ought to go to revenue account and some of these ought to go to capital account. For example, the purchase of trucks, brake vans and locomotives. This is an item which ought really to go to capital account. I myself do not think that a limit of 5 lakhs or 10 lakhs or one lakh is a proper test. We must go on the principle. We must not go by any amount in deciding as to what ought to be the proper test for debiting this expenditure to one head or the other.

The next question was raised by my Honourable friend Mr. Joshi with regard to the powers of the Standing Finance Committee. At present only new expenditure is placed for sanction before the Standing Finance Committee. I suppose that is the practice, but I am not quite sure if increased expenditure on items already sanctioned is ever placed before

the Standing Finance Committee and whether the Standing Finance Committee has got any power to check the constantly increasing expenditure on some items. A definite statement of the policy of Government with regard to these two items, namely, expenditure which is either charged to revenue or capital, and the powers of the Standing Finance Committee, is desirable and I hope the Honourable the Finance Member will make a statement on these two points.

The Honourable Sir Basil Blackett (Finance Member): I will deal first with the question of the powers of the Standing Finance Committee which has incidentally arisen in this connection. The position is that every new item of votable expenditure comes before the Standing Finance Committee. If there is additional expenditure in the normal course on salaries, owing to incremental scales of salary or other ordinary inevitable increases, they are not put before the Standing Finance Committee. But no increase that is purely of an optional nature is included in the Budget without the approval of the Standing Finance Committee.

I next come to the main point that has been raised by Mr. Jamnadas Mehta. I would say at once in answer to Mr. Chetty that this is not a new principle, that the inclusion of items of this sort in the revenue expenditure has been the practice followed from the beginning of time in the Government of India, so far as I know. There has been no change in practice this year. The change that is proposed by Mr. Jamnadas M. Mehta would be a new departure (*Mr. Jamnadas M. Mehta*: "A wholesome departure.") Mr. Jamnadas M. Mehta says it would be a wholesome departure. I heard something the other day about frenzied finance. I think that Mr. Rangaswami Iyengar's suggestion that any item over 5 lakhs should be charged to capital would enable us to introduce a very nice budget this year but would not be easy to characterise it otherwise than as frenzied finance. The reference that was made to the Madras Government's publication was, I am afraid, misunderstood by my Honourable friend. We have had under careful consideration the question of the limits within which it is proper or desirable to allow Provincial Governments to borrow for purposes which are not strictly reproductive. There are existing rules on the subject which are always very carefully interpreted which do allow borrowing in the case of Provincial Governments not merely for reproductive purposes such as irrigation, but also for certain items which are either of a semi-productive nature or are even of an onerous nature but are large capital outlays of a kind which it is difficult for a Provincial Government to finance out of the revenue of the year; and in connection with the Provincial Loans Fund we are trying to get that practice a little more clearly defined. But this is a practice that applies strictly only to the Provincial Governments, and if I am asked for a principle in regard to the Government of India as to what purposes it is proper to borrow for and what that principle is, I should answer unhesitatingly that borrowing by a Government in the position of the Government of India ought to take place only for productive purposes: strictly speaking, I should say only for railways and irrigation and things of that sort. (*A Voice*: "Delhi.") Delhi is quoted against me. I think that the fact that we are borrowing for Delhi is a defect in our existing budget and a strong argument for not playing any more pranks of the kind which is proposed now by Mr. Jamnadas M. Mehta or making attempts to reduce the provision that is made for reduction or avoidance of debt. There is a very interesting article in the Indian Journal of Economics for last July by Dr. John Mathai which

[Sir Basil Blackett.]

I think Mr. Jamnadas M. Mehta and others would find very profitable to read as a whole, in which this whole question of the policy of borrowing is rather carefully discussed. Dr. John Mathai comes to the conclusion that there is a very considerable danger of over-borrowing and of charging to capital things that ought to be charged to revenue; and he looks with a good deal of suspicion on the tendency in the case of the Provincial Governments to get out of immediate difficulties by borrowing for what are described as public works.

Mr. Jamnadas M. Mehta: Will you kindly read Mr. Madon's article?

The Honourable Sir Basil Blackett: I shall be glad to lend this to the Honourable Member.

Mr. Jamnadas M. Mehta: Thanks, but I am asking you to read Madon.

The Honourable Sir Basil Blackett: I prefer Mathai. (Laughter.) What is proposed here is that we should really ease our difficulties by changing a very old standing practice and set to work to increase amount that we borrow in order to increase the size of our surplus. I have already had occasion this session to draw the attention of the House to the fact that the Government of India and the Provincial Governments between them have already a very heavy capital programme of development. For purposes of development they require to come into the market and raise very large sums in the next few years in addition to the difficulties with which they are faced in connection with maturing debt over and above the amount that is required to be borrowed. That is the immediate effect of this proposal—it means probably additional difficulty in raising the sum required, probably some additional interest on the whole of the borrowings both of the Central Government and of the Provincial Governments in so far as we have either to renew or borrow new money, and possibly to restrict the amount that we shall be able to borrow for the purpose of real capital development such as railways and irrigation. I would therefore suggest to this House that it would be a very foolish policy to set to work at this stage to transfer to capital and borrow for the purpose of meeting it items such as those which have been for many years treated as ordinary revenue charges. It is one thing to commercialize the accounts of a Department. I think it is a very good thing that you should do so; but the fact that you commercialize the accounts of a Department and make a distinction in those accounts between what items are strictly of a revenue character and what items are of a capital character does not at all necessarily lead to the conclusion that you should borrow for the purpose of those capital items. On the contrary, I think that any such policy would be extremely dangerous and that the Government of India with the full support of this House should set their face against any proposal of that sort and should lay down as their policy that they will borrow only for purposes of productive development. That is the policy that I would strongly advocate.

I have been asked, what is the amount of capital charged already in this connection? I have not got the exact figure, but I think it is about 70 lakhs. That is the depreciated block value—70 lakhs—according to the accounts as we have drawn them up. (Inaudible interruption.) That is the block value of the capital expended up to date—depreciated. I have

When asked why it is that this Demand shows an increase as compared both with the revised and the original budget estimate of last year. The increase is very largely explained by the introduction for the first time of the commercial account. Honourable Members will find on page 19 that there is a depreciation charge of 3 lakhs and interest charges on capital outlay of 3 lakhs 37 thousand which practically account for the whole of this increase. Of course to a considerable extent that is simply a transfer of this charge from the Interest vote to this vote.

I have endeavoured to meet all the points that arise. I would once again impress on the House the danger of trying to relieve immediate difficulties by hasty recourse to the dangerous habit of borrowing, with the only possible result that in a very short time the additional charges for interest would more than eat up the amount that we save, and serious obstacles would be placed in the way of that developmental capital expenditure to which we attach such great importance, our capital expenditure on railways and irrigation and works of that sort. Remember also that it is not only our capital expenditure but the capital expenditure of all the provinces which is affected by the rate of interest at which we borrow.

Mr. President: The original question was:

"That a reduced sum not exceeding Rs. 1,11,25,900 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, 1926, in respect of 'Salt'."

Since which an amendment has been moved:

"That the Demand under the head 'Salt' be reduced by Rs. 14,93,000."

The question I have to put is that that reduction be made.

The Assembly divided.

AYES—50.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Aney, Mr. M. S.
 Ariff, Mr. Yacoob C.
 Belvi, Mr. D. V.
 Bhat, Mr. K. Sadasiva.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shaanukham.
 Das, Pandit Nilakantha.
 Datta, Dr. E. K.
 Dutt, Mr. Amar Nath.
 Goswami, Mr. T. C.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hari Prasad Lal Rai.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Joshi, Mr. N. M.
 Kazim Ali, Shaikh-e-Chatgam
 Maulvi Muhamamad.
 Kelkar, Mr. N. C.
 Lohokare, Dr. K. G.

Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jannadas M.
 Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Nambiyar, Mr. K. K.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Roy, Mr. Bhabendra Chandra.
 Samiullah Khan, Mr. M.
 Sarda, Rai Sahib M. Harbilas.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Sinha, Kumar Ganganand.
 Svanacharan, Mr.
 Tok Kyi, Maung.

NOES—56.

Abdul Mumin, Khan Bahadur Muhammad.	Hyder, Dr. L. K.
Abdul Qaiyum, Nawab Sir Sahibzada.	Innes, The Honourable Sir Charles.
Abul Kasem, Maulvi.	Lindsay, Mr. Darcy.
Ahmad Ali Khan, Mr.	Lloyd, Mr. A. H.
Ahmed, Mr. K.	Makan, Mr. M. E.
Aiyer, Sir P. S. Sivaswamy.	Marr, Mr. A.
Ajab Khan, Captain.	McCallum, Mr. J. L.
Alimuzzaman Chowdhry, Mr.	Mitra, The Honourable Sir Bhupendra Nath.
Ashworth, Mr. E. H.	Moir, Mr. T. E.
Badi-uz-Zaman, Maulvi.	Muddiman, The Honourable Sir Alexander.
Bhore, Mr. J. W.	Muhammad Ismail, Khan Bahadur Saiyid.
Blackett, The Honourable Sir Basil.	Naidu, Mr. M. C.
Bray, Mr. Denys.	Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Burdon, Mr. E.	Rangachariar, Diwan Bahadur T.
Calvert, Mr. H.	Rau, Mr. P. R.
Clarke, Sir Geoffrey.	Reddi, Mr. K. Venkataramana.
Cocke, Mr. H. G.	Rhodes, Sir Campbell.
Cosgrave, Mr. W. A.	Rushbrook-Williams, Prof. L. F.
Crawford, Colonel J. D.	Sastri, Diwan Bahadur C. V. Visvanatha.
Dalal, Sardar B. A.	Singh, Rai Bahadur S. N.
Fleming, Mr. E. G.	Stanyon, Colonel Sir Henry.
Fraser, Sir Gordon.	Sykes, Mr. E. F.
Ghazanfar Ali Khan, Raja.	Tonkinson, Mr. H.
Ghose, Mr. S. C.	Webb, Mr. M.
Ghulam Bari, Khan Bahadur.	Willson, Mr. W. S. J.
Graham, Mr. L.	Wilson, Mr. R. A.
Hira Singh Brar, Sardar Bahadur Captain.	Yakub, Maulvi Muhammad.
Hudson, Mr. W. F.	
Hussanally, Khan Bahadur W. M.	

The motion was negatived.

***Mr. Bhabendra Chandra Roy** (Presidency Division: Non-Muhammadan Rural): Sir, I beg to move the motion which stands in my name, and which runs as follows:

“That the Demand under the head ‘Salt’ be reduced by Rs. 5 lakhs.”

Sir, in 1920-21 the income was Rs. 5.7 crores and the expenditure was Rs. 81 lakhs. In 1921-22 the actual expenditure was 1.18 crores and the income was estimated to be 6.41 crores. In 1923-24 the income was 10 crores and the expenditure was 97½ lakhs. In 1925-26 the income is estimated to be less than 7 crores and the expenditure is raised beyond all proportion to Rs. 1,11,26,000. That is, the anticipated income in 1925-26 has fallen off by nearly one crore, whereas the expenditure is going to be raised by nearly 12½ lakhs. It has been declared by this Assembly as well as the previous Assembly that it is one of the most unjust and unfair taxes; which falls more heavily on the poor than on the rich. It is also the intention of this House as well as the public that the earliest opportunity should be taken to reduce this tax with a view to its early abolition. That being the goal, I think there cannot be any justification for the increased cost of administration of this Department. Sir, it is a well-known fact that once you increase the cost, it is very difficult to reduce the expenditure. In the Explanatory Memorandum on page 9 we find that some other expenditure on Capital Outlay on Salt Works is estimated for 1925-26 at a little more.

*Speech not corrected by the Honourable Member, but only a few figures have been corrected.

than 15 lakhs, i.e., 80 lakhs for the other charges. In 1922-23 when there was no capital outlay the income was Rs. 6,82,00,000. The burden of taxation is borne by the general tax-payer. In 1925-26 it is proposed to spend Rs. 15 lakhs on capital outlay, but the income and expenditure are normal. In this connection I may note that on page 55 of his Budget Speech the Finance Member said:

“We are justified in assuming that the yield of the salt duty will be a normal one in the coming year, and I now put the revenue at 6.95 crores. This is less by 79 lakhs than the revised figure for 1924-25 which was swollen by collections at the higher rate of duty in force in 1923-24 under the system of credit sales.”

Therefore when you say that you are running the department on commercial lines and business lines, I ask why is not that principle applied in this case? The abolition of the tax will leave some of the investors with dead stock on their hands because so much interest will be lost and the charge will fall on the revenue of the country. There is no gainsaying the fact that with the improvement in Indian finances the agitation for the abolition of this tax will grow and the Government will have no other alternative but to abolish it altogether. With these words, I beg to put forward my motion.

Mr. President: The question is:

“That the Demand under the head ‘Salt’ be reduced by rupees five lakhs.”

The motion was negatived.

INCREASE IN EXPENDITURE.

Mr. N. M. Joshi: Sir, I move:

“That the Demand under the head ‘Salt’ be reduced by Rs. 4 lakhs.”

Even after hearing the speech of the Honourable the Finance Member I am not yet satisfied that there is need for increasing expenditure by 5 lakhs of rupees on ordinary items. The Honourable Finance Member stated that a part of the increased expenditure was due to the commercialisation of the accounts and part to normal increase. The Retrenchment Committee examined the Government of India's accounts very recently and had made certain retrenchments; but, I find that the very next year now Government are showing a tendency to increase the expenditure. If Government increase their expenditure normally by five lakhs so soon, another Retrenchment Committee will be necessary; and if Government insist upon increasing their expenditure normally by 5 per cent., I think, Sir, it will be desirable for this House to cut down normally the amounts proposed by them by 5 per cent. every year.

Mr. President: Further reduction moved:

“That the Demand under the head ‘Salt’ be reduced by Rs. 4 lakhs.”

Mr. A. H. Lloyd (Member, Central Board of Revenue): Sir, I promise the House that I shall be very brief; but I think it is desirable that I should just meet the point that Mr. Joshi has made regarding the increase in expenditure. He has referred to the fact that out of the increase over the revised estimates for all-India—an increase of something like 15 lakhs—only 7 lakhs is explained by the commercialisation of the accounts. I can assure the Honourable Member that the remaining increase is not a sign-

[Mr. A. H. Lloyd.]

of extravagance. It is simply explained. It will be seen, if you take India, that is to say, the Northern India Salt Department, that in the very first item in the Demand the revised estimate for voted expenditure is something like 4 lakhs below the budget estimate for 1924-25. That is not because the budget estimate was watered, it is because the carrying out of a big work—the electrification of the Khewra salt works—was practically postponed for a year. It will be taken up in the coming year and that accounts for 5 lakhs.

Then under India there is another increase of 2 lakhs in the non-voted item over the revised estimates. This is simply and solely due to the fact that the production of the Sambhar Lake has increased and we are under an obligation to pay a certain commission which increases with increased production to those States within whose territories the Sambhar Lake works are carried on.

There is one more small point I would mention—the increase in Madras. That is to some extent due to reduced output in 1924-25; but it is also partly due to works that have become necessary in order to carry out repairs as a result of the recent damage done by cyclones in that Presidency.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, I think that the explanation that Mr. Lloyd has given meets the arguments raised by Mr. Joshi. As far as Mr. Joshi's arguments are based on the recommendations of the Retrenchment Committee, I do not agree with what he has said. Representing as I do almost the same interests as Mr. Joshi does and having the honour to take part sometime in the same platform as Mr. Joshi, I think it is necessary that the matter should be looked at from different points of view; at any rate it has to be looked at from a wider point of view than the one adopted by my Honourable friend in his argument.

In the first place, Sir, we have got a net income of over 6 crores of rupees out of salt. The expenditure incurred on it is only 1,11 lakhs and odd. If we utilise labour properly and pay it handsomely, then my Honourable friend will be acting true to his salt. (Laughter); and from that point of view I think my Honourable friend ought to withdraw his motion.

My friend, Mr. Duraiswami Aiyangar who was speaking on the same subject wanted a bigger reduction—he is not present here—but I think he asked for a reduction of fifty lakhs

Mr. C. Duraiswami Aiyangar: If you cannot see me, who else will be visible to you?

Mr. K. Ahmed: Madras people, Sir, naturally welcome their own Madras salt; but it has been discussed and found that the salt we get from Madras is not a refined one and is not acceptable for consumption by people of other provinces. It is not necessary for me to enter into that discussion, but I say this: the Honourable Member first of all wanted to omit the entire Demand; being unsuccessful he caught hold of the fifty lakhs reduction, then of the forty lakhs, till it has gradually come down to four lakhs. It is rather difficult to enter into these arguments, especially when he said that it was better to grant licenses on a moderate scale though he is an extremist in his platform speaking. Although he is not a Swarajist, Sir, I have seen from time to time that he is not behind them. But, Sir,

how are you going to grant licenses on the moderate scale when you know that by doing so more people will smuggle salt. It has been found that lawyers are being engaged on behalf of these smugglers and there has been a number of cases which probably my Honourable friend, Mr. Lloyd, knows much better than myself. Mr. Duraismwami's argument therefore was against the public interest. It is for my friends to see that if they do not help the Government to pass the Budget they will do more harm than good to the country. Under these circumstances, Sir, I would ask my friend Mr. Joshi to withdraw the motion for reduction. (Laughter.)

Mr. N. M. Joshi: As suggested by my Honourable friend Mr. Kabæerud-Din Ahmed, whom I much admire, I beg to withdraw the motion, Sir.

The motion was, by leave of the Assembly, withdrawn.

REVISION OF THE PAY OF ASSISTANT INSPECTORS IN THE MADRAS PRESIDENCY.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, I wish to draw attention by this motion* to the great dissatisfaction that exists among the ranks of Assistant Inspectors and Sub-Inspectors in the Madras Presidency over the altered position in which they find themselves on account of the separation of their department into the Excise and Salt. Before the separation, Sir, as Honourable Members will find from page 222 of the Standing Finance Committee's Proceedings, Vol. IV; the staff consisted of 87 Inspectors, 100 Assistant Inspectors, 12 Assistant Commissioners and 2 Deputy Commissioners so that the 100 Assistant Inspectors had the chance of rising to the post of Inspectors whose number was 87, and the 87 Inspectors had the chance of rising to the position of Assistant Commissioners whose number was 12. Now, Sir, under the re-organization scheme, there are 60 Assistant Inspectors and the number of Inspectors is reduced to 13, so that their chances of promotion have been reduced very considerably. The Sub-Inspectors also stand in a worse position, because there are 177 Sub-Inspectors who have to rise to the position of Assistant Inspectors. I see that the proposal of the Government is merely to relieve them to the extent of putting them on a graded scale or rather on a time limit, that is to say, they would start from Rs. 150 and rise to Rs. 200 with a selection grade from Rs. 200 to Rs. 250. I hardly think, Sir, this is sufficient. I know the discontent among these ranks is very deep, and the Government recognised it in their proceedings. I also know that the Local Government recommended the case of these people for the sympathetic consideration of the Government of India. My suggestion is that the provision made in the Budget is hardly adequate to meet the circumstances of the case. I do not know if it is not possible to increase the number of Inspectors from 13 to 25 so as to increase their chances of promotion and whether the number of Assistant Inspectors could not be increased so that the Sub-Inspectors may have better chances of promotion. The position now is much worse. Many of these Assistant Inspectors acted as Inspectors when they were in the combined scale, but now they are all reduced to the rank of Assistant Inspectors. More than two dozen Inspectors have been reduced to the position of Assistant Inspectors, while they have been holding sometimes sub. *pro tem.* and sometimes acting appointments for several years as Inspectors. All that I wish to point out, Sir, is that the provision made in their case is totally inadequate.

* "That the Demand under the head 'Salt' be reduced by Rs. 10."

Mr. A. H. Lloyd: Sir, the Honourable Mover of this amendment has referred the House to the proceedings of the Standing Finance Committee, and I have no doubt that those Members who are interested in the matter will make the reference. I think that the House will prefer me not to go into the details of this question. The separation of the Salt Department and the Excise Department in Madras admittedly had immediate results which were prejudicial to the prospects of the officers assigned to the Salt Department. It was for this reason that the proposals assented to by the Standing Finance Committee were drawn up. These proposals were made by the Local Government who are still in charge of the administration of the Salt Department in Madras, and in the circumstances, I am afraid, it is not possible for the Government of India to say more than that they note that apparently the Honourable Mover has information that the officers affected are dissatisfied, and if occasion arises, this point will be borne in mind.

Diwan Bahadur T. Rangachariar: Sir, I do not wish to press this motion.

The motion was, by leave of the Assembly, withdrawn.

Mr. President: The question is:

"That a reduced sum not exceeding Rs. 1,11,25,900 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, 1926, in respect of 'Salt'."

The motion was adopted.

DEMAND No. 16—CUSTOMS—*contd.*

ABOLITION OF THE COTTON EXCISE DUTY.

Mr. President: The question is:

"That a sum not exceeding Rs. 71,66,000 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, 1926, in respect of 'Customs'."

Since which an amendment has been moved:

"That the provision for Rs. 77,000 for the Cotton Excise Establishment be omitted."

The Honourable Sir Basil Blackett: Sir, I think it will be for the convenience of the House if I am allowed to rise now and explain what has developed since this discussion was adjourned on last Friday. The House will remember that after spending the whole day in discussion on this motion, it postponed further consideration till to-day in order to give time for consideration of the points which had arisen. Now, it emerged clearly from last Friday's debate that there was complete unanimity on all sides of the House in the view that the only obstacle to the repeal of the cotton excise duty was the question of funds. There was complete unanimity on that point. There was almost complete unanimity that the sum earmarked in the Budget for 1925-26 for the relief of the provinces should not be encroached upon. It was pointed out on behalf of the Government that the motion before the House if carried and accepted involved the non-collection of the cotton excise duty from the 1st April 1925 and the loss of revenue could only be made good by reducing the sum set aside for the provinces. It was further pointed out

that even if the money were really available, it ought logically to be devoted to increasing the relief of the provinces if, in the words of Sir Purshotamdas Thakurdas, the priority of the provincial claim first, second and last is conceded, and that reduction or abolition of the cotton excise duty this year must in any case be at the expense of the provinces hereafter. Several other suggestions were also thrown out in the course of the discussion. Sir Campbell Rhodes urged that the Government should agree to accept the vote of the House on this motion, and, if it were carried, should abolish the cotton excise duty even if it involved encroaching on the fund available this year for the provinces. Pandit Motilal Nehru expressed his readiness to vote for alternative taxation if a suitable alternative could be found. Pandit Madan Mohan Malaviya in moving for the adjournment of the debate expressed his confidence that cuts could be made sufficient to enable the duty to be repealed without diminishing the amount available for the provinces. And finally, Mr. Jinnah made the suggestion that, if the whole duty could not be abolished this year, a beginning might be made as an earnest of the Government's expressed desire to honour to the full both in letter and spirit the pledge given by Lord Hardinge. All these points required and have since received careful and prolonged consideration and re-examination in many cases by the Government of India, who were and are most anxious to give full weight to the views of this House on this very important question and who welcomed the opportunity offered by the adjournment. That opportunity has been used by the Government who have given the most careful and sympathetic study to the whole subject and I have now to explain to the House the conclusions at which they have arrived. A re-examination of the estimates confirms the Government in their view that there is no legitimate possibility of both maintaining their proposals for provincial relief this year intact and abolishing the cotton excise duty. They cannot budget for a deficit and they are convinced that no important cuts can be made if the budget figures are to remain, as they must, a true estimate of the amount likely to be required for the service of the State for the year 1925-26. For the reasons stated last Friday, the Government are unable to recommend any form of substituted taxation, since this inevitably involves imposing a new tax the proceeds of which will be paid to the millowners. They must also rule out at once any idea of encroachment on the sum earmarked for provincial relief. It is obvious that this latter course is not desired by the House and even if the House were to pass this motion—which I hope it will not—and even if that motion must logically be taken to mean giving priority to the cotton excise duty over the provincial contributions, the Government feel that they would be failing in their duty if they were to consent to deprive the nation-building services of the funds they so badly need in order to repeal a tax; the arguments for whose repeal are at the moment preponderatingly, though not entirely, political. There remains Mr. Jinnah's suggestion that a beginning might be made this year by some reduction, which would necessarily be small, in the duty as an earnest of the Government's good intentions: Now, our recurrent surplus amounts only to 18 lakhs, and it is clear that a recurrent loss of revenue ought not to be financed out of non-recurrent receipts. This is not a proposal to use our non-recurrent surplus this year for some non-recurrent purpose but it is a proposal to use it for a recurrent purpose. Now, even a reduction of $\frac{1}{2}$ per cent. in the duty would cost us, as we estimate, about 30 lakhs and would therefore involve some risk when we come to the Budget for 1926-27. But at first sight the proposal has some obvious attractions. Its adoption would, in the first place, it is claimed, finally dispose of the

[Sir Basil Blackett.]

suspicion that Lancashire or some obstacle other than the lack of funds stands in the way of the practical carrying into effect of those pledges which the Government have once again declared their intention of honouring in the letter and in the spirit. I repeat once more that there is no obstacle other than the lack of funds, but I recognise that there will always be those who demand that a sign be given unto them and who will not be convinced except by ocular demonstration. If a reduction of $\frac{1}{2}$ per cent. this year would really be regarded as ocular demonstration, it would obviously have real political value. It has been suggested also that to make the demonstration convincing the initial reduction ought to be accompanied by a plan for progressive diminution and ultimate extinction within a few years. This clearly involves an unjustifiable speculation as to the Budgets of these years, as well as a mortgage of any future surplus with a definite preference in favour of cotton excise duty over provincial contributions after 1925-26. The Government have had the advantage since last Friday of discussing the whole matter with representatives of the millowners. The Government recognise that the industry is passing through a difficult phase, which they trust may be a temporary one, and they are ready and anxious to give a sympathetic and favourable hearing to the millowners' case and to do all that they can to help the industry in a practical form. But it is abundantly clear—and I think this is not contested by the millowners themselves—that a reduction by half per cent. of the excise duty would not touch the fringe of the problem. I am inclined myself to doubt whether the total abolition of the duty would really get at the heart of the trouble, though it might give some temporary encouragement. We are therefore met once again by the fatal objection that such a reduction of the duty by half per cent. would merely put 30 lakhs a year out of the pocket of the tax-payer—strictly out of the pockets of the provincial tax-payer—into the pockets of individuals without in any way helping the cotton industry to surmount its difficulties. This 30 lakhs a year would cease altogether to be available towards those further reductions of provincial contributions which the Government and the Assembly are anxious to effect and which they have promised to effect at the earliest possible moment. The Bombay Government, which besides favouring the abolition of the cotton excise duty has also represented strongly its claims to relief, would, so far from being helped, see the date of its relief *pro tanto* postponed. And the same is true of the other provinces. The objections from this point of view to a reduction of anything more than half per cent. are obviously even greater. I do not wish to be taken as saying that in all circumstances we must adhere to the strict logic of the position, and that any reduction or abolition of the cotton excise duty must necessarily await the final extinction of the provincial contributions. The decision on that question can be taken in due course when it ceases to be a hypothetical one. But it is, we hold, clearly wrong that we should prejudice that decision this year by recommending a reduction of the cotton excise duty in a way which will do no possible good either to the cotton mill industry or to India generally. The Government of India's conclusion, therefore, is that, if they were to recommend a reduction of the duty this year, they would be yielding to a political temptation without adequate justification for their action and that the only right course is for them again to recommend to the House and to the country the proposals which they put forward originally after careful consideration in the budget statement,—proposals which in existing circumstances are in their opinion those best calculated to serve the true interests of India as a whole.

Diwan Bahadur T. Rangachariar: Sir, I regret very much the decision of the Government of India. The Government of India, I am afraid, are lacking in that political insight that they do not even take advantage of peace offerings made on this side of the House. We fully appreciate and recognise the difficulties which beset us, the provinces, in this matter. Sir, I have reluctantly come to the conclusion that I must support this motion for reduction on this head. There are two sacred promises made by the Government of India, one made more than 15 years ago and the other made at the time of the Meston Award. Both the promises have to be fulfilled. The Government of India, I am thankful to say, have recognised the necessity for fulfilling this later promise as regards the provincial contribution, for the necessity there is admittedly greater than in the case of the excise duty. In the case of the excise duty one cannot but admit it is a purely—so far as I am concerned I recognise it and regard it purely as a political matter. It has no economic value, as has been pointed out by Mr. Devaki Prasad Sinha and others. Its disappearance by itself does not benefit the consumer, it is true; it benefits the industry and the industry only. But, Sir, even if it benefited the industry only, it is a benefit to the country. After all, the millowners are Indians and if they are helped to stand on their legs, they will develop the industry for the advantage of the country. In that sense I regard it as an advantage to the country itself if they are helped to stand on their own legs. But at the same time the little measure of support which we ask the Government to give in this Budget will not have given them even that advantage. But we want a declaration on the part of the Government of India that they are determined to put an end to this most obnoxious and odious duty, odious in its origin, odious in its original application, mischievous and injurious to the producer. Sir, we want the Government of India to make a start and a clean start with the determination to get rid of it. Even if they had proposed a reduction of half per cent. I should have willingly supported the Government, if it had been coupled with a programme for reduction in future years when surpluses are available. It is only when surpluses are available that we would urge this. It is quite a hypothetical case—no doubt, but having regard to the history of the past three years and the capable hands in which the finances of this country are placed, I have no doubt we will have years of surpluses in future by the aid of which we will be able to get rid both of the provincial contributions and also this excise duty. (*A Voice:* "Side by side.") I am afraid the Honourable the Finance Member is again in a pessimistic mood. I do not know why he is so. I am rather inclined to think that the Government of India are deliberately bent upon irritating the people and the people's representatives. Sir, their action to-day in denying us an opportunity to discuss this most important report of the Muddiman Committee, their action in denying to-day this bare justice in the case of the cotton excise duty and various other matters incline me to the view that the Government of India are prepared to irritate the people. Sir, we are prepared to take that irritation. It cannot hereafter be avoided. There must be a conflict and I am afraid the Government of India are leading us into that conflict. Sir, I am prepared to support this motion, and I hope the Government of India will see their way again to see that they do not proceed in this line of action. Let us be prepared to co-operate with each other. Co-operation means recognition of the

[Diwan Bahadur T. Rangachariar.]
country's difficulties. Here, the whole country, the whole Indian community without any interest whatever in the question feel one way. Why should the Government of India ignore the sentiments of the people in this matter? I regret the decision of the Government, and I agree to support the motion for reduction.

Mr. E. H. Ashworth (United Provinces: Nominated Official): Sir, I rise on behalf of my Government, the Government of the United Provinces, to strongly oppose this motion. I oppose it both for other reasons and because the remission of the cotton excise duty is bound not only to jeopardize the remission of provincial contributions now proposed, but it is bound to affect the question of further remissions in subsequent years. It is useless for this House to say that it can point out other savings from which the excise duty can be remitted. The Finance Member says that he cannot discover these other funds or savings, and I am certain that he will not be able to do so even with the aid of the spectacles that this House may wish him to wear.

Sir, I maintain that ever since the Meston Award, remissions of the provincial contributions have been a first charge on the Indian Budget balances. They have been so by the very terms and conditions of that Award. They are still more so by the present condition of the provincial finances. I leave it to others to prove that this is so in respect of other provinces. But I am instructed by my own Government to represent to this House the circumstances of the United Provinces. In 1920 the United Provinces had to incur charges of about 150 lakhs on revising the pay of subordinate establishments. That swallowed up most of the benefit that we were supposed to gain from the Meston Settlement and it was not taken into account in fixing the contribution of the Provinces. For a variety of reasons, mostly due to the aftermath of the war, the revenues of the United Provinces fell below the Meston estimate, and this swallowed up the small balance of benefit left. Yet, the province, according to the report of the Meston Committee, had—I quote that report—"large arrears of administrative progress to make up." Some progress has been made, but it has only been rendered possible by additional taxation and severe retrenchment, mainly the latter. These means of increasing or conserving the funds at our disposal have disappeared or very nearly so. Our revenues are not capable of any large measure of expansion. We cannot further retrench, as our standard of expenditure is the lowest in India, save that of one other province. We have achieved some progress in the nation-building departments, but they risk being starved in the future. Lastly, we have had the disastrous floods of September. They have affected our revenues to such an extent that if we lose the proposed remission of 56 lakhs, the United Provinces, which in the period 1921-26 will have contributed 1,200 lakhs to the Central Government, will be compelled to borrow to cover its budget deficit.

Sir, there are three main arguments in favour of the remission of the cotton excise duty. The first is that this duty is a tax on small incomes; it is disputed by some that the tax will come out of small incomes, but assuming for the moment that it will my answer is that it is impossible in India to avoid taxing small incomes. If we are to do any good to the poor, or to the people who only possess small incomes, we shall have to tax them in a country like India. Without such taxation there will be no uplifting or education of the poor, and indeed it will be impossible

to carry on the Government on their behalf. Another argument is that the imposition of the cotton excise duty was unrighteous and iniquitous, and conceived for the benefit of Lancashire. This argument appears to me to imply a most extraordinary personification of a tax. If the tax is no longer an unrighteous one, I cannot see how you can attack the tax because its origin was unrighteous.

Pandit Shamlal Nehru: What was the excise duty?

Mr. E. H. Ashworth: We have heard a great deal of very strong language as to the criminality of those who originally imposed this tax. My answer to that would be that if Lancashire hands were incarnadined by the imposition of cotton excise duty they were washed white as snow by the subsequent import duty.

Lastly, we are told that Government promised the remission of the cotton excise duty and Government must be kept to their promise whatever the results. But the circumstances have changed since that promise was made, changed by the imposition of the import duty. Again the so-called Government promise was conditional on funds being available. How can you say that funds are available so long as the provinces are bankrupt and being starved for funds? Lastly, I would point out that wise people do not exact the fulfilment of promises the fulfilment of which is not to their best interests.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhamadan Urban): Sir, like my friend the Honourable Mr. Ashworth I come also from the United Provinces. He comes with a mandate from the Government, I come with a mandate from the people. I enjoy the suffrage of the people, my Honourable friend is here by the sufferance of the Government. That is the difference between him and me. I stand here to support the motion under discussion on behalf of the people, who, according to my friend the Honourable Mr. Ashworth, will be very much prejudiced if this motion is passed. Why do I do so? Not because I do not press the claim on behalf of the people as strongly as Mr. Ashworth does for the reduction—I may say, the total abolition—of the provincial contributions. As I made it perfectly clear in my speech the other day on this motion, we do not want any remission of the excise duty at the expense of the provinces. We say that both of them are bad and that both of them must go. It is pleaded on behalf of the Government that it is not possible in the present state of the central finances to abolish both the contributions and the excise duty. In fact, it is said that the reductions that are proposed in the contributions will be materially prejudiced if even a half per cent. reduction in the excise duty is made. Now, Sir, I am not for any reduction of the excise duty however large. I say that the excise duty is a disgrace to the country, a greater disgrace to those who levy it than to those who pay it. The disgrace must go. I am not aware of any mathematical formula or calculation by which one can strike percentages or determine degrees of disgrace. Either it is a disgrace or it is not, and on that basis I ask for the entire abolition of this duty.

My Honourable friend Mr. Ashworth said that whatever sting there was in it was removed by the imposition of the import duty. What does it mean? It means this that the disgrace is there but the party disgraced is given a comfortable couch to lie on and compensated in other ways. I for my part refuse to appraise disgrace in terms of rupees, annas,

[Pandit Motilal Nehru.]

and pies. If it is a disgrace it remains a disgrace whether you keep the whole of the excise duty or reduce it to one pice. If the lowest duty remains it is as great a disgrace as the full duty.

I have to say only one word to my Honourable friends in this House. The Honourable Sir Basil Blackett has repeated the oft-played game of trying to raise a conflict where none exists and thus attempting to divide the vote of those who are wholeheartedly in favour of the abolition of this excise duty. He raises the bogey of the continuance of the provincial contributions and says that that is the only means open to us by which we can allow any reduction of the excise duty even to the extent of half per cent. Now, I would beg the House not to be influenced by that consideration at all. If it is not possible to do both, which I do not admit, then let the responsibility for continuing this disgrace lie with the Government. Let them say, "We cannot be parties to our own disgrace and therefore we will not help you." We do not ask you, and I make it perfectly clear once again, to touch the reductions of provincial contributions. It is for you to make the two ends meet. We have suggested various means of making the two ends meet. If none of them appeals to you, it is you who will be responsible for continuing this disgrace. I ask the House to vote without paying any attention to the threat that reductions of the provincial contributions will be omitted if this House passes the motion. I would ask every Indian who values his honour above considerations of money to vote for this motion.

The Honourable Sir Charles Innes (Commerce Member): We have had so many debates about this unfortunate duty, that I am afraid that on both sides of this House we have got into the habit of taking debating points one against the other. I suggest, Sir, seriously for the consideration of the House that the time is past for rhetoric of the kind which my Honourable friend, Pandit Motilal Nehru, has just given the House and the time is past for those appeals to India to wipe out this disgrace. I should like the House now to consider this problem, as we have considered it in the last few days, purely as an economic problem. By way of another preliminary remark, Sir, I should like to say that I do not think that my Honourable friend, Mr. Rangachariar, had any right to say that the Government were deliberately going out of their way to irritate this Assembly. The facts are entirely against the Honourable Member. We agreed to the adjournment of the House the other day in order that we might consider all the suggestions made by the House, and we have considered all those suggestions in the last few days. Now, I want to ask the House to clear away all prejudices and to try to examine this problem in the light in which I shall place it. I think that we may at once start by clearing our minds of the idea that Lancashire in any way stops the taking off of this excise duty. (*A Voice*: "Not without proof.") We may also clear our minds of any suggestion that the taking off of this excise duty is going to help the consumer. I have ascertained myself that the millowners themselves do not make that claim. Therefore, what is the reason why the millowners are so anxious to have the duty taken off? I will try to put their point of view first, and then I will try to put our own point of view. The millowners' claim is simply and solely this: "We are passing through a crisis. We are in a state of depression at the present moment and the taking off of the excise duty will help us and help our industry." That is a perfectly reasonable position for the millowners to

take up. What is the reason for this depression? There are various reasons. The first one is this. I gave some figures the other day showing that the price of cloth has been dropping ever since 1922-23. When the market is a falling market, it means that the dealers who buy large stocks of cloth from the millowners lose their money, and the consequence is that they are now buying in small quantities. They only buy just enough to carry them over their immediate requirements. They are not buying in large quantities and that is because for a long time the market for cloth has been a falling market. The second reason is Japanese competition. I have ascertained that the millowners accept the figures I gave the other day about cloth. They accept that in so far as India and Japan are in competition. India supplies 93 per cent. of the demand for cloth and Japan supplies 7 per cent. But that 7 per cent. is regulating the market at the present time. It is regulating the prices which the millowners can get for all their production. The Japanese competition is worst in drills, but the fact that they are selling drills say at Rs. 1-3-0 per lb. also affects the price which millowners can get for say longcloth. If the millowners charge Rs. 1-6-0 for longcloth the dealers say, "We can get Japanese drill for Rs. 1-3-0 per lb., why do you charge such a high price for longcloth? That is the second factor in the situation which is depressing the mill industry at the present time. I will not go into reasons why we have this Japanese competition, but that there is the Japanese competition is a fact and it is also a fact that is regulating the prices for the millowners at the present time. Finally, in spite of the fact that the prices have been depressed in this way, I understand, and I said this before, that the present range of prices for cloth in India is still too high for the Indian consumer and that is the third factor which is affecting the mill industry. Again there is more competition among Indian mills themselves. We all know that the mill industry in the last few years has been losing its export market for yarn. There are mills springing up in China, and we are losing more and more every year in respect of our exports of yarn to China. But the mills go on producing their yarn. They have to use it and therefore they have put up more and more looms. Thus there is greater and greater competition among the mills themselves to get rid of the cloth which they are making in increasing quantities. Those are all the factors which I understand are affecting the mill industry at the present time, and I think you will all agree that they are serious factors and that the mill industry is in a depressed state. It is particularly depressed in Bombay. I think I am correct in saying that the depression is worse in Bombay than in Ahmedabad, or Cawnpore, or any other part of India (*A Voice*: "Throughout the Bombay Presidency.") The net result is that the cost of production of cloth is still too high and the millowners have got to bring their costs down. I have ascertained that if we take the cotton excise duty off the mill industry would be able to meet Japanese competition to the extent of $\frac{1}{4}$ ths of an anna per pound. It would reduce the cost of their production by that amount. It would help them to that extent. That is, I say, the case of the millowners and I do not for a moment deny that the case especially in Bombay is a strong one. The mill industry is at present in a depressed state, and speaking as the Commerce Member of the Government of India, I should like to say, that if we can help the industry in any other way than the one which is now being discussed by the House, everybody may take it that we shall do our very best to do so. But we are up against this difficulty. I am perfectly satisfied from the figures that I have seen that the reduction of half per cent. in the cotton excise duty will not help the mill industry to any extent worth talking of. If you reduce the cotton excise duty by half per cent. that is by one-seventh,

[Sir Charles Innes.]

you reduce the cost of producing each pound of cloth by just over a pie and it will not in any way help the mill industry out of the difficulty in which they are at present. Therefore, we were driven to this conclusion that if we are going to do any real good to the mill industry, we must go the whole way and take off the whole of that duty. Thus we are back in the difficulty we have been in since September last. We are satisfied that we cannot both reduce the provincial contributions and abolish the cotton excise duty and that we have to choose between the reduction of provincial contributions and the abolition of this cotton excise duty. We have decided in favour of the contributions, and I think that everybody in this House has endorsed our decision. I suggest that it is no good coming to us now and saying, "Oh, yes, if you look into the recesses of your Budget you will be able to find the necessary money, the two crores that are required to take off the cotton excise duty". That is not the case. I have tried to explain the point of view which Government have taken in this matter, and I hope Mr. Rangachariar will now withdraw that remark of his, that if we do not take off this half per cent. of the cotton excise duty, we are merely going out of our way to irritate the House. We are not doing it because we are satisfied that it will do no good to the industry and that we should be merely giving away this money to no useful purpose.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, the statement made by the Honourable the Finance Member has certainly not surprised me and I am bound to say to the House that it has not disappointed me. I should have been most agreeably surprised if the statement was anything else than what it is. The Honourable the Commerce Member asked the House to forget the one aspect of the question which is most uncomfortable to the Government of India and which the Government of India cannot meet at all. We have been told that since the House adjourned the consideration of the question there have been consultations on this question at the Viceregal Lodge. That is one of the motives for which the House agreed to the adjournment. May I ask the Honourable the Commerce Member and the Honourable the Finance Member if there have been consultations with the Secretary of State also about this? What is the good of the Honourable the Commerce Member telling us that Lancashire has no voice in this matter. We want proof of it. It will not do to ask the House to overlook one of the strongest points on which this excise duty is based and which is the main reason why the House and the nation are so united that the excise duty must go. It suits Government very well indeed to say that they are not prepared to place copies of despatches or messages between them and the Secretary of State on the table of this House. If the Honourable Members on the Government Benches expect this House to accept their word that Lancashire has no say in this matter I would ask them to categorically say that since the House adjourned the further consideration of the question there has been no consultation with the India Office.

The Honourable Sir Basil Blackett: There has been consultation with the India Office, and I am in a position to say that, if we could abolish the whole duty, there would have been no obstacle whatsoever from Lancashire or from the India Office.

Sir Purshotamdas Thakurdas: I am very glad, Sir. It is then a question of funds and it is a question for this House to find the funds.

May I ask, Sir, whether it is not for the Government to explain how they could set aside 63 lakhs of rupees to be given to Calcutta for three years more and say to us that we must wait for the removal of the cotton excise duty? If the Government are so hard up, why should the Government not say to Bengal that we have given you three years remission and we cannot afford you any more with due justice to the claim of the cotton industry? Sir, when the question of Bengal comes up, the Honourable the Finance Member is very ready to meet them and says, "I will not even take credit for this in the Budget until the House has approved of the remission". I am not jealous of Calcutta (Bengal). I would help Bengal as much as possible but I put it to the Government of India—does it lie in their mouth to say that they cannot find the money for the remission of this obnoxious duty. The conclusion can be only one. Where there is a will there is a way. You have not got the will, therefore you put up all sorts of excuses. The House will not take them and I assure you that the public will never believe the Government of India when they say that they have not got the funds. Why did you not say to Bengal "We gave you remission for three years and we will henceforth give you remission only on a *pro rata* basis". After all what is the special preference to Bengal based on? Just one sentence in the Joint Committee's Report. You can find the funds when you want to. When you do not want to, you come and say that you are trying to improve the credit of India in the money market, you are trying to have greater amounts put aside towards debt redemption. In another breath you say, "Our credit is so good and our finances are so good and the national debt is so small that we can really congratulate ourselves that the Government of India have done very well by the people of India". Sir, the two cannot be reconciled. Let us have it straight. You do not wish to remit the duty and the Honourable the Commerce Member said that the excise duty will go to the pockets of the millowners. We have had enough of that plausible argument. If the Honourable the Commerce Member does not want a repetition of the fact that there is dictation from Lancashire let him not repeat also that this duty will go into the pockets of millowners.

The most interesting point however is this. In two years the Government of India have laid by 11 crores of rupees. Towards what? Towards debt redemption. Did they ever think, Sir, of this pledge which I still see the Members on the opposite side are not prepared to give up as a pledge? They have not come to that stage yet. In view of the attitude of the Government of India, I wonder whether it will not come to that stage very shortly. They still confess that Lord Hardinge did give a pledge. In two years (1923-24 and 1924-25) you have saved 11 crores and have you thought of the excise duty and the guarantees and the pledges given? It is all very fine to ask people to believe in the good faith of whatever you put before them but there must be a limit to it; and people can make up their minds as to which way the whole thing tends. (*A Voice*: "Join the Swarajists.")

There is one more point which I should refer to before I resume my seat. The Honourable the Commerce Member said that there was no competition between Lancashire goods in the Indian market and Indian goods. I interrupted him and said that that was the joke. The same was pointed out again to-day by the Honourable the Government representative from the United Provinces, Mr. Ashworth. Let me put it to you very shortly. Was there competition between the outturn of mills in India in

[Sir Purshotamdas Thakurdas.]

the early eighties and nineties of the last century? Is it not admitted to-day, I put it to the two Honourable Members opposite, that in those days it was the fear of dictation from Lancashire that made you impose the excise duty on India? Why was it so then? There was no competition. Lancashire did not turn out the 10 or 12 or 14 counts yarn. Nor did India then spin fine counts of 24s. and higher. The position is exactly the same to-day. I expected the Honourable the Commerce Member and the Government of India to know better. What is this joke? The joke is that Lancashire can see beyond the tip of its nose; it can look ahead, and therefore says, "If the mill industry goes on developing in India a day will come when the Indian mills will turn out finer counts". That is what they do not want. And what is the good of getting up and saying there is no competition.

The Honourable Sir Charles Innes: May I interrupt the Honourable Member? I was quoting from the millowners' own statement.

Sir Purshotamdas Thakurdas: But what is the inference? What is the good of quoting a line which has no relevancy to the whole question. Sir, it is the inference that the Commerce Member wishes to be drawn from his quotation that matters. What did the Honourable the Commerce Member, when he made that statement, intend this House to infer? Was the Honourable the Commerce Member trying to mislead this House? I cannot believe, Sir, that such a responsible Member of the Government could descend to such a thing as that. But why, Sir, create these issues, and why try to mislead the House; why not stick to the facts? It is a merchant talking to the Commerce Member of the Government of India. Why put in other questions? Lancashire is afraid that if the Indian cotton industry should expand, if they were less handicapped and if there were more facilities for the cotton industry, then the Indian mills may take to finer counts; and that is just what they do not want. It will not do therefore naively to say that the millowners say there is no competition between Lancashire and Indian cotton goods. The millowners are bound to state what the facts are. They will not say anything that will mislead the Government of India or the public, as the Honourable the Commerce Member tries to do. The millowners say there is at present no competition. That may be. But does the Honourable Commerce Member want these words to convince us that the apprehension of Manchester is not this, that if the excise duty is removed and if the Indian cotton industry is allowed to expand and develop, the Indian mills may turn out finer counts, finer counts which Lancashire is anxious to continue to send to India? That, Sir, is the secret of the Government of India keeping to their policy in connection with the excise duty. It has not surprised me. I am only sorry for the Government of India. The cotton industry will try its best to look after itself. In the Government of India it has found no friend up till now. We know now—India knows now—that she will have to struggle much longer before we can get the Government of India to see the right side in this question.

Sardar V. N. Mutalik: Sir, I am neither a millowner nor a shareholder. I do not come here on the sufferance of Government or on the sufferance of the people. (*Cries of "How do you come here at all? You are an elected Member."*) Sir, I have a very open mind on this question and up till now I have tried to keep my mind as open as I possibly could do. The decision of the Government was not quite unexpected. I would

only appeal both to the millowners and to the country to take the decision in the most sportsmanlike spirit which they can possibly do. The picture has two sides to it, and I think the decision of the Government coming in the way in which it has come is the result of both logic and reason.

We are told that the mill industry is established in India on a firm basis. It has been in existence for the last 50 or 60 years. There is a probability of some competition with Manchester or Lancashire goods. But, Sir, may I ask the millowners themselves or their representatives to say why after 60 years they have not yet succeeded in competing with Manchester or Lancashire? They are still where they were. Is it not the fact that they have misused their opportunities, that they have not taken the fullest advantage of the opportunities which did come to them at the time when profits rose high? Now when the industry is passing through a critical stage which perhaps is not the result of any foreseen incident, it is no fault either of Government or of the public. The public have given the fullest sympathy and support to this industry since, I suppose, before the early nineties. The Swadeshi movement and then the Boycott movement came in and that supported this industry. But the profits which the millowners made did not go for the development of the industry itself. The profits went in foreign articles like motor cars and other luxuries, if not in other ways. But, Sir, I agree in one thing, that the tax is bad. I do not support Government in their action or in their view. If the Government find me in another lobby it will be on the ground that the tax is bad, and I only vote on the other side to give expression to my view that the tax is bad and ought to go in time. But I hope the lessons which the present position of the mill industry teaches will not be lost on those shrewd business men, the millowners, and I hope the industry will not come for any protection as in the case of other industries. (*A Voice*: "You support the Government?") I would gladly have supported the Government had the tax had any merit about it. My province does not stand to gain anything from the remission of provincial contributions. It may of course come. But if this tax is removed, certainly, Sir, the industry of which my Presidency is proud and which is the pride of the whole of India will gain, and I hope the Government will soon find their way to remove this tax. I do not want to go over all the sins of the millowners. I only want to appeal to the country and to the millowners that they should take the Government's decision in the most sportsmanlike spirit which they can.

Mr. N. M. Joshi: I should like to make a personal explanation. When I spoke last time on this motion I stated that although I was in favour of the removal of the duty I did not support the motion on the ground that I thought the millowners had given a threat that if the duty was not abolished they would reduce the wages of the labourers. I am now assured that the millowners did not intend any such threat and I therefore propose to support the motion.

Mr. President: That is not a personal explanation. The Honourable Member is now explaining the attitude of the millowners.

***Mr. M. E. Makan** (Bombay Northern Division: Muhammadan Rural): Sir, the debates which have taken place up to now tend to show two outstanding questions, and they are these—whether the surplus of the Budget should be utilised for the reduction of the provincial contributions or the abolition of the cotton excise duty. Either of the two is certain. It

* Translation of speech delivered by the Honourable Member in vernacular.

[Mr. M. E. Makan.]
is equally unjust to uphold the cotton excise duty as it is to continue the provincial contribution in the case of Bombay. Government are not unaware of the strong protest of the Bombay Council. I must bring to your notice that the whole Bombay Presidency is utterly dissatisfied with the management of the nation-building departments due to the want of sufficient money. I hope this fact will not pass unnoticed by the Finance Member. In short, in addition to the abolition of the cotton excise duty, the claim of the Bombay Presidency with regard to the contributions should not be overlooked.

Several Honourable Members: I move that the question 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 a sum not exceeding Rs. 71,66,000 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, 1926, in respect of 'Customs'."

Since which an amendment has been moved:

"That the provision of Rs. 77,000 for the Cotton Excise Establishment be omitted."

The question I have to put is that that provision be omitted.

The Assembly divided:

AYES—70.

Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Ahmad Ali Khan, Mr.
Aiyangar, Mr. C. Dursaiswami.
Aiyangar, Mr. K. Rama.
Aiyer, Sir P. S. Sivaswamy.
Aney, Mr. M. S.
Ariff, Mr. Yacoob C.
Badi-uz-Zaman, Maulvi.
Belvi, Mr. D. V.
Bhat, Mr. K. Sadasiva.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Dalal, Sardar B. A.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Ghazanfar Ali Khan, Raja.
Ghose, Mr. S. C.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Gulab Singh, Sardar.
Hans Raj, Lala.
Hari Prasad Lal, Rai.
Iyengar, Mr. A. Rangaswami.
Jeehani, Haji S. A. K.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kasturbhai Lalbhai, Mr.
Kazim Ali, Shaikh-e-Chatgam
Maulvi Muhammad.
Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Makan, Mr. M. E.
Malaviya, Pandit Madan Mohan.

Mehta, Mr. Jamnadas M.
Misra, Pandit Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Muhammad Ismail, Khan Bahadur Saiyid.
Murtuza Sahib Bahadur, Maalvi Sayad.
Mutalik, Sardar V. N.
Nambiyar, Mr. K. K.
Narain Dass, Mr.
Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Pal, Mr. Bipin Chandra.
Patel, Mr. V. J.
Phookun, Mr. Tarun Ram.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Reddi, Mr. K. Venkataramana.
Roy, Mr. Bhabendra Chandra.
Samiullah Khan, Mr. M.
Sarda, Rai Sahib M. Harbilas.
Shafee, Maulvi Mohammad.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Devaki Prasad.
Sinha, Kumar Ganganand.
Syamacharan, Mr.
Tok Kyi, Maung.
Venkatapatiraju, Mr. B.
Wajihuddin, Haji.
Yakub, Maulvi Muhammad.

NOES—42.

Abdul Mumin, Khan Bahadur Muhammad.	Hudson, Mr. W. F.
Abdul Qaiyum, Nawab Sir Sahilzada.	Innes, The Honourable Sir Charles.
Abul Kasem, Maulvi.	Lindsay, Mr. Darcy.
Ahmed, Mr. K.	Lloyd, Mr. A. H.
Ajab Khan, Captain.	Marr, Mr. A.
Akram Hussain, Prince A. M. M.	McCallum, Mr. J. L.
Alimuzzaman Chowdhry, Mr.	Mitra, The Honourable Sir Bhupendra Nath.
Ashworth, Mr. E. H.	Moir, Mr. T. E.
Bhore, Mr. J. W.	Muddiman, The Honourable Sir Alexander.
Blackett, The Honourable Sir Basil.	Naidu, Mr. M. C.
Bray, Mr. Denys.	Raj Narain, Rai Bahadur.
Burdon, Mr. E.	Rau, Mr. P. R.
Calvert, Mr. H.	Rhodes, Sir Campbell.
Clarke, Sir Geoffrey.	Rushbrook-Williams, Prof. L. F.
Cosgrave, Mr. W. A.	Sastri, Diwan Bahadur C. V. Visvanatha.
Crawford, Colonel J. D.	Singh, Rai Bahadur S. N.
Fleming, Mr. E. G.	Stanyon, Colonel Sir Henry.
Fraser, Sir Gordon.	Tonkinson, Mr. H.
Ghulam Bari, Khan Bahadur.	Webb, Mr. M.
Graham, Mr. L.	Willson, Mr. W. S. J.
Hira Singh Brar, Sardar Bahadur Captain.	Wilson, Mr. R. A.

The motion was adopted.

Khan Bahadur W. M. Hussanally: Sir, when the division bell was ringing I came running and just when I was two paces away from the door it was locked against me; I wanted to record my vote for the Ayes.

OVERTIME AND HOLIDAY ALLOWANCES OF CUSTOMS STAFF AT KARACHI.

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

Khan Bahadur W. M. Hussanally: Yes, Sir, I do. I do not know whether I am called upon to move on behalf of my friend Mr. Harchandrai or to move my own motion.

Mr. President: I have here a notice from the Honourable Member himself, No. 13 on the list. Does he wish to move it? It is a reduction under the sub-head 'Sind Division—overtime and holiday allowances.'

Khan Bahadur W. M. Hussanally: I gave notice of this motion in order to draw attention.

Mr. President: I want to know if the Honourable Member wishes to move it; if he intends to take up any time we shall have to postpone it till the afternoon.

Khan Bahadur W. M. Hussanally: It will not take more than two or three minutes, Sir. I sent notice of this motion in order to draw the attention of the Board of Inland Revenue to the provision made with regard to this item which appears at page 9. Figures are there given of fees levied from people who have dealings with the Customs Department in the various Customs Houses, and the explanatory note at page 9 shows that while Bombay levied actually Rs. 1,50,416 in 1923-24 she spent in that

[Khan Bahadur W. M. Hussanally.]

year Rs. 1,48,796; the revised estimates for 1924-25 show the receipts as Rs. 1,95,000 and the expenditure at Rs. 1,95,000—that is the same as the receipts. In the budget for the next year they provide Rs. 2,40,000 receipts and Rs. 2,40,000 expenditure. But when we come to Karachi, we find that while in 1923-24 the receipts were Rs. 42,720 and the expenditure Rs. 43,168, the revised estimates for 1924-25 show the receipts at Rs. 50,000 and the expenditure at Rs. 35,500 leaving a saving of something like Rs. 15,000; and for the next year they provide Rs. 55,000 under receipts and Rs. 25,000 only under expenditure thereby making a profit of Rs. 30,000 again. These are fees levied from the people and are paid to the customs employees for overtime work that they do beyond their regular hours of duty; and I do not see why Government should make a profit out of this sum so far as Karachi is concerned alone. So far as Calcutta is concerned they provide for receipts of Rs. 2,50,000 and expenditure of a similar amount; similarly in Chittagong and Burma. Karachi is the only Customs House where they try to show a saving of Rs. 30,000. I do not see why Government are entitled to receive these fees which ought to go to the officers who actually work; and since their confreres in other Customs Houses are paid the whole sum that is realised from the public I do not see why the Karachi people should be mulcted in this amount. The Karachi Preventive Service and the Appraising Service are very short-manned and there have been very large complaints on that head; and if in addition to that the staff are deprived of this legitimate earning it is hard for them to bear. I, therefore, request the Board of Revenue to reconsider this item and pay the staff in full what they realise from the public for it.

Mr. President: Reduction moved:

“That the provision for overtime and holiday allowances under sub-head ‘Sind Division’ be reduced by Rs. 100.”

Mr. A. H. Lloyd: Sir, I think I can explain this in one minute. (Laughter)—I am glad I am getting a better understanding of the desires of the House.—If the Honourable Member had studied the page he has referred to a little more carefully he would have seen a foot-note in brackets which alludes to the fact that there are somewhat different arrangements at Karachi from those elsewhere. The Central Board of Revenue has not had time to discover exactly how this difference in the accounting comes about; but the net result is this: merchants’ overtime and Government overtime is all met as far as possible from the collections made from merchants. The total collections made from merchants under heads I and III in the revised estimates for 1924-25 for Karachi are Rs. 70,000; the total disbursements under heads I and II are Rs. 81,000. Of this sum of Rs. 81,000 only Rs. 3,500 is not distributed to officers, that is to say, the total amount distributed to officers in the way of fees is Rs. 77,500, against receipts of Rs. 70,000. Therefore instead of making a profit we have actually made a loss at Karachi, and the figures show that we are budgetting for a somewhat similar result next year.

Khan Bahadur W. M. Hussanally: Under the circumstances, Sir, I withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

Mr. President: The question is:

“That a reduced sum not exceeding Rs. 70,89,000 be granted to the Governor General in Council to defray the charge which will come . . .”

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-
madan): I have a motion, No. 11, under this head.

Mr. President: Will the Honourable Member tell me what he wants to draw attention to.

‘INCREASED EXPENDITURE ON ESTABLISHMENT.

Sir Hari Singh Gour: Sir, I beg to move:

“That the Demand under the head ‘Customs’ be reduced by Rs. 100.”

Mr. President: I want to ask first what he wants to draw attention to.

Sir Hari Singh Gour: It is obvious: I have pointed it out in my note; that is what I intended.

Mr. President: That is what I want to understand; I do not understand its meaning.

Sir Hari Singh Gour: That will come out in the speech. What I wish to point out to the Government is that the expenditure under the head Customs has gone up by 7 lakhs, and in the ensuing year a further provision is made for increased expenditure on establishment to the extent of 6 lakhs. That is to say, there has been in the current and next year an increase of 13 lakhs of expenditure.

Mr. A. Rangaswami Iyengar: May I know, Sir, if this matter has not been discussed in connection with Mr. B. C. Roy’s motion?

Sir Hari Singh Gour: The income from Customs has gone down by 25 lakhs. It is, therefore, a case of income falling and expenditure rising, and I am complaining of it. I want the Government to explain why it is that there has been such a rise in expenditure which I have just mentioned, though the income from Customs has gone down by 25 lakhs. I may also point out in connection with this that the increased receipts from Customs are not due to any increased work done by the Customs staff but to the increased tariff, and consequently I see no justification whatever for increasing the customs staff to the extent I have pointed out, namely, by 13 lakhs. Sir, I move the motion that stands in my name.

The Honourable Sir Basil Blckett: Sir, I think the Honourable Member has made one mistake. He says the customs revenue of 1924-25 has gone down by 25 lakhs. If he would look at my budget speech, he would see that I explained that the gross revenue has gone up very considerably, but there was a special refund to the Railways in respect of a Privy Council decision which made the net figure appear rather lower than for the year before. We are estimating for a considerable increase in net receipts in the current year, so that the first premise of the Honourable Member is incorrect. There has been an increase, and not a decrease, in customs revenue. His second premise is based on a comparison of this year’s budget estimates with last year’s revised estimates. That is not a comparison of like with like. If he will compare this year’s budget estimate with last year’s budget estimate, he will see that there is an increase of less than a lakh. I have

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not got in my mind at the moment any exact explanation of the points at which the increase has taken place, but it was brought to our attention many times during the year sometimes by the Chambers of Commerce, for example, that there were delays in the Customs House and complaints had been made on the whole of insufficiency of staff rather than of staff being too large or the expenditure being too great. The Honourable Member has also to bear in mind that we have now not only a very large revenue tariff to work but a protective tariff in addition. When all these circumstances are borne in mind, I think that the justification for a budget estimate which is very little in excess of last year's budget estimate is right and the explanation ought to be taken as satisfactory. I see no reason for supposing that there is any room for any important reduction in this grant, and I would suggest to the Honourable Member that he should accept my explanation and withdraw the motion.

Sir Hari Singh Gour: Sir, I beg to withdraw the motion.

The Motion was, by the leave of the Assembly, withdrawn.

Mr. President: The question is:

"That a reduced sum of Rs. 70,89,000 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, 1926, in respect of 'Customs'."

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. Deputy President in the Chair.

DEMAND No. 19—OPIUM.

Mr. Deputy President: The question is:

"That a sum not exceeding Rs. 1,78,95,000 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, 1926, in respect of 'Opium'."

OPIUM POLICY OF THE GOVERNMENT OF INDIA.

Mr. C. Duraiswami Aiyangar: Sir, I rise now to bring before this House a question which is of very great importance. All along we have been dealing with questions relating to domestic grievances and domestic humiliation. This morning my revered leader, Pandit Motilal Nehru, has been terming the cotton excise duty as a disgrace and he mentioned the word "disgrace" so many times that I counted only up to half a dozen and did not trouble myself to count more. But, Sir, if the cotton excise duty is a disgrace, the most disgraceful thing is the opium traffic that this country has been carrying on. It is a disgrace not only within the four corners of India but before the whole world, before the League of Nations, and everywhere India is talked of in a very low strain. (Mr. K. Ahmed: "What

about China?"). Sir, we are not the inhabitants of China and if Mr. Kabeer-ud-Din Ahmed is anxious to leave India, I daresay he will be welcomed in China and he will take his place there. Sir, from the year 1758 the policy which has been observed by the Government of India in the matter of opium traffic has been one continuous history of outrage on morality and civilisation. It so happens, Sir, though it is a very unhappy coincidence, that in the year 1799 two Empires situated close by should adopt two different lines of action. In the year 1799 the Chinese Emperor issued an edict prohibiting altogether the import of opium into China and also took steps to suppress opium within China. In the very same year, 1799, we find Lord Cornwallis introducing State agency for the manufacture and for the sale of opium in this neighbouring country and trying, if possible, even to suppress Malwa opium competing with Bengal opium, and we find Sir, that by the time we reach 1830, so much expansion had been made of opium cultivation in this country that this Government began to smuggle opium into the very Empire which hated it, into the Empire which prohibited it, so much so that it led us into the first Chinese War, which is generally known as the Opium War, which cost us not only a moral degradation but also a considerable loss of money to the Indian treasury. Sir, when a treaty was concluded in the year 1842 with China, this Government were not satisfied with territorial acquisition, with commercial acquisition, with monetary acquisition, but they still wanted that legislation of opium import must also be made. But, Sir, the Chinese Ministers were not able to approach their Emperor with that question, and so, Sir, it happened, that our Government were allowed to smuggle opium with the connivance of the officers there and without the knowledge of the Emperor. Then, Sir, we find the second Chinese War in 1856-58, which ended in a treaty in the year 1858, and then on that occasion this Government succeeded in legalising the import of opium into China by having a duty imposed upon it. Somehow or other, this Government will not cease forcing its opium upon an Empire which does not want it. In the year 1868 a further objection was raised by the Chinese Emperor and this Government succeeded in retaining its import but with an enhanced import duty. Luckily, a society for the suppression of opium was started and it carried on such a vigorous agitation from the year 1874 that the Foreign Secretary in the House of Commons was obliged to say in the year 1891 as follows:

"The Chinese at any time may terminate the treaty on giving twelve months' notice and to protect themselves they may exclude it altogether. This I think I may say that, if the Chinese Government thought it proper to raise the duty to a prohibitive extent or shut out the articles altogether, this country would not expend one pound in powder or shot or lose the life of a soldier in an attempt to force opium on the Chinese."

Sir, this shows that this Government are not convinced of the immorality of the traffic but will consent to stop import into China only when China takes the necessary steps to stop it. This looks like the faith which some non-violent non-co-operators have in non-violence in that they will be non-violent only so long as they are not able to be violent. Sir, this kind of attitude has been perseveringly held by this Government. In 1893 we had a Royal Commission on Opium. This Commission came all the way to India and made its inquiries but, Sir, the report of the Commission was most disappointing and for that report the responsibility was largely due to an ancestor in office of Sir Basil Blackett, *i.e.*, Sir David Barbour, the Finance Member at that time, who contended for his 6 million of opium revenue not being lost and who shed crocodile tears for the people of this

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country who would otherwise be taxed immensely, if this revenue was to be lost. The recommendations of that Commission were (1) that the importation of Indian opium was allowed by the Chinese Government. Is that a pretext, Sir, upon which you can force a poison into other countries? Can you force poison into other countries for the simple reason that they did not object to it? Can you murder a man because he does not object to being murdered? Sir, the second recommendation was that it was not imposed by intimidation or pressure of any kind. Surely there was no intimidation or pressure except war whenever they resisted it. The next recommendation was that the withdrawal of the Indian trade would have no practical effect on the consumption in China. Sir, that looks like a ridiculous plea—that if there is no reduction in the consumption of opium in China there is sufficient ground for our importing also our opium into that country. The fourth recommendation which they made was that the withdrawal would be unjust to the Indian cultivators of poppy. How did you develop these cultivators of poppy in this country? It was for your financial benefit. It was for your purposes only that two lakhs of acres of land are locked up against production of useful foodstuffs and, after you have taught these cultivators how to cultivate poppy, you say that these cultivators would be prejudiced if you stopped the import of opium. Sir, that again was no good recommendation at all. Then, it is stated that the people were not willing to submit to fresh taxation on this account. It is a very good theory to say, as though you have been taxing the people only according to their will. You never tax these people against their consent. And yet in the matter of opium policy you would plead that the people do not consent to more taxation. Then, another recommendation was that it was not likely that the English Government would contribute towards the carrying out of the measure, as if the English Government is contributing towards all our deficits. But, Sir, there is one thing. One bad thing which was committed by that Commission was that they likewise held, along with these recommendations, that India considered opium to be harmless. They reported that the eating of opium is not harmful at all, and that is the theory which seems to be held even to this day and that, Sir, is the pity of it. From the papers received to-day we find that replying to Mr. Buchanan in the House of Commons Earl Winterton said that the view of the Government of India, based on the findings of the Royal Commission on Opium of 1895, was that centuries of experience had taught the people of India discretion in the use of prepared opium which was for the most part without injurious consequences. The distribution of opium was strictly controlled in accordance with the provisions of the Hague Convention. Lord Birkenhead did not propose to interfere with the discretion of the Government of India and the Provincial Governments in the exercise of this control. That, Sir, is the reply which has been given in the House of Commons and which news we have received to-day. Till now they have been holding that it is harmless and in spite of protestations of so many conventions and conferences this Government would not yield an inch to agree in the view that opium is harmful and poisonous. (Here Mr. K. Ahmed interrupted.) Don't smuggle your interruptions in an opium speech.

From 1906, Sir, there has been some change. China entered into a contract with the Indian Government by which the Indian Government agreed that within ten years they would stop the complete import of opium, and in 1911 there was a further contract by which the period was expedited.

And yet, as the goddess of ill-luck would always go with the non-virtuous than with the virtuous, as the import quantity decreased, the income increased. A chest which was selling at Rs. 1,200 began to sell at Rs. 4,600 and odd. In 1906, the net revenue was 5·6 crores. In 1910, after a reduction of 20,000 chests by that time, the income was 9·4 crores. Sir, when this Government lost their opium import into China, they gained in other respects. There were other Colonies with which they entered into contracts—the Straits Settlements, Hong Kong, Dutch Indies, Siam and British North Borneo, etc. Sir, I consider, and I consider without the least hesitation, that this policy has been a combined suicide and murder. We are killing our people in India and we are also committing murder near India and outside India. Sir, this is a policy which must necessarily go, and in the words of Pandit Motilal Nehru I would say that if you consider this to be a disgrace, the disgrace must go at once and not by slow measures and by graduation. Sir, I would read to you a small passage from the observations of Caine, M.P., on 30th April 1889. He says:

“I have been in the East End gin palaces on Saturday nights. I have seen men in various stages of delirium tremens, I have visited many idiot and lunatic asylums but I have never seen such horrible destruction of God's image in the face of man as I saw in the 'Government' opium dens of Lucknow. To my dying day I shall carry the recollection of the face of a handsome young woman of 18 or 19 years sprawling on the senseless bodies of men, her fine brown eyes flattened and dulled with coming stupor and her lips drawn back from her glittering white teeth. * * * I came out staggering and faint with the poison laden atmosphere.”

That is the strong condemnation which Mr. Caine has made of the opium manufacture here.

Sir, coming to internal consumption, you find that in the year 1921-22, 18,458 maunds were produced, of which 6,182 chests were spent in local consumption. Sir, we have been told that the practice of eating opium is not confined only to adults but is extended to children and babies. Those who are working in factories, we are told, are administering opium to their babies in order to prevent them crying during their absence. To that extent the use of opium has been extended. Are we, Sir, to allow such extension of opium, both among the babies as well as the adults? Medical opinion is strong that consumption of opium leads to several kinds of disease. It makes people emaciated, and unless your political policy is to make the Indian people emaciated and also their neighbours emaciated, I auresay, Sir, that you will agree that this spread of opium must be given up by the Government as an act of virtuous measure. Mr. C. F. Andrews has given some figures. He says that in industrial centres in Calcutta 144 seers per 10,000 are consumed, in Rangoon 108 seers per 10,000 are consumed, in Hyderabad (Sind) 52 seers per 10,000 are consumed. For various other places he gives other figures, and you will find, Sir, that the League of Nations decided that 6 seers per 10,000 would be the wholesome quantity that can be allowed. We have got these figures, and in the face of these figures prevailing in industrial centres, do you expect that this nation will ever prosper physically if you are going to force opium upon these people?

With reference to the suppression of opium several international conferences have been held and what has been the attitude of the Indian Government and the British Government in these conventions and conferences? They have been playing the same game with them as they are playing with us in our internal matters. Words like “progressive steps” “progressive stoppage” “gradual stoppage,” words which they are using for Indianisation

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of the services and the granting of responsible government for us—these are the phrases which they have been utilising even in those conventions and conferences. Sir, the nations of the world are not likely to be deceived as the people of India, and I think they must make up their mind to bring in more definite phrases than phrases like these in the League of Nations. Sir, when America contended in the League of Nations that the use of opium produced for non-medical and non-scientific purposes is an abuse and not legitimate and that no surplus production should be made in any country, our Indian representatives there made a reservation in these terms:

“The use of raw opium according to the established practice in India and its production for such use are not illegitimate under the Convention.”

That takes away the entire effect of the resolution. They have introduced a reservation clause which takes away the effect of the entire resolution passed at the Convention. Sir, this is the way in which they treat the matter, and when in this Assembly some Honourable Members including my humble self put a question to Sir Basil Blackett, the answer given was that the proceedings of the League of Nations did not disclose any such statement made by Mr. Campbell. That was with reference to an article written by Mr. Andrews saying that Mr. Campbell said in the League of Nations that in the matter of opium policy the Indian Government and even the leaders of public opinion in this country have not raised any objection, including among those leaders, Gokhale and Mahatma Gandhi also. There is the denial that this particular remark was not found in the proceedings of the League of Nations. However, Sir, subsequent to that, there was a peasants' conference in the United Provinces on the 12th June, 1924. The peasants combined together and passed a resolution condemning the policy of the Government in the matter of the spread of opium. On the 29th June, 1924, there was a meeting of the all-India Congress Committee, which passed a resolution condemning the whole policy of the Government. On the 12th August, 1924, the All-India Temperance Federation passed a similar resolution and Mahatma Gandhi himself has stated:

“If the whole of the opium traffic was stopped and the sale restricted to medicinal use only, I know there will be no agitation against it worth the name. From the moral standpoint there is no defence of the Indian opium policy.”

In these strong terms he has expressed his opinion. And yet what is it that you find when this matter came up for discussion in the Council of State? The Honourable Mr. McWatters, on behalf of Government, regretted that except for a few workers like Mr. Andrews there had been very little public opinion expressed in this matter, and said that the Indian National Congress discovered this opium question only last year. Sir, is it a fact that public men of repute in this country, including the leaders of the Indian National Congress, discovered this opium policy only last year or recently? Have they been awakened only by the agitation set up by Mr. Andrews? If you read the budget speeches of Mr. Gokhale you will find that on several occasions he has declared that this opium policy must go, and apart from the question of the suppression of the opium evil in India, he was very anxious that its import into the neighbouring country China must be stopped forthwith. Even though he had declared this in such strong terms, we are told by the Honourable Mr. McWatters that there has been no public opinion in this country condemning the policy of Government in this matter!

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New, Sir, in the League of Nations meeting which was recently held, there was a Joint Committee appointed first on the 25th January 1925. By the time they reached the 6th February 1925 two delegates withdrew—that is, those from America and China—because the British Government would not allow them to proceed one step towards progress. That was the indignation with which they left the Convention and still Lord Robert Cecil, appealing to the Chinese to stop further production, emphasised the British policy in terminating the opium evil, but the Chinese delegate distinctly stated that as no undertaking had been given to suppress opium smoking in the far eastern territories the delegation considered no good purpose served. Sir, in the final Convention which was agreed to on the 12th February 1925 there is again a dispute about the period of 15 years. The British Government accepts 15 years—the British Government includes as an enclosure to it the Indian Government. The American Government want also 15 years, but the difference between the two Governments lies in this. 15 years from the date of the Convention, that is, from January 1925, is what America wants. But what do the British Government and the Indian Government want? They want that 15 years must be reckoned after it has been ascertained by an International Commission that no smuggling is taking place from China, that is, from the time that China goes dry. Sir, why do you compete with China in a matter so immoral as this? What does it matter whether China becomes dry or not? Is it not the duty of Government to make India dry first? Is it not your duty to teach an ideal to other nations? Instead of doing that, you stick to your finance and not to the policy of putting down the evil. If that is an evil there is absolutely no doubt that the Indian Government and the British Government are potent enough to stop it in a day. They have got the power to do it if only they will it. Sir, this construction of the period of 15 years starting from the date when China becomes dry is one of the most evasive answers that these people could possibly have given to the League of Nations, and it is the duty of this House to show to the world at large that this House is not prepared to postpone the stoppage of this evil even by a day. This House must express its strong condemnation of the view of the British Government and give its approval to the American view in the matter.

Sir, other countries have got Dangerous Drugs Acts. There is the Ceylon Opium Ordinance, there are so many other Acts in other countries, but what is there in India? I believe, if as a lawyer I can express my opinion, that all those persons who are vending opium, even though it be under the authority conferred upon them by Government, can be prosecuted under section 324 of the Indian Penal Code for administering deleterious substances and poison to inhale and to swallow and they are certainly liable to be punished under that section if you only take the necessary steps. These vendors of opium cannot plead that they have got the authority of Government if only such a case can be taken before the Court. But which Court will convict any such person in the face of the policy of the Government, which is so open, and so definite? It is absolutely necessary that this country should, as soon as possible, take the necessary steps to put down this opium evil altogether. It may be asked, if all of a sudden this is stopped, what are we to do with those persons who have cultivated poppy already, to whom we have to pay, and for which we have made a provision in this Budget of Rs. 1,58,00,000? Sir, did you not know the trend of events and the view of the League of Nations? Did you not know that this Opium Department, whether you will it or not, must vanish altogether from your Financial statement? If so, why did you allow poppy to

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be cultivated to such an extent as to entail an expenditure of Rs. 1,58,00,000 to be paid during the ensuing year? If you want to meet it, you had better cut down your military expenditure and pay the cultivators and then bring in a supplementary Budget rather than continue this department, called the Opium Department, in the Budget. There is absolutely no excuse why you should continue this Department even a day longer. If for medicinal purposes you require opium for the ensuing year I daresay you have got 615,000 seers of opium on hand which is the annual balance which you always keep on hand, and out of that you can certainly spend not only for medicinal purposes, but also for giving relief to those, if you want, who are so much addicted to opium that they cannot do without it immediately. Therefore, there is no ground whatever why this Opium Demand must be allowed even to the extent of one pie.

I see several amendments proposed by Honourable Members of this House, some asking for Rs. 100 cuts, some asking for the appointment of a committee of inquiry and so on. The motion for the appointment of a committee of inquiry is neither more nor less than a dilatory one. It might well have come from the Government Benches because that will be a pretext which they can give to the League of Nations that they are taking steps by appointing a committee of inquiry. The inquiry will go on endlessly, and the Government will say to the League of Nations that they are very prompt in carrying out the policy of the Convention. I will not for one moment support any such motion. That committee of inquiry will have nothing new to enunciate or to discover. It has been discovered definitely that there is a great deal of poison spread in the country and it ought to be put down at once. That opium is a poison and a bad one has been definitely stated and proved. That it has spread here a great deal is also definite, and what, Sir, is the purpose of appointing a committee of inquiry at such a time like this when the whole world is advancing rapidly? I ask Honourable Members who have given notice of such a motion not to move it, but on the other hand, if they please, to chalk out a progressive programme by cutting down Rs. 40 lakhs this year, 50 lakhs next year, and so on, so that four years hence the thing may vanish from the budget statement altogether. But for my part I feel strongly and I am perfectly certain the House also does the same, that this is an evil which cannot be allowed to continue for a day longer and must go at once.

Sir, with these few words I move my motion, and, if the President is pleased to allow me, I will myself move a modification by moving a reduction of 90 lakhs which will mean that this year you cut down by 90 lakhs and next year this vanishes altogether, but if I am not in order in doing that, I move the first motion:

“That the Demand under the head ‘Opium’ be omitted.”

Dr. S. K. Datta (Nominated: Indian Christians): I have had considerable difficulty this afternoon. I have only been in this House a very short time but I am learning and learning quickly that modesty is not a virtue that you ought to cultivate here. Indeed, Sir, I proposed that we should make a reduction of Rs. 100. My friend compels me now by his action to speak on a motion for the complete omission of this Demand. At the very outset I desire to call the attention of the House to the policy of the East India Company and later of the Crown in India with regard to the cultivation and control of opium. In a despatch from the Court of Directors, dated the 24th October 1817, they gave sanction to certain regulations for the control of the sales of opium. They expressed the desire

"to restrain the use of this pernicious drug were it possible". They went on to say, "to prevent the use of the drug altogether except strictly for medicine, we would gladly do it in compassion to mankind". That was in the year 1817. If I may be permitted I will quote certain other opinions relating to subsequent years which were strongly held by some of the best officials and others of those times.

Writing in 1820, Lieutenant-Colonel James Tod, Political Agent to the Western Rajput States, in his book on the Annals and Antiquities of Rajasthan said:

"This pernicious plant has robbed the Rajput of half his virtues."

"This drug which has tended more and more to the physical and moral degradation of the inhabitants than the combined influences of pestilence and war."

"Execrable and demoralising plant."

A Superintendent of Tea Plantations in Assam wrote thus:

"Dreadful plague which has depopulated this beautiful country."

"This vile drug has kept and does now keep down the population."

"Few but those who have resided long in this unhappy country know the dreadful and immoral effects which the use of opium produces on the native."

That was in 1840. Apparently there was in those days a consensus of opinion against the use of opium but the attitude of Government changed and in comparatively recent years the Government, as all Governments do, moulded their policy in accordance with the immediate situation which presents itself before them. I will return to this point a little later. Now we come back to the Royal Commission of 1895, that is 30 years ago. The appointment of that Royal Commission was not due to action taken by the Government of India, but was due to action taken by certain philanthropists in the United Kingdom, pressure of public opinion in the United Kingdom resulting in the appointment of this Commission which reported in 1895. Now it is to this document of 1895 that the Government pin their faith. We see in the newspapers to-day an official statement made in the House of Commons which looks extraordinarily like the replies given to this House by the Honourable the Finance Member. Over and over again we are referred to the Royal Commission of 1895; indeed it is the gospel according to the Finance Department. Now, I may remind the House that there is one great difference between the gospel and this document; the Christian gospel is obtainable in every language in every part of the world and obtainable easily. I have had the greatest difficulty in tracing this document—the Royal Commission's Report of 1895, and I have a very shrewd suspicion that the Finance Member himself has not read it. He may have, but certainly not the Under Secretary of State for India. Now, let us turn to the terms of reference of this Royal Commission of 1895. The Commission was asked to report among other things on the following matters:

"Whether the growth of the poppy and the manufacture and sale of opium in British India should be prohibited except for medical purposes and whether this prohibition could be extended to the Native States."

They replied that it could be done. It has not been shown or admitted by the people that the growth of the poppy and the manufacture and sale of opium in British India should be prohibited except for medical purposes. In the second place they also say that prohibition of the growth of the poppy and the manufacture and sale of opium in British India except for

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medicinal purposes involves the destruction of the export trade of Bengal opium from Calcutta to China and elsewhere and this would inflict a very heavy loss of public revenue to Government. Again it was the consideration of the public revenues of India.

The third of the terms of reference was:

"The effect on the finances of India of the prohibition of the sale and export of opium, taking into consideration the compensation payable, the cost of the necessary preventive measures and the loss of revenue."

The fourth was:

"Whether any change short of total prohibition should be made in the system at present followed for regulating and restricting the opium traffic and for raising a revenue therefrom."

The reply of the Commission was that

"the regulations for the restriction of the consumption of opium may be amended in various particulars. We are not prepared to make recommendations without careful study of details."

Those details were never stated:

The fifth reference was:

"the consumption of opium by the different races and in the different districts in India and the effect of such consumption on the moral and physical condition of the people."

The reply of the Commission was:

"We have made exhaustive inquiry into the consumption of opium in India and its effects. We find no evidence of extensive moral and physical degradation from its use. The whole question of effects of opium as medically considered must be worked out later in detail upon a careful collation of the large mass of evidence before the Commission."

That was never done. So much then for the Opium Commission report of 1895. One of the members of the Commission, Mr. Henry Wilson, Member of Parliament, wrote a minute of dissent. He discussed the evidence of the various people who gave evidence before the Commission and said that among the Indian witnesses the pro-opiumists, as they were called, are wealthy, the anti-opiumists consist of journalists, lawyers, teachers, professors and Indian doctors. Here then are the great wealthy landlords on the one hand who said that opium was good. On the other hand, you have important persons who are truly concerned for the welfare of India and they were against the policy of the Government of India in 1895.

Let us next pass on to the next document in the history of this opium policy. It is Lord Hardinge's despatch of 1911 on the question of opium and the opium traffic. It upheld the recommendations of 1895 and I shall quote a passage which is a panegyric on the virtues and value of opium. That passage runs as follows:

"Opium is in virtually universal use throughout India as the commonest and most treasured of the household remedies accessible to the people. It is taken to avert or lessen fatigue, as a specific in bowel complaints, as a prophylactic against malaria, to lessen the quantity of sugar in diabetes and generally to allay pain in sufferers of all ages. The vast bulk of the Indian population, it must be remembered, are strangers to the ministrations of qualified doctors or druggists. They are dependent almost entirely on the herbal simples of the country; distance and the patient

acceptance of hardships standing in the way of prompt access to skilled medical relief. In these circumstances the use of opium in small quantities is one of the most important aids in the treatment of children's sufferings. It is also a frequent help to the aged and infirm, and an alleviation in diseases and accidents which are accepted as incurable. To prevent the sale of opium except under regular medical prescription would be a mockery; to many millions it would be sheer inhumanity."

That document of 1911 laid down that opium possessed certain medical virtues. In the first place, it was a specific against malaria—an exploded theory. In the second place, that it was an anodyne, and there certainly experience was with the Government of India. In the third place, it was necessary for the ailments of children. To this matter I shall return in a little while. Might I at the outset here state that I do not condemn the Government of India out of hand. As a matter of fact the Government of India have made efforts to control the opium trade. The first was the suppression of the trade with China. I do not say the conscience of the Government of India was stirred. It was another conscience outside India that made that possible. (*A Voice*: "Have they any conscience?") No Governments have a conscience. In the second place very definite steps have been taken in India during the last 10 years to restrict the area of cultivation of opium and also to restrict the trade in opium. But in spite of these endeavours I will show, and I desire to take up with a little care, the incidence of opium consumption in various classes and races of India. My friend Mr. Duraiswami Aiyangar referred very pertinently to the figures set down by the League of Nations, the result of a medical inquiry, as to what consumption of opium *per capita* was necessary to meet the necessities of a population, and the figure arrived at was 6 seers per 10,000 of the population. Now let me turn to some of the areas in India. The consumption in the town of Calcutta is 143 seers. (*A Voice*: "A day?") No, a year. As a matter of fact the consumption in the whole of Bengal is singularly smaller than that, something like 5, 6 or 7—I cannot exactly remember the figures. (*Mr. A. H. Lloyd*: "8.") In Rangoon it is 108, in Lahora 40, in Ferozepur 60, in Cawnpore 29, in Madras 26, in Bombay 43, in Sambalpur 44, in Sholapur 35, in Karachi 45. Indeed, Sir, the other day the Finance Member of the Bengal Government in his speech introducing the Budget of the Bengal Government in the Legislative Council gave us the figures of the consumption of opium in Calcutta and in Bengal generally. From those figures it is clear that almost a third of the total amount of opium used in Bengal is consumed by the one million people in the city of Calcutta. Does not that dispose of the argument that restriction is impossible as medical relief is impossible? Is it not in these large industrial areas and great cities in which medical relief is most easily obtained that consumption is greatest? In other words, in the remote districts consumption is small. It is precisely in those towns where medical relief is available that consumption is so large. That then is one of the things which I would urge on the attention of Government—particularly in these industrial areas. (*Mr. Darcy Lindsay*: "What is the Chinese population of Calcutta?") About 8,000 I think. Now let us take another factor. In the first place then the high incidence in towns and industrial areas; in the second place the high incidence where certain races are concerned. I will give you some of these figures. The figure for the province of Burma as a whole is 28 seers per 10,000 of the population; but in the districts of Mergui and Tavoy it is 147 and 65 seers respectively, while in Rangoon it is 108 seers per 10,000. Now Mergui and Tavoy are precisely the districts where there are large bodies apparently of

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Chinese origin who work in the mines. In Rangoon there are also very substantial numbers of Chinese. Indeed, I believe that if I were to ask my Honourable friend the Member of the Burma Chamber of Commerce he would tell you that the Chinese Workman will not work unless he obtains a certain amount of opium. In Burma itself—I trust the Burmese Member for Burma will speak in this debate—the sale of opium to the Burmese in Upper Burma is prohibited altogether by law, and this high incidence probably is due to the large Chinese populations in the towns and in that particular province. There are certain other features which I do not seem to understand with regard to the incidence. You find a very high incidence of opium consumption in hill stations, or rather in districts round the hill stations, in the Nilgiris and the district of Simla. It may be due possibly to the presence of the Government of India where the main industry is to govern India narcotically. Another feature of these figures to which I will refer is that on the east coast of India from the district of Godavari up to the districts of Orissa, the sea-board districts, the incidence of opium consumption is exceedingly high. I have referred to the Royal Commission's Report and I have tried to make inquiries why this is. The Government version is that wherever you have heavy precipitation of the monsoon there you find people indulging in opium. Now that does not hold good on the other side of India, the western sea-board of India. It does in the northern portion of the Madras Presidency and in Orissa. My own opinion however is that it is due to the very large emigration that takes place. Coolies from precisely those regions go into Assam and to Calcutta and above all to Burma and there these habits are contracted which lead to the spread of the habit in the northern districts of the Madras Presidency as well as in the sea-board districts of Orissa. I will not deal with the figures of Assam. I do hope that some Member from Assam will take them up.

Now I shall pass on to another feature of the situation, namely, the administration of opium to children. May I quote the opinion of Dr. Jibanu Mistri, a lady doctor practising in Bombay, where she says:

“The percentage of opium eating under medical advice is very small. The greatest abuse to which it is put is the prevailing habit of dosing children with it to keep them (a) from crying, even when it is due to such legitimate cause as insufficiency of mother's milk, or (b) to keep them quiet while the mother goes out to work, or (c) from a prevailing false impression that it is good for the healthy growth of a child, (d) it is largely used to check diarrhoea in the shape of a decoction prepared by boiling poppy capsules in water. I have had two cases of poisoning by it, but fortunately I saved them both. Ninety children out of 100 among Hindus and 75 out of 100 among the Mahomedans are dosed with opium almost from birth. For three years I devoted my attention to a great extent on breaking this habit among the children attending three of the centres of the Bombay Presidency Infant Welfare Society, and by explaining the disadvantages, etc., I succeeded single-handed in stopping it in nearly 90 per cent. of children. The mothers are easily amenable when treated as rational beings and things explained in a satisfactory manner.”

Here then is a responsible opinion with regard to the conditions in Bombay. Now on the 12th February 1925 the Government of Bombay in the Revenue Department issued a Resolution, and this Resolution says:

“The quantity of crude opium in *balagolis* sold under this license is restricted to one-fortieth of a grain whereas opium ordinarily given to children may vary in quantity to any extent; and the *balagolis* are subjected to periodical examination by the Chemical Analyser, not less than once in six months. So long as the use of opium by adults is permitted, Government consider that any attempt to prevent its administration to children would prove fruitless. They are therefore of opinion that

a regulation of this kind is for the benefit of infant life and not otherwise. (Government do not wish to be understood as approving of the use of these pills. They trust that with the growth of education the harmful effects of this practice would be more clearly realized, and would lead to its discontinuance. But until that happens, the licensing of *balagoli* appears to them to be beneficial than otherwise.)

May I point out one other matter. Quite recently a new theory has emerged with regard to the use of opium, and I mention it here in connection with children. It has been laid down on high authority that whereas opium is bad for the white races, it will not have the same pernicious influence on those who do not belong to the white races. This theory has been extended and several new theories were advanced that it was pernicious for the white and the yellow races but that it was only the brown races who apparently flourished under a regimen of opium given to their children. Take up any book on tropical medicine, one of those popular handbooks which Europeans in India use with regard to children's ailments and to the care of children. Invariably there is a warning in such book which warns the English mother in words such as these: "When you employ an ayah, beware, have her hands examined lest she should secretly give opium to your children." That is invariably done. The European is warned against that practice. On the other hand, we are told that it does not really matter, as for instance in connection with the administration of opium to the children of the labourers in the Bombay industrial mills.

Now let me pass to another consideration with regard to which I desire an investigation, and that into the medico-legal features of the question. Two of the most important poisons in India are arsenic and opium. Arsenic for a period over 10 years was responsible for very nearly twice the number of cases of poisoning caused by opium. On the other hand, the figures of arsenic poisoning are dropping steadily every year, whereas the cases discovered by chemical examinations show that cases of poisoning by opium are still about the same, that is over a period of 10 years, and what is the reason? The reason to my mind was the passing of the Poisons Act in which Arsenic is specifically mentioned and the Local Governments are given power to control the sale of arsenic. Opium however is not treated that way. Here is one of the recent reports of the Chemical Examiner of the Bengal Government. He says:

"682 human viscera were examined in 1923. The kinds of poisons detected in the above viscera and in the vomit and excreta received along with them have been shown in Table III. As usual, the most common poison detected in fatal human poisoning cases (i.e., in human viscera and vomit and excreta received along with them) was opium including morphine."

In a recent report received from the Punjab it is shown that out of 377 cases of human poisoning investigated by the Chemical Examiner, opium accounted for 134 or 35.54 per cent. Another matter to which I direct the attention of the Government is the question of illicit traffic. Those who are acquainted with the geography of Central India know how the Indian States are intermixed with British territory, and to my mind it is possible that it is across the frontiers illicit traffic in opium may take place, and we trust that Government will make an investigation into that matter. I would also call the attention of the House to the evidence given by Mr. Gibbs, the Excise Commissioner, quite recently before the Taxation Committee, in which he drew the attention of the Committee to the fact that the cultivation of opium was spread over 27 districts in the United Provinces and to the fact that cultivation diffused over such a large area might give rise, and indeed would give rise and did give rise, to illicit traffic. The policy of Government, he added, ought to be to concentrate the cultivation of opium

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and not to allow it to be spread over such a large area. I believe the Government have already made inquiries with regard to these matters and with regard to the consumption of opium by children and the high incidence of consumption in Assam. There is one other matter to which I have not yet made a reference. In reply to a question the other day the Honourable Finance Member said that the consumption of opium was looked upon by some people as a religious practice. I do not know if he has had time to make a research into the religious practices of the people of India since he made that statement, and I am not sure whether he has discovered any evidence along those lines. I admit that there is possibly a single exception, that of the people of a remote corner of Assam, among the Gosains, and even there the evidence is so flimsy as to be untrustworthy. But it seems to me that anything that is practised by a group of people, however small that group, may be represented as being religious; indeed the desire of the Government of India to retain the excise duty on cotton production might be said to have almost a religious significance.

Well, Sir, I am afraid I may be exceeding the time limit but let me make a few remarks with regard to Government policy regarding the export of opium. Here then is the first document with regard to the restriction of opium export, namely, the International Opium Convention signed at the Hague on the 25th January, 1912. India was included among the signatories and the person who signed it on behalf of the British Government was no less a person than the late Sir William Meyer. This Convention lays down in articles 6 and 7:

“The Contracting Powers shall take measures for the gradual and effective suppression of the manufacture of, internal trade in, and use of prepared opium, with due regard to the varying circumstances of each country concerned, unless regulations on the subject are already in existence.

The Contracting Powers shall prohibit the import and export of prepared opium; those Powers, however, which are not yet ready to prohibit immediately the export of prepared opium shall prohibit it as soon as possible.”

Here then is a Convention at which India was represented and at which Great Britain's delegate gave his signature to an agreement. Now these International Conventions were continued till the years 1913 and 1914 and then again after the war. Let me refer briefly to the meeting which was held of the League of Nations in May 1923. On this occasion the American delegate asked that the following two propositions should be incorporated, namely:

“1. If the purpose of the Hague Opium Convention is to be achieved according to its spirit and true intent, it must be recognized that the use of opium products for other than medicinal and scientific purposes is an abuse and not legitimate.

2. In order to prevent the abuse of these drugs, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medical and non-scientific purposes.”

The representatives of the Powers associated themselves with these sentiments except India which made an exception with regard to opium. The Indian reservation was that “the use of raw opium, according to the established practice in India, and its production for such use, are not illegitimate under the Convention.” It was then proposed in 1923 that when the Conference met again in 1924 the matter should be discussed. The Conference had accepted these American proposals with the Indian reservation and when they came back in 1924 it was felt by the Americans that they might consider how these amended principles could be given effect to. What happened? Apparently on the representations of the British

delegates (the Indian delegate was probably responsible for this) it was proposed that there should be not one Conference, but two Conferences—the first Conference to consist of representatives of the Governments of those nations in whose countries opium was produced and in whose countries opium was used. That was the first Conference to which reference has been made in this House this afternoon. That Conference met at Geneva. What happened? The Conference was in essence a meeting of the wholesale and retail monopoly dealers in opium. There is no other phrase that we can use to describe them. They were either producers of opium or allowed this opium to be used—in other words, they were a body of representatives of those who had very large financial interests in this opium trade. The Americans asked that this Conference should not meet separately but should meet in the general Conference composed of all the signatories of the Hague Convention; but that again was disallowed and the Americans were voted down in that matter. Now, these two committees met together. Of course when the merchants, wholesale and retail, met together, the one thing uppermost in their minds was how they should prepare for the next Conference at which these very troublesome Americans would be present. That to them was the whole programme—how they could meet these people, very idealistic people, who had come there to make a demand to which these people as merchants could never accede. Then came the result of the first Conference, the agreement (that agreement was drafted apparently by our delegate, Mr. John Campbell). As a friend of mine wrote to me from Geneva, this was signed in unusual circumstances—the agreement was signed by Mr. Campbell in advance and it was hawked round the corridors of the hall of the League of Nations—India's delegate asking for signatures to this agreement. And what was this agreement in essence? One of the most important provisions of it was that minors should not be admitted into opium dens or opium divans as they were called. As Bishop Brent for whom personally I have the greatest and the highest respect, remarked, one of the American delegates at this Geneva Conference said words to this effect: "In 1912 you were going to suppress this evil habit of opium smoking; now after thirteen years you bring this proposal forward that minors ought not to be allowed to be admitted into opium dens, a provision which ought to have been made years ago. Are you really serious? Are you really serious in this matter?" After the first Conference, the second Conference met—with what result? With the result that what America asked should be done was turned down. The Powers refused to accept it—in other words John Bull and Company again proved too powerful. There was Britain; there was India which was another name for Britain; there was Australia which was again another name for Britain; there was Canada which was another name for Britain again. And that group of representatives with other nations who were also interested in this traffic determined that this Conference should be brought to naught. Well, Sir, in conclusion, may I ask whether India is really standing by the document which her representatives signed in 1912 and reaffirmed in the Treaty of Versailles? The Hague said that prepared opium was not to be exported. India says "We do not export prepared opium." But we all know that it is prepared as soon as it is exported and it is really no reply to say that we are not transporting prepared opium.

In the second place, Sir, I wish to draw the attention of the House to the very powerful influence which is exerted in London. To whom is the

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delegate of India responsible? To the Indian Government, to the Secretary of State or to the Indian people? As a matter of fact things are frequently arranged in London. A crore and a half or two crores of rupees is a comparatively small amount compared with our total revenues. Is the Indian delegate our delegate or the delegate of the Indian Government? What happens? He and probably some official of the Colonial Office meet together. The revenue of the Straits Settlements is drawn, as to 30 to 60 per cent. of it, from opium. In one year—I think it was about four years ago—the total expenditure of the Colony could have been met merely from the revenues of the opium monopoly. These countries, the Colonies, are not willing to sacrifice their revenue; it is an enormous proportion of their income; and there in London they meet together; they come to terms with the Indian delegate. I ask, Sir, that this should be stopped. Will the Government of India declare their policy? Are they willing to make an inquiry into the internal consumption of opium and its effects as we have presented it to the House? Next, are the Government of India willing to inquire into this question of the export of opium? Are they willing to take the initial step? The Crown Colonies are not willing to move. It is for India then to take the initiative in this matter. The moral sense of the world is being stirred. It is operating in India to-day; it is operating in all international affairs. Whatever the Finance Member may say to-day, whatever the Government of India may decide to-day, the suppression of this traffic is bound to come. The finances of India are not very bad just now; will the Government of India be willing within the next few years to suppress it?

Well, Sir, I am done. The Honourable the Finance Member the other day perhaps in a moment of petulance threw it at some of us who had asked a question as to whether public bodies in India, the National Congress and certain Christian bodies, had asked for the suppression of this trade—he said that in every country there were people who desired to criticise Government. Well, Sir, I do not care whether I criticise Government; whether I oppose Government or support Government is to me not a material consideration. What does matter to some of us in this House is the moral welfare of the people of India and our good name in international affairs. The Finance Minister will go in a few years, leave India; but our children and our children's children will have to bear the burden that is imposed upon them; and I ask that a phrase such as "anti-Government" in a matter like this should not be introduced. I ask then that we who desire to see a better life in India and that our name and our head should be held high in the world generally as people who are willing to support that which is good and right, that our representations should receive the consideration that they deserve. With these words I commend the motion (modify it suitably as you like) to the House. (Cheers.)

Maung Tok Kyi (Burma: Non-European): Sir, I thank you for giving me an opportunity of intervening in this debate at this early stage. My Honourable friend Dr. Datta has made out a case for the total suppression of the opium traffic very convincingly. He has dealt with the subject so comprehensively that those who follow him have hardly anything to say. It is said that the history behind the cotton excise duty is a black one. I think the history behind the opium problem in India is a blacker one, and the sooner the opium traffic in India is suppressed the better. Public

opinion in India is entirely against the present policy of the Government of India so far as opium is concerned. The National Congress and other public bodies have stated in no uncertain terms that they are entirely against the present policy of the Government. They have stated that this policy is contrary to the moral welfare of the people, and that opium should be grown only for medicinal and scientific purposes. And yet, Sir, I am sorry to say that the attitude taken by the representatives of the Government of India at the recent Opium Conference at Geneva is very disappointing. They have created an impression that people in India are more or less addicted to opium, or rather that the people in India cannot do without opium. Sir, though the representatives of the Government of India have ignored public opinion, though they have treated it with something like contempt, I think it is the duty of this House to respect it. We must do our best to give effect to the wishes of the people.

Sir, it is said that there are a great many difficulties in the way of suppressing the opium traffic. We in Burma at any rate do not find any difficulty in giving effect to the policy of prohibition, at least as against the Burmans. For the last twenty years or so, Burmans have been prohibited from taking opium, and this policy of prohibition was so strictly enforced; that at present there are only 3,000 or 4,000 Burmans who consume opium. Sir, I do not see any reason why this policy of prohibition should not be enforced in India. The Government of Burma have already begun to follow that policy as against the non-Burmans. The quantity of opium consumed in Burma is now progressively declining, and I hope that the day will not be far distant when opium in Burma will be used only for medicinal and scientific purposes. Sir, to my mind, the only difficulty in the way of the Government tackling this problem is the dislocation of revenues that would arise from the sudden disappearance of opium receipts. But I think this difficulty can be removed by adopting the policy of extinguishing the opium revenue during a period of five years. It is true that the receipts from opium come to something like 3.55 crores, but the expenditure is 1.80 crores. The net revenue is only about 1.75 crores. If therefore an attempt were made to extinguish the whole net revenue during only one year, there is no doubt the revenues of the Government of India would be dislocated, but if we reduce the expenditure by one-fifth every year, at the end of five years the opium revenue will disappear and there will be no dislocation of public revenues. I would therefore suggest, Sir, that out of the expenditure of 1.75 lakhs, we should reduce 36 lakhs this year, another 36 lakhs next year, and so on. Sir, this loss of 36 lakhs of revenue per year cannot do us any harm, it is only a drop in the ocean as compared with the total income of the Government of India which is something like 130 and odd crores. During the year which is about to close, due to the special efforts of His Excellency the Commander-in-Chief, the military expenditure has been cut down by over 3 crores of rupees, and I hope that His Excellency and his successor will do their level best to cut down the military expenditure in the next few years to the minimum limit fixed by the Inchcape Committee, and I hope that the expenditure saved in the Military Department can make up for the loss of revenue from opium. Sir, there is, I think, another way by which we can find the amount necessary to make good the loss of opium revenue. The Government of India have recently formulated a scheme for the reduction or avoidance of debt. That scheme has been made without properly consulting this House. I am glad to note that the question will come up again at the next session when I hope that the amount set apart for the

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sinking fund will be considerably reduced. Sir, I am one of those who believe that no Sinking Fund should be provided for productive debt. Now, we have got 725 crores at the end of the year 1924-25 as productive debt, and only about 288 crores of unproductive debt. That is, roughly speaking, our unproductive debt is only about 2/5ths of the total debt. Now, the Government of India have put by about 4.78 crores as a Sinking Fund for all the debts. I think, Sir, only 2/5ths of that sum should be reserved for sinking fund purposes. If this suggestion is taken up by the Government of India, we should put by yearly about 2 crores of rupees for the reduction or avoidance of debt. Sir, as I have pointed out, we have every hope to save something in military expenditure and also to save over 2 crores of rupees from sinking fund. I think these two savings are more than sufficient not only to make up the loss of opium revenue but also to make up the loss resulting from the abolition of the cotton excise duty. Sir, with these few words I move my motion.*

Mr. J. L. McCallum (Burma: Nominated Official): Sir, I am not prepared to go back with the Honourable Mover of this motion to the year 1799. He devoted most of his time to the old days and finally, when he did come down to the year 1910 when the Government of India had a revenue of 941 lakhs of rupees out of opium, he perhaps wisely stopped there. If he had come down to the present year, he would have found that the revenue had shrunk to just over one crore. Now, we have been treated to two very different kinds of speeches by the Mover and Dr. Datta. The Honourable Mover's speech was one of condemnation and very little reasoning and his condemnation extended especially to the policy of the Government of India of twenty and more years ago. Dr. Datta gave us a scientific dissertation on opium with very little condemnation of the present policy of Government. In his attack on Mr. McWatters' speech in another place, the Honourable Mover referred to the findings of the Royal Commission of 1895 on public opinion in India. Well, I want to know what the public opinion in India about the opium question really is. I am not one of those who agree with the Commander-in-Chief that India is not a nation. I am perfectly ready to admit that India is a nation and even that public opinion can exist there. But that public opinion, as so often happens even with public opinion among western nations, is by no means unanimous on the subject of opium. The opium consumers themselves are generally dumb, else they would no doubt be in favour of free traffic in the drug. Their opinion is anyhow prejudiced and I think we must ignore it in this discussion. My colleague, Maung Tok Kyi, says that the Government of India have treated public opinion with contempt. Now, as far as I have been able to ascertain public opinion, it takes in India one of two main lines. One is the line taken by the Mover of this motion. It is the advocacy of complete prohibition. I have the greatest respect for this opinion which is held by many of the most respected men in the community, but I think it is formed on an incomplete examination of the facts and I do not think it represents the views of the majority in India. The other line advocates control but protests against the policy of the Government of India because Government carry that control too far. There is a considerable body of public men in India who talk about the sacrifice of revenue for a mere sentiment. They say that that sentiment is more British and American than Indian, and that, if India, at the bidding of the western

* "That the Demand under the head 'Opium' be reduced by Rs. 36 lakhs."

nations, had to give up its opium revenue, she should be compensated for the loss of that revenue by the holders of that sentiment and usually more especially by the British Exchequer. I believe that that opinion more accurately reflects the opinion of a majority in India.

There are three main lines of policy open to a country situated as India is. They are (1) free traffic, (2) control, and (3) prohibition. We may leave the first out of account. The second is the policy of the Government of India and is to my mind the only reasonable policy in present world conditions. Government assumed control by monopoly in very early years but very soon after, the amount of money which came in as revenue made them so frightened that they appointed a Royal Commission which reported in 1895. Those findings are the basis of the Government's policy to-day and they are therefore extremely important. Dr. Datta has already read some to the House and I do not think I need mention any more than the sentence:

“ We find no evidence of extensive moral and physical degradation from its use.”

The contention of Government is that those findings are as valid and true to-day as they were in 1895. We are continually being told, and we have been told by Dr. Datta to-day, that general Indian and world conditions have altered so much since 1895 that there is now good ground for a general advance towards Prohibition. I do not think that such a case has been made out, and would like to give the House some of my reasons.

First of all, let me admit that there does seem to me to be a certain inconsistency in the policy of the Government of India. They rest on the findings of the Royal Commission and they would have been justified by those findings in going on with their policy of control, without attempting to restrict consumption below the level at which it stood in 1895. They have not been content with this. They have flirted with Prohibition. It may almost be said that their policy during the last 10 or 15 years has been control with a view to final Prohibition. They have restricted allowances, decreased the number of shops, increased the retail prices and reduced exports enormously, with the result that a revenue of 941 lakhs in 1910-11 has shrunk to 166 lakhs in 1923-24 and to 131 lakhs in the revised estimate for 1924-25.

This is a sort of inconsistency, and protests have been made, as I have pointed out, against it, but on the whole the error, if it was an error, listening perhaps overmuch to the uninformed enthusiasm of the West, was an error on the right side, and we need have no misgivings in accepting the result as a *fait accompli*.

Since the Reforms, opium has become a Provincial subject, and in all provinces except Assam a Provincial Transferred subject. Since that time control of internal consumption has been a matter for Local Governments. The provinces have not like the Central Government sacrificed revenue, but they have reduced consumption by raising retail prices. These prices are now so high that they are probably incapable of further enhancement.

The revenues of Provinces were:

In 1910-11	...	...	...	164 lakhs;
1920-21 (last year under the old régime)	...	...	...	276 lakhs; and
1923-24	...	...	...	270 lakhs.

Control of internal consumption is not now therefore strictly relevant in this House. I submit, however, that the matter ought to be discussed in

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this House, because the policy of the Local Governments is a policy inherited from and encouraged by the Central Government, and moreover, the Provincial Governments are not members of the League of Nations and they can only defend their policy before the League of Nations through the Central Government which is a member.

As Burma is the only province in which a policy of Prohibition has been definitely adopted, I may perhaps be allowed to occupy the time of the House for a little in examining its results. The policy is generally referred to as Registration. We have two systems of registration in Burma, a registration which is Prohibition, and a registration which is not. The Prohibition register refers to Burmans only, the other to non-Burmans, mainly Indians and Chinese. But these latter Maung Tok Kyi wishes to be put on the same lines as Burmans. I think I can show that there are serious grounds for doubt as to the efficacy of the prohibition policy in Burma. In 1893 all Burman opium consumers were registered, and the register was then closed. But there were practical difficulties. It was found that all the consumers had not been registered. So, in 1903, the register was reopened and consumers who were over the age of 25 in 1893 were enrolled. In 1912, these Burman consumers numbered 14,019. In 1921, the number had fallen to 5,405. It may be noted in passing that all these 5,000 were over the age of 53 in 1921, a fact which confirms one of the findings of the Royal Commission in 1895 that opium consumption in moderation does not shorten life. These 5,000 are spread all over Burma, and as there are 40 districts in Burma, the district average of Burmese opium consumers would be round about 140. It is probably less now. There is no reason to think that Maungmya district, a paddy-growing delta district, had more than its fair proportion of these consumers. Recently, a zealous Excise Commissioner discovered that some of the cultivators and fishermen of this district had acquired the habit of taking small doses of opium medicinally as a protection against damp and fatigue. He persuaded the Local Government to reopen the Register for that district only, as an experiment, and on the strict condition that they were not to be allowed more than a small medical allowance. What was the result? On the day the Register was reopened, there were one thousand applicants for registration. I do not say that the same thing would happen in every district in Burma if the Registers were reopened, but from my own inquiries I know that the number of non-registered Burman consumers is large, especially in Arakan Division. I would hazard the guess that the number of non-registered Burman consumers in Burma is at least as large as the number of registered consumers.

This is one fact which deserves the deepest consideration of the advocates of Prohibition, and another is the increase in smuggling. In India the Central Government pays the cultivator about Rs. 13 or Rs. 15 for his opium, manufactures it, and sells to the Local Governments at Rs. 30 per seer. It is retailed at various rates in different Provinces. In Burma it is retailed at from Rs. 110 to Rs. 140 per seer. It is obvious that these figures offer tremendous inducements to smugglers. The Mover, Mr. Duraiswami Aiyangar, asked, "What does it matter whether China goes dry or not?" Well, Sir, I wish to maintain that it is the thing that matters enormously both to Burma and to India. (A Voice: "Why?") Most of the smuggled opium in Burma comes from the frontiers of China. About 99 per cent. of the illicit opium which is seized in Burma comes from China. China is the country which has prohibited-cultivation but cannot

enforce its orders. In fact, it is this impotence of China which is at the root of all the differences between our representatives and the Americans on the League of Nations. The Yunnanese or the Shan cultivator will be well compensated if he gets the same amount as the Malwa cultivator. This opium is imported and carried all over Burma, and retails at about twice the price of shop opium.

In 1920-21, the latest year for which I have got figures, the amount of smuggled opium seized in Burma was over 2½ tons. The proportion seized to the proportion smuggled is of course unknown, but is variously estimated at from 10 to 50 per cent. Speaking in the Legislative Council of Burma on the 26th August of last year, the former Excise Commissioner, who was responsible for the experiment in Maungmya told of one consignment seized in another year which amounted to nearly one ton. The report mentions that the smuggling is being taken up by even the most unlikely classes of the community. In Mandalay 6,080 tolas were seized in possession of the Anglo-Indian stenographer of a high Government official.

The success of Prohibition in Burma is therefore a very doubtful quantity, and I think Assam would be well-advised to leave it alone and continue the policy of control.

Registration of a non-Burman is easily achieved. The consumer has only to prove to the local excise officials that he is a consumer, and he is forthwith registered and granted an allowance. I should like to say a word on behalf of the Chinese consumer, often a smoker. He is not the dope-fiend he is sometimes imagined to be. On the contrary, he is extremely moderate. One or two pipes in the evening usually suffice him, and they do not do him any harm. The Chinaman is one of the best citizens we have got in Burma. He is honest, hard-working and well-behaved.

To revert to the general internal consumption of all-India I maintain that the policy of the Government of India, as pursued during the last 15 years, practically meets the demands even of the Americans on the League of Nations. The main difficulty is that we cannot make our formula of "legitimate" needs agree with their formula of "medical and scientific needs." In India there is not the requisite medical staff to enforce this.

Dr. Datta referred us to Mr. Paton's pamphlet "Opium in India." In that pamphlet Mr. Paton suggests that we should investigate the possibility of allowing medical authorisation to consume opium to be given by "indigenous practitioners not on the medical register." I have no hesitation in saying that if you allowed authorisation in Burma by the local "medicine-man," the consumption of opium would double or treble itself in a year. The use of the word "legitimate" instead of the word "medical" means that the allowance can be fixed as now by the local excise officers and I contend that the results shown by this fixation prove that that system is the only practical system.

I should also like to say a word or two on Mr. Andrews's pamphlet. He publishes an interesting set of figures to show that the consumption of opium in India is about 12 seers to every 10,000 persons. The figures look as if they might have been compiled in a Government office, and so I had better not go too far in impugning them. The League standard is 6 seers per 10,000, and we are asked to work down to this. I doubt if the League would accept responsibility for the country where it has a local

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habitation, or we might suggest to it the application of the proverb "Charity begins at home," for Mr. Andrews tells us that Switzerland has the same consumption as India, 12 seers.

I notice that Mr. Andrews puts the consumption in Burma at 28.7 seers. I should like to know whether he has included the consumption by elephants. I am not sure about it, but I know the meticulous care with which the Collector and Treasury Officer weighs out each doit and dollop of opium, and I should think it probable. Everybody knows—it is the fact best known about Burma, sometimes the only fact known about Burma—that Burma is full of working elephants. Opium is their favourite medicine, and the dose of an elephant would kill several men. It is not administered strictly according to "medical needs," but usually given by rule of thumb by a Timber Assistant, or a junior Forest Officer. However, I have made Mr. Andrews a present of illicit consumption which he has certainly not included; so that can be set off against the elephants. Let us assume the correctness of the figures. Of what value are they?

What we want to know is not the consumption of one particular year, but comparative figures for several years. Are we going up or down? We do not want an All-India Committee to compile these figures. We have got them in Government publications. They are interesting figures. They show that the total internal consumption fell from 12,530 maunds in 1910-11 to 7,406 maunds in 1923-24, a reduction of 41 per cent. That is to say, by Mr. Andrews' method of calculation, consumption fell in 13 years, from 17 seers per 10,000 to 12 seers per 10,000. If we go on at this rate, and if Mr. Andrews leaves us alone, I have no doubt that in the next thirteen years, we shall get well below the League of Nations datum-line.

Dr. S. K. Datta: May I ask the Honourable Member whether he is aware of the actual production in 1895—whether it was not 7,000 maunds?

Mr. J. L. McCallum: But this is not the real sting of the accusation against the Government of India. It is the external consumption of India's opium that is India's real sin. America actually has a grievance against India because of an alleged breach of Article VII of the Hague Convention which says:

"The contracting Powers shall prohibit the import and export of prepared opium; those Powers, however, which are not yet ready to prohibit immediately the export of prepared opium, shall prohibit it as soon as possible."

The facts as set forth by Mr. Andrews are best left to speak for themselves. We agreed to "prohibit the import and export of prepared opium." We did so. We fulfilled our part of the agreement. We reduced our total exports to foreign countries from 48,290 chests in 1910 to 7,547 chests in 1924, and we stopped exports to China altogether. And now we are to be held responsible for what the Straits Settlements Government does with its opium. What you want for this, I suggest, is not an all-India Committee, but an all-Straits-Settlements Committee.

Mr. Tarun Ram Phookun (Assam Valley: Non-Muhammadan): Sir, in associating myself with the remarks of Mr. Duraiswami Aiyangar and Dr. Datta I have no intention of inflicting a speech on the Honourable Members. I desire merely to lay before the House certain figures relating to consumption of opium showing how heartlessly this opium policy has been carried

on particularly in Assam. The index figure, as has been pointed out by Dr. Datta, has been fixed at 6 seers and the League of Nations say that they have come to that figure after a very careful consideration, and that includes consumption for medical purposes also. Now, when we refer to the figures of Assam they will be found to be more startling than any that have been referred to by Dr. Datta in regard to other provinces. Sibsagar 110 seers against 6 seers fixed by the League of Nations, Darang 173 seers against 6 seers, Lakhimpur 189 seers against 6 seers, and Sadiya 237 seers against 6 seers. May I not ask if these figures are not appalling and may I not ask what the Government have been doing to reduce the consumption? The figures quoted above are taken from the Finance Department report, so they may be taken as correct and they relate to 1922-23. Now, Sir, I feel certain that the Honourable Member representing the Assam Government, Mr. Cosgrave, will say that the Government have been doing their best in reducing the quantity of opium consumption (a) by a system of rationing, (b) by increasing the treasury price of opium and (c) by registering the names of the opium eaters. This sounds very nice, but am I not entitled to ask, have you by this means been able to reduce the quantity, and if so, by how much, and within what time? I will quote another set of figures showing that for the last 50 years the quantity has remained almost stationary till 1922 when there was a sudden fall:

Year.	Maunds.	Revenue. Rs.
1875	1,874	13 lakhs.
1885	1,446	16 "
1915	1,560	30 lakhs.
1919	1,748	38 "
1921	1,614	44 "
1922	1,013	25 "
1924	890 . . . . .	...

(There seems to be a decrease in consumption this year but I will show it has gone up again).

So, for a period of 50 years, and particularly within the last 20 years during which, as my Honourable friend Mr. Cosgrave will tell you, those methods mentioned above have been in operation, the quantity consumed remained stationary. There is a sudden fall in the year 1922 from 1,614 to 1,013 and what was it due to? (*Pandit Shamlal Nehru*: "That was due to non-co-operation.") Whatever the Government replies to that might be, it is a fact that Mahatma Gandhi visited Assam in 1921 and a vigorous propaganda was started by the people of Assam to save themselves from this life-killing drug-habit, and the result was that within six months there was a fall of 600 maunds, whereas the quantity had remained stationary in spite of all the measures that the Government had adopted during the previous 20 years, not to say of 50 years. May I ask how the Government met the efforts, the honest efforts of the people to save themselves? I am sorry to have to say that it was by sending two thousand honest workers to prison for carrying on this propaganda. We challenged the Government from time to time to point to one act of violence and they have not been able to do so. Finally, we asked in the local Council for an inquiry into the matter and the Government Member, Mr. Bentinck, stood up and said "Oh, we must not rake up old matters, let bygones be bygones". That is all they had to say. Yet my friend Mr. Cosgrave is

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sure to say, " We have been making honest efforts and the consumption is gradually falling from the year 1920." The Honourable Sir William Reid, the Finance Member, had to admit, " I am not responsible for what was happening before 1921, but from 1921 I know that consumption is gradually falling." I maintain that it is the effect of the non-co-operation movement that is still working. My friend is aware that a Resolution has been carried for total prohibition. I am sure that some excuse will be found for shelving it again. My friend has not replied. I have to anticipate him and am, therefore, at a disadvantage. I am not sure what excuse he will offer on behalf of the Government. He will possibly say, " Oh, it is not possible to stop illicit sale of Malwa opium and stop illicit growing of the poppy ". So total prohibition is out of the question. If Government are really so helpless in that matter, which I do not believe for a moment, why not pass necessary legislation and entrust us with the work, and we will see that there is no illicit import of opium provided we are not sent to jail again. In a place like Assam, I can speak with confidence, it is quite possible to stop the illicit sale and import of opium. In other places it may be difficult. I am an Assamese. I have lived there and I have lived in troublous times and the Government had been pleased to send me to jail for twelve months for carrying on this temperance work, but I know for certain that the bulk of the opinion is in favour of prohibition. If we could bring the consumption down to that extent within 6 months, Government, if seriously inclined, could surely bring it down to a much larger extent. Why make untenable excuses? Why not plainly say, " We cannot afford to lose the revenue. You may pass Resolutions but you cannot make us act upon them." The Honourable Mr. Sinha of the Bihar and Orissa Government has made a candid confession in that matter possibly because he is after all an Indian. I will ask my friend to lay his hand on his heart, not his official heart but his human heart, and say whether the conditions in Assam are not very deplorable. Three-fourths of the population—men, women and children—in certain districts take opium. That has not kept them away from malaria or kala azar. Honourable Members may know that there are no trading centres in Assam. The labour population which comes to about 12 lakhs do not take opium yet. I am sure they will gradually do so. The tea planters are careful not to take men addicted to opium, because a man who takes opium is perfectly useless and that makes the quantity consumed in particular areas more startling. Smoking a pipe or two a day, just as recommended by the Honourable Government Member from Burma, might do good to some people, but taking opium regularly in the quantity which is allowed to be taken in Assam cannot but ruin the health of the strongest man. It has caused havoc in Assam. Therefore the only thing we can do is to associate myself with Dr. Datta in expressing our strongest condemnation of the policy that is being carried on by the Indian Government. The Assam Government always look up to the India Government and therefore if it is condemned here I am sure that the Assam Government will see that this opium traffic is not carried on in the manner it is done now. It is natural that my friend the Government Member wants to come last. I hope that somebody from my province will be allowed to reply to him because there is absolutely no excuse whatever so far as Assam is concerned for not adopting more drastic measures for reducing consumption. Only the other day we had made an inquiry into the opium evil. There were men from the Government side such as Rai Bahadurs, Government pensioners, doctors

and others who gave evidence. We had carried on the inquiry throughout Assam and even the hardened opium eaters told us "Save us from this habit; we cannot get out of it. You must do something to help us". This inquiry was finished only three months ago. The report will be published shortly. Mr. Andrews helped us in the deliberations and our thanks are due to him. The bulk of the opinion as recorded in the report is in favour of prohibition. I hope the Assam Government will this time—I am only expressing a pious hope—accept the Resolution for total prohibition and will work upon it. If it is not good for any other part of India, surely it is good for Assam. I desire once again to associate myself with the remarks of the Honourable Mr. Duraiswami Aiyangar and Dr. Datta and support the cut proposed.

Mr. Kamini Kumar Chanda (Surma Valley *cum* Shillong: Non-Muhamadan): After the very able speech of my Honourable colleague Mr. Phookun there is not much left for me to mention here and I should like only to supplement what he has said and some of these things have been dealt with most ably by my Honourable friend Dr. Datta. Sir, the House must have seen from the figures which my friend Mr. Phookun placed before it that Assam is the worst place in the whole of India, Burma included, where the opium evil has attained the most frightful proportions. There is no place in the whole of India where you will find so many persons addicted to the opium habit; where you will find so many infants drugged by their mothers for the purpose of keeping them quiet while they go to work. My friend has given you the figures for the districts of Assam. The figure for the province of Assam is 52 seers taking 6 seers to be the index figure, according to the figures of the League of Nations. I wish to point out that this figure is rather low. The correct figure should be higher. Assam includes the Sylhet district. The House was told the other day by my Honourable friend Mr. Aney, who moved a Resolution for the transfer of Sylhet to Bengal, that Sylhet was a Bengali district wherein 94 per cent. of the people talked Bengali. Now it is a fact that Bengalis do not as a rule take opium. Sylhet by itself contains more than one-third of the whole population of the province. The population of Sylhet is 2½ millions and the whole province has 7 millions. Now in Sylhet itself the figure is 9 seers per 10,000 population. Similarly in Goalpara, where there is a large Bengali population, the figure is only 2 seers. Now, if you exclude Sylhet and Goalpara from Assam, the figure for the province will be much higher than 52. As it is, it is the highest figure of any province in the whole of India, Burma included. Thus, as I say, Assam is the worst place in the whole of India, where this evil has attained the most frightful proportions. That being so, I submit Sir, that if in any province opium ought to have been a transferred subject, it is Assam. But unfortunately Assam is the only province where opium is a reserved subject. In this connection, Sir, I am surprised to find that not only Mr. Campbell but the Honourable Sir Basil Blackett made the statement that in the whole of India opium is a transferred subject. I will just quote you the answer of Sir Basil Blackett. . . .

The Honourable Sir Basil Blackett: I do not dispute the fact that it is reserved in Assam. (Laughter.)

Mr. Kamini Kumar Chanda: Sir Basil Blackett admits having made a statement in this House that opium was a transferred subject. Why did he make that statement? Was he unaware of the fact that in Assam it was

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not a transferred subject? And Mr. Campbell in the League of Nations not only said that, but he said that if the people of India wanted to put a stop to it they could easily do it. But as you know, in Assam it is not a transferred subject. It is a reserved subject, and the Assamese complain that it is due to the action of the last Chief Commissioner of Assam, Sir Nicholas Beatson-Bell, now the Reverend Sir Nicholas Beatson-Bell, a missionary of the Church of England in Kidderpore, the Reverend Sir Beatson-Bell. It was due to him that opium continues to be a reserved subject in Assam. There is some justification for this complaint that it was due to him that opium was not a transferred subject. He was intolerant of any criticism of the excise policy of Assam. I may mention one incident to show this before this House. Rai Bahadur Phanidhar Chaliha, a retired Extra Assistant Commissioner, was a Member of the Assam Legislative Council. In 1919 he made a remark in his speech criticising the excise policy of Assam and condemning the revenue from opium which he characterised as tainted money. Sir Nicholas Beatson-Bell was the Chief Commissioner and President of the Council. He flew into a terrible rage in the Council at this and openly insulted the Rai Bahadur in the Council for his statement.

Mr. W. A. Cosgrave: Sir, on a point of order I would ask your ruling as to whether the Honourable Member is justified in attacking a retired officer of Government who is not here to defend himself.

Mr. Kamini Kumar Chanda: I am just explaining that the Assamese are justified in their complaint that opium continues to be a reserved subject on account of the action of Sir Nicholas Beatson-Bell. Sir Nicholas Beatson-Bell said that this Member of the Council, the Rai Bahadur, as an officer of the Government, had himself participated in the immoral policy of the Assam Government, and he had drawn his pay and was drawing his pension from this tainted money, and it was put up to him to refund that amount. This matter was brought to the notice of the Viceroy, Lord Chelmsford, but he did not interfere, and then it was carried up in appeal to the late Mr. Montagu. Mr. Montagu would not at first believe that the President of a Council and ruler of a Province would so far forget his position as to insult a Member for doing his duty honestly in the Council. But afterwards when all the papers were sent to him he decided that Sir Nicholas Beatson-Bell was to apologise to Rai Bahadur Phanidhar Chaliha. I shall not repeat the subsequent history of this matter. It is clear then that the complaint of the Assamese that it was due to this ruler, Sir Nicholas Beatson-Bell, that opium continues to be a reserved subject in Assam is justified. If opium had been a transferred subject the Government would have been forced before now to put a stop to it. In 1922 Mr. Rohini Kanta Hati Barua was able to move a Resolution and get it carried in the Council that the ration opium ought to be decreased by 10 per cent. every year. That Resolution was carried by the Council but the Government have not paid any heed to it. And only the other day, on the 4th March, Srijut Kuladhar Chaliha, a worthy son of a worthy father, a son of the late Rai Bahadur Phanidhar Chaliha, moved a Resolution and got it carried in the Council recommending to the Government that the sale and consumption of opium in Assam except for medicinal and scientific purposes be totally prohibited. Now we have to see whether the Government will pay any heed to this. We know the Honourable Sir William Reid, the Executive Councillor of the Assam Government, opposed it and it is very unlikely that he will pay any attention

to this Resolution. My friend Mr. Phookun spoke of a committee and I will just give you a list of the persons who were examined:

"The Opium Inquiry Committee whose report is about to be published examined 326 witnesses, almost all of whom are for total prohibition except for medical and scientific purposes only. Of the witnesses 26 are Government pensioners, 10 title holders, 11 Chairmen of local boards and municipalities, 22 medical practitioners, 72 opium eaters, and the rest are public men of all shades of opinion."

(Mr. W. A. Cosgrave: "Who are the members of the Committee?") Some of the leading men of Assam. Now, Sir, there is another point on which I wish to draw the attention of the House, and that is the very inaccurate statement of Sir Basil Blackett. It was stated that opium eating is not so harmful as opium smoking and opium snoking is practically not in existence now.

Mr. N. M. Joshi: Are you an expert in this matter as Sir Basil Blackett is?

Mr. Kamini Kumar Chanda: I do not claim to be. I am told that this is the real fact, and if I may mention it my old friend Mr. Cosgrave said it the other day. Mr. Campbell said the same thing in the League of Nations, that there was no opium smoking in India. And I find the Honourable Sir Basil Blackett made the same statement in this Assembly in answer to questions Nos. 338, 339 and 340 on the 27th January 1925, published in Volume V of the Assembly debates, page 285. What he then said was:

"Burma is the only province in India in which opium is smoked to any large extent, etc."

Mr. Campbell made the same statement there. I will tell him what the answer of the Assam Government was on this point. On the 4th March the following question was put in the Assam Council:

"(a) Have the Government of Assam seen the report in the press some time in the month of November last, to the effect that Mr. John Campbell, the representative of the Government of India in the League of Nations Opium Conference in Geneva, said that there is practically no opium smoking in India?

(b) Are the Government of Assam in a position to say that there is no opium smoking in Assam?"

The answer of the Assam Government was this:

"(a) The Government have noticed in the press a statement ascribed to Mr. Campbell at the meeting of the Opium Conference of November the 6th last at Geneva to the effect that the problem of opium smoking did not exist in India. Without the records of the proceedings which they have not yet received, they are not prepared to assume that Mr. Campbell has been correctly reported.

(b) This Government are aware that opium is smoked in Assam, and the Government of India must also be aware of this."

I wonder how in the face of this the Honourable Sir Basil Blackett made the statement that opium smoking is confined only to Burma. (*The Honourable Sir Basil Blackett*: "I did not say that it was confined to Burma.") I do not know what other meaning his reply can have. Sir, my Honourable friend, Mr. Phookun, has stated how this opium evil has been to some extent reduced in Assam: this was so through the action of the non-co-operators, 2,000 of whom had been sent to jail. I may supplement that statement by stating the fact that not only this, but

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Mahatma Gandhi visited Assam in September 1921 and a propaganda was started in November 1921 and between November 1921 and the 1st April 1922 these people were sent to jail, and in six places in Assam Gurkhas were let loose and Punitive Police Guards posted. It is in this way that the non-co-operation movement was killed in Assam. Government themselves have admitted in the Excise Report for 1922 that the reduction in opium revenue was due to Mahatma Gandhi's preaching and the propaganda, and Mr. Campbell, while defending the Government of India's policy before the League of Nations two years ago, found himself compelled to take shelter under the name of Mahatma Gandhi. But this year, when the American delegates proposed to put in a petition signed by Mahatma Gandhi and others for putting an end to this evil, Mr. Campbell rose to oppose it and it was ruled out of order. Sir, Mr. Phookun has made the statement what the fall from 1921, when Mahatma Gandhi visited Assam, was. The full effect was more marked in the following year when there was a drop of 600 maunds. Although so many workers were sent to jail, there was the momentum set going leading to a decrease in consumption, but unless Government are more sympathetic there is no guarantee that there will not be a lapse. What the Assam Government is seriously concerned with is any decrease of excise revenue. The second best source of revenue in Assam is excise. It yields more than 39 per cent. of the total receipts of the province, and it is no wonder that Government should be anxious to keep it as a reserved subject and should be concerned about the fall in the income from opium. Sir, I do not think I have anything more to place before the House by way of supplementing what my Honourable friend Mr. Phookun has said, and I do not think I would be serving any useful purpose by repeating all the arguments. Sir, I associate myself with the remarks of my Honourable friend Mr. Phookun.

Sardar Bahadur Captain Hira Singh Brar (Punjab: Nominated Non-official): Sir, I rise to say a few words in this connection. I have heard that perhaps thousands of children, thousands of women and thousands of labourers die annually by taking small doses of opium. Old men too I believe are said to have died from this cause in the Assam Hills and in Bengal, but none of them so far as I know have died from this cause in the Punjab. I am not in favour of encouraging the habit of consuming opium, but at the same time I am not in favour of the total stoppage of the sale of opium. In my part of the country, Sir, opium is very generally used (*An Honourable Member*: "Do you use it?") both as a stimulant and a tonic after a hard day's work and as a cure for various diseases. And, Sir, taken as it very generally is in small moderate doses, it does no harm but on the contrary has beneficial results sometimes. So general, Sir, is its use among many of my people that in some Sikh regiments opium is carried as part of their rations on field service and a small dose of it is on every occasion issued to the men as part of their rations, I mean to the habitual users of course. Now, Sir, the argument for prohibition is always this, that indulgence in opium or any similar drug or liquor leads to intemperance and thereby ruins the physique and morality of the user. But, Sir, excess of anything is bad and, further, the man who takes anything in excess is really a man of weak character, and no amount of legislation with a view to prohibition will ever prevent him from giving way

to his appetite. If he cannot get opium, he will probably go in for something worse, for example, *bhang*, as I suppose many of my friends here drink every day (Laughter), or *charas*, as several do, or a little peg to get rid of the day's fatigue. That is always the result of total prohibition. The men of weak character probably go in for some drug which is worse than that prohibited. If you prevent the use of one drug, naturally that drug goes but only to give way to some other kind of drug. And the people of strong character, accustomed as they have been to a moderate stimulant, would very often turn their energies to the illegal acquirement of what they consider they have been unjustly deprived of. And what is the result of total prohibition? As in the case of America, it would lead to an increase of lawlessness in large sections of the people. (An Honourable Member: "What is the medical opinion?") The medical opinion is meant for weak persons like you, not for strong persons who possess a good physique and strong morals. I do not think that at this stage we can afford to create similar lawlessness in India. Well, Sir, I think towards the evening, as I am sure I am much interrupted, I shall be compelled to take a little dose of opium with a glass of hot milk (Laughter) to get rid of all this worry, fatigue and exhaustion. Many of my Honourable friends, the previous speakers, could get up quite fresh and cheerful next morning. I oppose this motion to do away altogether with opium, and I think it will do more harm than good. I assure this House that they need not be afraid at all that a small dose of opium will kill anybody who is not actually sitting the whole day in a shut-up house like this.

Mr. W. A. Cosgrave (Assam: Nominated Official): Sir, before I deal with the speeches of my two Honourable friends from Assam, I would like to congratulate Dr. Datta on his extremely interesting and very moderate speech. Speaking as an officer who has had the fortune or misfortune to serve in some of the heaviest opium districts in Assam, I only wish that all temperance reformers showed the same moderation in their views and in their way of expressing their views as Dr. Datta. I see no reason why we should not try real temperance. But if his views mean prohibition as I understand they do not, I do not agree with prohibition. Does Dr. Datta want prohibition? No. Dr. Datta as far as I understand him wants real temperance, not prohibition. Therefore I agree with much of what Dr. Datta says.

Dr. S. K. Datta: I am afraid the Honourable Member is labouring under a misapprehension. As a member of the medical profession I have to say that most members of the medical profession cannot but view with dissatisfaction the giving of opium without restriction, except of course for purely medicinal purposes on a doctor's advice.

Mr. A. Rangaswami Iyengar: That is prohibition.

Mr. W. A. Cosgrave: Sir, many Members must have seen in the last few days this pamphlet written by the Reverend C. F. Andrews. It has been circulated in the Library for the last week presumably for the purpose of propaganda in connection with this debate (Mr. N. M. Joshi: "Education.") I would point out that he mentions on page 2 that Assam is far the worst of all provinces with the alarming opium consumption rate of 52 seers per 10,000. In some districts of Assam where the Assamese predominate the rate goes up to 173 seers per 10,000 and 189 seers per 10,000.

[Mr. W. A. Cosgrave.]

and even to 237 seers in one instance. Now, Sir, the district where the consumption is 189 seers per 10,000 is Lakhimpur District where I was Deputy Commissioner from 1920 to 1924, i.e., during the non-co-operation agitation. (*A Voice*: "And you put Mr. Phookun into jail.") No, I did not put Mr. Phookun into jail, but I put some others in jail. Now, Sir, I do not want to deal in detail with Mr. Chanda's speech. The only remark I would like to make about it is that I think it was a great pity that he went in for an unnecessary attack on the Reverend Sir Nicholas Beatson-Bell, late Governor of Assam; I think the remarks that Mr. Chanda made were quite irrelevant to this debate. The Reverend Sir Nicholas Beatson-Bell is a personal friend of mine and I feel that if he had been present Mr. Chanda might not have said all that he did. Now, Sir

Mr. Kamini Kumar Chanda: May I make a personal remark, Sir? With reference to the statement of Mr. Cosgrave I may tell him that I have ever been in communication with the Reverend Sir Beatson-Bell after his retirement. He has been extremely kind to me, but I was bound to state and would always state what was the fact in the public interest.

Mr. W. A. Cosgrave: Now, Sir, turning to the speech of Mr. Tarun Ram Phookun, he has asked me to explain to this House what action the Government of Assam is taking to combat the spread of the opium evil in a number of the Assam districts. Well, Sir, I propose, unless the House would rather that I sat down, to give a few details as to what has been done; and I would like to explain for the information of some gentlemen who are sitting on the other side of the House that the consumption in Assam had gone down very much even before the non-co-operation movement started. I can give you in pounds the figures of consumption in Assam for the five years beginning with 1919-20. Before the non-co-operation agitation was started at all, the consumption in 1919-20 went down by 12,000 lbs. I give the figures in lbs., I may explain, because these are figures collected by the Central Board of Revenue, I believe, for the League of Nations. I am sorry it is not in seers, but I am sure Honourable Members could easily convert them into seers. Mr. Tarun Ram Phookun has argued that the consumption of opium has not decreased in Assam. He has tried to make this out—as far as I could follow his figures—by quoting the revenue figures. Of course the revenue figures have gone up because

Mr. Tarun Ram Phookun: I have quoted the quantity consumed as well as the revenue derived from opium; I did not give the revenue figures alone.

Mr. W. A. Cosgrave: I can give the figures—the figures of consumption per ten thousand people in seers. I propose to give them for the four principal districts of the Assam Valley, namely, Darrang, Nowgong, Sibsagar, and Lakhimpur, which are the great opium consuming districts. Now in 1892-93 the consumption per 10,000 for the Darrang district was 262 seers—in 1922-23 that has been brought down to 106 seers, that is, more than half. For Nowgong the figures for 1892-93 were 277 seers; in 1922-23 after thirty years they are 173 seers; for the Sibsagar district the figures for 1892-93 were 319 seers and thirty years later they were 110 seers, that is, they had been reduced to one-third; while as regards the

district of Lakhimpur, the district of which I have most intimate knowledge of opium conditions, the consumption in 1892-93 was 523 seers and twenty years later it had been brought down to 189 seers, the figure quoted in the Reverend Mr. Andrews' pamphlet

The Honourable Sir Basil Blackett: Is it not thirty years later?

Mr. W. A. Cosgrave: Thirty years, I beg your pardon. Now, I think these figures refute the accuracy of what Mr. Tarun Ram Phookun said

Mr. Kamini Kumar Chanda: After fifty years the reduction was only one hundred maunds!

Mr. W. A. Cosgrave: I am not dealing with ancient history and I do not propose to go back to what happened in the seventies. I propose to talk of what happened in the last thirty years. Now, Sir, what steps have been taken by the Assam Government to control the use of opium? Everybody knows that at one time, i.e., up to 1860, the consumption of opium in Assam was absolutely uncontrolled. Steps towards control were taken from that time and in recent years Government have taken much more stringent steps—in fact they have taken every step to control the opium traffic short of prohibition. Now, Sir, the following steps have been taken to make it difficult for people to get opium. An increase has been made in the price of opium sold from the Treasury. In 1921-22 the price per seer was Rs. 65; in the following year it was raised to Rs. 68 per seer, and in 1923-24 the price was raised to Rs. 75. At the same time a corresponding increase was made in the maximum retail price permitted to vendors. I will quote the figures if Honourable Members will not mind a few details at this late hour. In 1921-22 the maximum retail price was Rs. 1-6-0 a tola; in 1922-23, the price was raised to Rs. 1-8-0; in 1923-24 the price was raised to Rs. 2 per tola. This is the real explanation why when the consumption goes down the revenue goes up. I think that my Honourable friend Mr. Phookun has quite failed to grasp that point.

Now, Sir, the second step taken is that every shop is rationed. The ration is fixed before the beginning of the financial year by the Commissioner of Excise, now the Divisional Commissioner, in consultation with the district officers, and no increase is allowed during the year in the district ration without the sanction of the Local Government or the Excise Commissioner. Further, registration has been made of all the opium eaters in Assam. In other words, all sales are noted down in the opium shops, and one effect is that it attaches a certain amount of social disgrace to people whose names appear in the register. I do not want to deal with the system described by Mr. McCallum as existing in Burma but so far we have found it impossible to introduce the system of tickets into all the Assam districts. These tickets are like gun licences, and so far these have been introduced only into the frontier tracts, the Sadiya Frontier Tract, the Naga Hills and the North Cachar Hills, where Political Officers have very wide powers, powers which some Honourable Members might not quite appreciate. We find that it is almost impossible with a very large population of opium eaters to deal with these registration tickets in an ordinary district. I do not think Honourable Members know what these tickets are like. If you introduced the ticket system into the Lakhimpur District—supposing two tolas of opium are the maximum allowed to a person at one sale, you would have to enter in the register

[Mr. W. A. Cosgrave.]

and in each ticket each sale of two tolas to each individual person in the case of 22,000 people, and you can imagine what amount of work would be involved in this matter. I would like to tell my Honourable friends that in 1923-24, the last year when I was in Lakhimpur, the opium issues from the Treasury in that year were reduced by 23 maunds. Now this quantity is not very much to people who can only think in terms of the League of Nations, but I think that in an opium eating district a reduction of 23 maunds is a substantial decrease, and I would tell the House what happened on account of that substantial decrease. A large number of shops were closed very often for some days at the end of the month. In other words, the amount rationed was really insufficient. Several of these opium eaters used to come to me and complain to me about their wants, they used to complain that the opium shops had insufficient stocks. People came to me with bitter complaints. Here I would like to mention one point in which my Honourable friend Mr. Phookun tried to anticipate my arguments, and it is this. If you try to restrict the supply of opium too much, you have two new evils to contend with. (*A Voice*: "What are they?"). The two evils that you will have to contend with are the smuggling of Malwa opium and illicit poppy cultivation. Now my Honourable friend Mr. Phookun has tried to anticipate my arguments by saying that illicit cultivation is quite impossible. I do not know whether it was he who gave this information to the Rev. C. F. Andrews, but I shall just read what Mr. Andrews says: "On the other hand, it is easy to detect how much opium poppy with its white flower is being grown." All I can say is that this may be true as regards the open plains of Hindustan where you have got large wide fields, but in the jungly parts of Assam, especially towards the foot of the hills, and on the north bank of the Brahmaputra, there are a large number of places where illicit cultivation of poppy may succeed. I know from my own experience that there were several places in the Lakhimpur district where illicit cultivation of opium was carried on. If, therefore, the supply of opium is cut down too much, the people with their keen demand for opium will, I am sure, be able, however wrong it may sound, to square both the village headman and the village accountant.

Mr. Devaki Prasad Sinha: What are you there for?

Mr. W. A. Cosgrave: I am there to do other work as well. I am not supposed to go round every village.

Now, Sir, the other point I mentioned was about the import of Malwa opium. If Honourable Members will bear with me for one minute, I can tell them an interesting story of opium smuggling which I personally detected, thanks to one Marwari falling out with another. I got secret information that a large amount of Malwa opium was coming up on a certain date consigned to a man under a fictitious name. I got delivery of these two bundles of cloth from the Railway company because these bundles were booked as cloth, all the way up to Assam, and inside these bundles of cloth I found 38 seers of Malwa opium. All I can say, therefore, is that, if you cut down too much the supply of opium, we will have to face the imports of contraband Malwa opium into Assam.

Now, Sir, I have already told the House about some grievance of the opium consumers. I suppose Mr. Andrews or some of the temperance reformers refer to these people as addicts, but how do they fare when they cannot get their ordinary dose? Well, -Sir,

I must say that I was rather surprised at Mr. McCallum saying that he did not think it was necessary to consult the wishes of the opium consumers. Personally, I feel a considerable amount of sympathy with opium eaters. (Applause). I am not an opium eater, gentlemen, (Laughter), and I am not going to regale the House at this late hour with my own reminiscences in this matter, but I have a considerable sympathy with the poor opium eater, especially with those who live in very jungly and malarious places in the submontane parts of Assam. I have had opportunities of touring in some of the most jungly parts of Assam. I did the census in 1911 in the Mikir Hills, which is one of the chief opium areas, and in the last census I was in the Lakhimpur district and toured among the villages at the foot of the Abor and Naga Hills.

Mr. Devaki Prasad Sinha: Did you also take opium?

Mr. W. A. Cosgrave: No, I took Whiskey as some of my Honourable friends do. (Laughter.) Now, Sir, I do not want to labour that point. But it seems to me that it is quite unfair to insist on prohibition for one class of people and in one class of excisable article and not to observe it in another excise commodity used by other classes of people. Why should the poor cultivator living in a malarious tract be deprived of his dose of opium at the end of his day's work? He can only get two tolas of opium at a time and he frequently has to go 20 miles to get that two tolas. Why should he not have his dose of opium as much as a rich Member of the Legislative Assembly enjoys his glass of wine or perhaps even two at either Maidens' Hotel or the Raisina Hostel?

Now, Sir, I do not want to say anything more except to say that I have got no mandate in this matter from the Government of Assam but personally I see no objection if Government agree to appoint a representative committee to inquire into the opium question in India. I can see no objection at all to this proposal. One reason is that the last Royal Commission was held in 1895 since which time much water has flowed down the Ganges and it will do no harm if another committee of inquiry is now appointed. My reason for holding this opinion is that I think that if an authoritative inquiry was held, on which people of moderate views like Dr. Datta were represented, then I think it might be possible to dispose of many of the exaggerated and wildly hyperbolic stories that are invented about the evils of opium eating in India and especially in Assam.

APPOINTMENT OF A COMMITTEE TO INQUIRE INTO THE POLICY OF THE GOVERNMENT OF INDIA BOTH IN REGARD TO THE EXTERNAL AND INTERNAL CONSUMPTION OF OPIUM.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I gave notice of a motion on this subject. The Honourable Members will find it as item 40 on the agenda paper. The motion is:

"That the Demand under the head 'Opium' be reduced by Rs. 100."

I suggest the appointment of a committee to examine the policy of the Government of India both in regard to the external and internal consumption of opium. Sir, if it is permissible, I should like to move this as an amendment to my Honourable friend Mr. Duraiswami Aiyangar's motion.

Mr. V. J. Patel: May I rise to a point of order. The motion is to omit the whole grant. Is this amendment in order?

Diwan Bahadur M. Ramachandra Rao: Sir, the point that I wish to make is, as has been pointed out by Mr. Cosgrave, that the last inquiry on the subject of opium was made in 1895. I would also invite the attention of Honourable Members to the Devolution Rules under which both the Provincial Governments as well as the Government of India are responsible in this matter. Under Article 60, Excise is a Provincial subject but with the exception, in the case of opium, of control, cultivation and sale for export. These are matters for the Central Government. Therefore, Sir, the point that I wish to bring to the notice of the House is that in regard to the control or cultivation, the manufacture and the sale for export, the Government of India are responsible. But in regard to the actual administration of excise, the sale in the provinces and the internal consumption in the provinces, the Provincial Governments are mainly responsible and it is this division of functions to-day that accounts for the fact that the representatives of Provincial Governments have undertaken to defend the policy of their respective Governments. Therefore, Sir, if this question is to be fairly and satisfactorily solved, it seems to me that there should be a comprehensive inquiry not only with reference to those questions which are within the purview of the Government of India, namely, cultivation, manufacture and sale for export, but also in regard to the actual administration in the provinces. I therefore think, Sir, that the time has come when such a comprehensive inquiry should be undertaken and it is with that object that I tabled the motion for the constitution of such a committee.

Sir, some reference was made by my friend Mr. Datta to the state of things in Madras. I may point out that in regard to the districts with which I am connected the consumption of opium is much more than in other parts of the Presidency. I am referring to the northern districts and the Agency Tracts. Ganjam consumes 22-957 seers per 10,000. My own district has the honour of taking 66-137 seers per 10,000 of the population. Then the Kistna district, which is also within my constituency, takes 19-971, whereas the Deccan districts appear to consume very little. The city of Madras, which my friend Mr. Rangachariar represents, consumes 26-323. Then the next is the Nilgiris with 21-21, whereas Chingleput and North Arcot show comparatively very little consumption of opium. It seems to me, Sir, there must be some climatic or other reasons why the consumption varies in the various groups of districts and it seems to me that that is a matter for some inquiry. Then we have had statements made in this House which are absolutely irreconcilable. Some insist that the sale of opium should be under control while the popular opinion is that there is nothing wrong if opium is taken in small quantities as Captain Hira Singh stated to-day. Therefore, Sir, this is one of those subjects in which there has been a considerable amount of public opinion in recent years and it is clearly a matter in which Government ought to undertake an inquiry and not only with regard to internal consumption but also with regard to sale outside India to which prominent attention has been drawn in connection with the sittings of the Geneva Conference. I hope, Sir, that this inquiry will be undertaken and that all aspects of this case will be threshed out by a representative committee. I commend this motion to the Honourable Members.

Mr. President: Amendment moved to the original amendment:

“ That the Demand under the head ‘ Opium ’ be reduced by Rs. 100.”

The Honourable Sir Basil Blackett (Finance Member): Sir, in view of the time this evening and the fact that on an important debate of this sort it is important that the Government's reply should be full, I should like to consult the opinion of the House on the question whether they desire to listen to a speech which must approach an hour's length and may be, if not an opiate at any rate a soporific, at this period of the evening. (*Cries of "Let us finish."*)

Mr. President: If the Honourable Member really wishes to speak at length on it, I had better adjourn the debate. There may be one or two other Members who wish to speak as well.

***Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): May I point out, Sir, that the time at our disposal is very limited and that therefore we should continue the meeting now and if necessary sit later in the evenings in order that the many items on the programme should have some chance. We have very little time at our disposal, Sir, and I think we ought to go on with the discussion and also sit late in the evening.

Mr. President: I am quite ready, other things being equal, to sit in the evening, but I may point out that the debate on Opium was raised at Twenty Minutes to Three and it is now Half Past Five and not once has a closure been moved. The Chair must take into account whether the closure is moved in order to judge of the attitude of the House. I am not prepared either to make the House sit late or to sit myself now when the closure is never moved at all. Honourable Members must protect themselves and the Chair against that.

The Assembly then adjourned till Eleven of the Clock on Friday, the 13th March, 1925.

* Speech not corrected by the Honourable Member.

LEGISLATIVE ASSEMBLY.

Friday, 13th March, 1925.

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

QUESTIONS AND ANSWERS.

EMPLOYMENT OF MUHAMMADANS ON THE EAST INDIAN RAILWAY.

1180. *Maulvi Muhammad Yakub: (a) Will the Government be pleased to state what was the number of the Musalman employees on the Delhi-Umbala-Kalka section of the East Indian Railway three years ago, and what is the number at present?

(b) If there were a decrease in the number of the Musalmans, will the Government be pleased to give reasons for the same?

(c) Is it a fact that there is not a single Musalman holding a permanent post of a head clerk, assistant head clerk, in charge of any branch and station master in the grade of Rs. 120 and upward, on the Delhi-Umbala-Kalka section of the East Indian Railway?

(d) Is it a fact that in the District Office of the East Indian Railway at Delhi there is not a single Musalman holding a permanent post of responsibility?

(e) How long is it since no Musalman was recruited in the office of the District Traffic Superintendent at Delhi?

(f) Do the Government propose to take immediate steps to remove the above-mentioned grievances of the Musalmans and secure adequate appointments for them?

The Honourable Sir Charles Innes: I propose to reply to this question and the two following together.

I am sorry that I cannot undertake to obtain this information for the Honourable Member. The Delhi-Umbala-Kalka Railway will in future be worked by the North Western Railway. The Agent of that Railway is aware of the policy of Government in this matter, and his attention will again be drawn to the subject. The Government are confident that he will give effect to that policy.

EMPLOYMENT OF MUHAMMADANS ON THE EAST INDIAN RAILWAY.

+1181. *Maulvi Muhammad Yakub: (a) Is it a fact that in the District Traffic Superintendent's Office, Delhi, out of 31 clerks there are 27 Hindus with an aggregate monthly salary of Rs. 2,175 and only 3 Musalmans with an aggregate salary of Rs. 184 per month?

† For answer to this question see below question No. 1180.

(b) Is it also a fact that in the office of the S. S. Delhi out of 7 clerks there is only one Musalman holding a very minor post?

EMPLOYMENT OF MUHAMMADANS ON THE EAST INDIAN RAILWAY.

†1182. ***Maulvi Muhammad Yakub**: Will the Government be pleased to state the total number of the employees and the number of the Hindus and Musalmans, with their grades and monthly salary in the following offices at Delhi:

- (1) Inquiry Office
- (2) Luggage Supervising Staff
- (3) Booking Office
- (4) Trains Branch Office
- (5) Ticket Collectors
- (6) Delhi Telegraph Office?

DEPUTATION OF MR. R. B. EW BANK IN ENGLAND.

1183. ***Mr. S. C. Ghose**: (a) Will the Government state what will be the work to be performed by Mr. R. B. Ewbank, I.C.S., during the period of deputation in England?

(b) What pay will Mr. Ewbank draw during his stay outside India?

(c) For what period will Mr. Ewbank be placed on deputation?

Mr. J. W. Bhore: (a) Mr. Ewbank has been placed on special duty in connection with the preparation of the Indian case for the Southborough Committee to which a reference was made in the speech which His Excellency the Viceroy delivered on the 20th January at the inauguration of the present session of the Legislature.

(b) Two-thirds of his Indian salary.

(c) The attention of the Honourable Member is invited to the Government of India Notification No. 88 (Overseas), dated the 4th February 1925.

EMPLOYMENT OF INDIAN TROOPS IN CHINA.

1184. ***Mr. S. C. Ghose**: (a) With reference to my question No. 60, and the answer to it, will the Government state if the news contained in the *Times* Weekly edition of the 23rd October, 1924, that during the last insurrection in China, fifty Indian troops were sent to Canton to strengthen the Shameen defences is correct?

(b) If the news is correct, will the Government state if any casualty occurred among the Indian troops?

Mr. E. Burdon: (a) and (b). The Government of India have no information on the subject but are inquiring. I will let the Honourable Member know the result as soon as possible.

† For answer to this question, see below question No. 1180.

PARTICIPATION OF GOVERNMENT SERVANTS IN POLITICAL MOVEMENTS.

1185. *Mr. S. C. Ghose: Will the Government state what are the rules regarding Government servants doing political propaganda work?

The Honourable Sir Alexander Muddiman: Rules 22 and 23 of the Government Servants Conduct Rules define the limits within which Government Servants may participate in political movements. The position was fully explained in the Home Department Resolution No. 632 Public of 7th March 1921, a copy of which I shall be glad to supply to the Honourable Member.

EXTENSION OF THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE
TO THE WHOLE OF INDIA.

1186. *Mr. S. C. Ghose: Will the Government state if it is the intention of the Government of India—as stated in the London Weekly paper *The News of the World* of the 1st February 1925—to extend the new Ordinance to the whole of India?

The Honourable Sir Alexander Muddiman: The answer is in the negative.

EXPORT OF MONKEYS.

1187. *Mr. Devaki Prasad Sinha: (a) Are Government aware that a large number of live monkeys are being exported to Germany and England for carrying on experiments in connection with the thyroid gland treatment?

(b) If the answer to (a) be in the affirmative, will Government be pleased to state either the total or the approximate number of monkeys exported from India during the last twelve months?

(c) Have Government ever taken a census of the total monkey population of India? If so, will Government be pleased to state how the ratio of monkeys to human beings in India compares with a similar ratio in England and in Germany?

(d) Do Government propose to inquire how far the present export of monkeys from India is likely to tell upon the total monkey population of India? What steps do Government propose to take for preventing the race of Indian monkeys from being extinct on account of their unchecked export for commercial purposes?

(e) Have Government any information about the ways in which recruitment is carried on among the monkeys of India for the purposes of their export?

(f) Do the Government of India impose any export duty on monkeys exported from India? If so, at what rate? If not, why not?

(g) Has the attention of Government been drawn to questions on this subject asked in the British House of Commons on the 23rd February, 1925, by Mr. Lansbury, and answered by the Under Secretary of State for India?

The Honourable Sir Alexander Muddiman: (a) and (b). I would refer the Honourable Member to the answer given to Mr. S. C. Ghose on the 2nd February last. So far Government have no evidence that export of monkeys to Germany and England is connected with the thyroid gland

treatment. Figures for the last 12 months are not available but for the period from April to December 1924, the total export is believed to have been about 4,000.

(c) No simian census has been taken.

(d) The Honourable Member will see from the figure that I have just given that there is no question of the present export bringing about the extinction of the race.

(e) Government are informed that professional catchers are employed by cultivators and others to trap and remove monkeys when they become too numerous and do damage to the crops.

(f) Government have not yet thought it necessary to impose an export duty.

(g) I have seen newspaper reports of the question.

Mr. Darcy Lindsay: Is there any truth in the rumour that the Director General of Posts and Telegraphs has under consideration the training of monkeys for employment in rural post offices in forest areas?

The Honourable Sir Alexander Muddiman: Government have no information on the subject.

Sir Geoffrey Clarke: I am afraid the question of opening branch offices for the monkey population will have to remain pending for the present.

Sir Campbell Rhodes: May I ask the Director General of Posts and Telegraphs whether such members of the postal service could be kept up to the scratch?

Mr. T. E. Moir: If the proposed enumeration is carried out, will it be possible to assess any portion of the provincial contributions on the new element so introduced into our census tables?

Sir Henry Stanyon: May I ask whether Government have any information as to the results achieved by the deportation of a train-load of monkeys by the Muttra Municipal Board to the Katni Marwara Municipal Board?

The Honourable Sir Alexander Muddiman: I have seen some papers on the subject, but I cannot answer this question without reference to them. My impression is that we have requested that care should be taken in the transport of monkeys to see that the Cruelty to Animals Act is not infringed.

Sir Campbell Rhodes: Is it a fact that the thyroid gland treatment question has been discussed in another place?

BOOKING OF SEATS FOR PASSENGERS AT TRANSHIPMENT STATIONS.

1188. ***Mr. Harchandrai Vishindas:** Will Government be pleased to state:

(a) whether the practice of the staff of the station from where a first or second class passenger starts, wiring to the connecting station where the passenger has to tranship to another train, for his seat in that train, has been discontinued?

(b) If so, the reason why it has been discontinued?

(c) Is it on the ground of economy or any other ground?

- (d) If on the ground of economy, does the sending of such wires cost anything to the railway?
- (e) Is it a fact that this disadvantage does not apply to passengers leaving Karachi for Bombay for whom wires to connecting junction stations are despatched but operated in the case of those leaving Karachi for Delhi, for whom the Karachi station staff refuse to wire the transshipment stations?

The Honourable Sir Charles Innes: The Government have no precise knowledge on the point raised by the Honourable Member. If he has any complaint to make in the matter, a representation to the Agent will, the Government are sure, receive every attention.

EXTENSION OF THE APPLICATION OF THE TRANSFER OF PROPERTY
VALIDATING ACT TO THE PROVINCE OF BIHAR AND ORISSA.

1189. ***Mr. Devaki Prasad Sinha:** (1) Will the Government be pleased to state the names of the provinces to which the Transfer of Property Validating Act, XXVI of 1917, has been extended?

(2) Are Government aware that cases contemplated in the aforesaid Transfer of Property Validating Act, XXVI of 1917, have also arisen in the Province of Bihar and Orissa?

(3) Are Government aware that in many such cases undue advantage is taken by mortgagors to challenge the rights of the mortgagees on the technical grounds of section 59 of the Transfer of Property Act?

(4) Do Government, in the aids of justice, propose to extend the application of the Transfer of Property Validating Act, XXVI of 1917, to the Province-of Bihar and Orissa?

***The Honourable Sir Alexander Muddiman:** (1) The Act has been extended to Ajmer-Merwara in addition to the United Provinces of Agra and Oudh.

(2) The Government of India have no information on this point.

(3) Government have heard allegations to this effect in the Assembly.

(4) I will cause a copy of the question and answer to be sent to the Government of Bihar and Orissa for favour of report.

STRIKE IN FIJI IN 1920.

1190. ***Mr. Gaya Prasad Singh:** (a) With reference to my question No. 300 of the 27th January 1925, regarding the strike in Fiji in 1920, is it not a fact that, in the words of the Fiji Governor himself:

"There was no disorder, and there was no reason to anticipate any. There was no evidence of hostility against the Government. Meetings were held amongst the Indians, but the speakers generally counselled respect for law and order, and the observance of constitutional methods."

There was nothing in the reports received inconsistent with a perfectly peaceable intention on the part of the strikers; and that even if a demonstration took place, it need not necessarily be accompanied by any disturbance?

A large meeting of Indians was held at Rewa; but the meeting was entirely peaceable; and was largely occupied with discussion as to the representation of grievances, and the appointment of a committee, which had apparently given satisfaction?"

(b) Is it not a fact that an independent inquiry was held by some members of the New Zealand Parliament, who observe as follows in the course of their Report:

"Ashore we were assured by the whites we interviewed that the strike was wholly a political upheaval; that the Indians were demanding political and social equality with the whites, and that this was a demand which was unthinkable and impossible. On investigation, however, we found that the strike had its origin in an endeavour by an overseer to increase the hour on the roads—from eight to nine. The subsequent demand for a wage of 5 shillings a day grew out of the enormous increase in the cost of living, and was in our opinion fully justified"?

Mr. J. W. Bhore: (a) The passages have been correctly quoted by the Honourable Member.

(b) The Government of India have no official information on the subject.

STRIKE IN FIJI IN 1920.

1191. ***Mr. Gaya Prasad Singh:** (a) Is it not a fact that to break the strike in Fiji, machine-guns and boats were brought from New Zealand?

(b) Are Government aware that a member of New Zealand Parliament spoke as follows in course of a speech in Parliament on the 2nd July 1920:

"I want to say that any Government which sent an armed force to help the Fiji Government responsible for conditions like that is an absolute menace to the working classes of this Dominion"?

Mr. J. W. Bhore: (a) The attention of the Honourable Member is invited to paragraph 18 of the despatch from the Governor of Fiji to the Colonial Office, No. 66, dated the 12th March 1920, which formed enclosure No. 5 to the Government of India, Department of Commerce Resolution No. 4085, dated the 13th July 1920, and was published in the "Gazette of India", dated the 1/7th July 1920.

(b) The attention of the Honourable Member is invited to the reply given by me just now to part (b) of the preceding question.

STRIKES IN FIJI.

1192. ***Mr. Gaya Prasad Singh:** (a) Are Government aware that the despatch of the Fiji Governor, dated 12th March 1920, and published in the "Gazette of India", dated 17th July 1920 does not mention the fact that the strike had its origin in an endeavour by an overseer to increase the hours of labour on the road from 8 to 9?

(b) Are Government aware that a deputation headed by Mrs. Mani Lal waited upon the Governor of Fiji during the strike days with a memorial regarding the grievances of the Indian workmen; but this memorial is not included in the despatch sent by the Fiji Governor?

(c) Are Government aware that there was another strike in Fiji only a year after the strike referred to above, under the leadership of a Sadhu, named, Bashist Muni, that "this strike was remarkably well-organised, and continued for 5 months without any violence at all and that in the end, after terrible privations, the Indian labourers had to come back to work at a wage which was much less than they had demanded"?

Mr. J. W. Bhore: (a) The incident referred to by the Honourable Member does not figure in the despatch. The Government of India have no information about it.

(b) and (c). Yes.

FIJI DEPUTATION.

1193. ***Mr. Gaya Prasad Singh:** Did the Government receive any communication about the Fiji deputation from the planters, and the Colonial Sugar Refining Company of Fiji? If so, will the Government be pleased to lay a copy on the table?

Mr. J. W. Bhore: A telegraphic communication was received from the Chairman of the Colonial Sugar Company. Government think that no useful purpose would be served by laying a copy on the table.

Mr. Gaya Prasad Singh: Can the Honourable Member show it to me privately if I attend his office?

Mr. J. W. Bhore: No, Sir. I am afraid I cannot do so.

POLL-TAX IN FIJI.

1194. ***Mr. Gaya Prasad Singh:** (a) Are Government aware that a poll-tax of one pound sterling for each adult has been imposed in Fiji; and that over 90 per cent. of this will have to be paid by the Indian community alone?

(b) Is it a fact that the nominated Indian Member of the Council in Fiji, Honourable Badri Mahraj, resigned his seat in the Council, after protesting against the iniquity of the new tax?

Mr. J. W. Bhore: (a) The reply to the first part of the question is in the affirmative. As regards the second part, the Government of India cannot say what percentage of the poll-tax will fall on Indians.

(b) The reply is in the affirmative.

Mr. Chaman Lall: May I ask whether the Government have made any protest against the poll-tax?

Mr. J. W. Bhore: We have already made representations and they are under consideration at the present moment.

Mr. Chaman Lall: Will the Government lay the papers on the table when the reply to the representations is received?

Mr. J. W. Bhore: That is a question which will need consideration.

TOTAL EXPENDITURE TO BE INCURRED BY STATE RAILWAYS AS A RESULT OF THE ACCEPTANCE OF THE LEE COMMISSION'S RECOMMENDATIONS.

1195. ***Mr. Jamnadas M. Mehta:** (a) Will Government be pleased to state the total expenditure to be incurred during 1925-26 by State Railways as a result of the acceptance by Government and the Secretary of State of the Lee Commission proposals?

(b) How much of it is votable and how much non-votable?

The Honourable Sir Charles Innes: (a) The total estimated expenditure during 1925-26 on State Railways worked by the State, if the Lee Commission proposals are extended to the East Indian and Great Indian Peninsula Railways, will be Rs. 15,94,000.

(b) Rs. 3,73,000 is non-votable and the balance votable.

UNSTARRED QUESTIONS AND ANSWERS.

FAILURE OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY TO RUN SPECIALS FROM AJMER TO AHMEDABAD IN CONNECTION WITH THE AJMER MOSLEM ORUS.

243. **Mr. M. E. Makan:** (a) Are the Government aware of the fact that Bombay, Baroda and Central India Railway authorities at Ajmer, after giving an assurance to the public about the running of special trains on the 31st January, 1st, 2nd and 3rd February 1925, at 8-30 P.M. on all the days from Ajmer to Ahmedabad, with regard to the Ajmer Moslem Orus, failed to arrange for the said specials, contrary to their notifications, although informed beforehand about the vast multitude of Moslem and Hindu pilgrims?

(b) Do the Government propose to bring the matter to the notice of the railway authorities concerned?

The Honourable Sir Charles Innes: The Government will bring the matter to the notice of the Agent by sending him a copy of the Honourable Member's question.

ISSUE OF RETURN JOURNEY TICKETS ON RAILWAYS.

244. **Mr. M. E. Makan:** Are the Government aware of the fact that the abolition of return journey tickets on various Indian Railways is a source of great inconvenience and trouble to the travelling public? Is it proposed to re-introduce the same as soon as possible?

The Honourable Sir Charles Innes: The reply to the first part of the question is in the negative.

With regard to the second part Government are aware that several railways are issuing return tickets, and that other railways have the matter under consideration.

INDIANIZATION OF THE INDIAN CIVIL AND THE IMPERIAL POLICE SERVICES.

245. **Mr. M. E. Makan:** Will the Government be pleased to state what steps are being taken to give effect to the recommendations of the Lee Commission as sanctioned by the Secretary of State for India, in the matter of Indianization of the I. C. S. and Imperial Police Service?

The Honourable Sir Alexander Muddiman: So far as direct recruitment is concerned, recruitment will from the present year be in the proportions recommended by the Commission, provided that in the case of the Indian Civil Service a sufficient number of European candidates are forthcoming. The question of promotions from provincial services is still under consideration.

GRIEVANCES OF DECK PASSENGERS OF THE BRITISH INDIA STEAM NAVIGATION COMPANY.

246. **Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to an article headed "Jehaz men yatrivon ki Durgati" published in the *Aj* of the 4th January 1925, regarding the grievances of the deck passengers of the British India Steam Navigation Company?

- (b) Is it a fact that the clothes of the deck passengers are fumigated?
- (c) Will the Government be pleased to state if the clothes of the European or Eurasian passengers who travel on deck are also fumigated?
- (d) Is it a fact that the company does not hold itself responsible for the loss of the luggage resulting in the removal of the luggage from one deck to another, or to steamships?
- (e) Are the Government prepared to take necessary steps in the matter?
- (f) Is it a fact that tickets are issued without any consideration of accommodation?
- (g) Are the Government prepared to arrange for sufficient accommodation on decks of the steamships?

The Honourable Sir Charles Innes: (a) Yes.

(b) and (c). All bedding and any dirty clothing or suspected articles of clothing of deck passengers on vessels proceeding to any port beyond India are sterilized by steam. No racial discrimination is made in the matter.

(d) Government have no definite information on the point, but it is understood that the Company have a clause in tickets issued by them to passengers exempting themselves from liability for loss of passengers' luggage owing to certain causes.

(e) This is the general practice in all shipping companies and the Government do not consider any action in the matter necessary.

(f) Government have no information on the subject.

(g) The question of the accommodation for deck passengers is under consideration in connection with the recommendations of the Deck Passengers' Committee.

RACIAL DISTINCTIONS IN THE ASSAM BENGAL RAILWAY.

247. **Mr. Kamini Kumar Chanda:** 1. (a) Has the attention of the Government been drawn to a letter headed "Racial distinctions in the Assam Bengal Railway" dated Chittagong, the 21st February, published over the name of A. Khan, B.L., and published in the *Forward* about the 25th February, wherein it is alleged that a board consisting of the Agent, the Traffic Manager, and two other officers interviewed six Indian candidates "with excellent European qualifications" for the post of a Traffic Probationership?

(b) Is it a fact that among others the following questions were put to them,

- (1) Are you married?
- (2) If so, does your wife speak English?
- (3) Does she observe *purdah*?
- (4) Is she fair?
- (5) Is she pretty?

(c) Is it a fact that they selected a Punjabi Muhammadan after extracting a promise from him to bring out his wife before the public?

2. (a) Is there any truth in the above allegations?

(b) If not, what are the facts?

(c) Were any of the above questions put?

3. Is there any truth in the further allegations in the said letter (a) that the Indian officers in the superior services are badly treated by the superior European officers who hate to co-operate with them, (b) that they are barred from the officers' club?

The Honourable Sir Charles Innes: The Government have read the letter and do not propose to take any notice of the allegations in it. In any case, the Railway is a Company-managed railway.

PAID-UP SHARE CAPITAL OF THE ASSAM BENGAL RAILWAY.

248. **Mr. Kamini Kumar Chanda:** 1. (a) What is the total capital paid by the Assam Bengal Railway Company?

(b) What interest is annually paid to them?

2. What is taken to be the rupee value of the sterling in calculating the interest payable to the Company?

3. Has the line since opening in 1895 ever made any profit?

The Honourable Sir Charles Innes: 1. (a) The paid-up share capital of the Assam-Bengal Railway Company is £1,500,000. The Company has in addition contributed towards the capital expenditure on the railway by the issue of debentures of the nominal value of £730,000.

(b) In respect of the share capital the Company receives an annual payment of £45,000 for interest.

2. The rupee equivalent of the sterling payments to the Company on account of interest is calculated at the average of the Calcutta daily market rates of exchange for immediate telegraphic transfers on London for the month in which the payments are made.

3. The reply is in the negative.

STATIONS AND FLAG STATIONS ON THE ASSAM BENGAL RAILWAY, ETC.

249. **Mr. Kamini Kumar Chanda:** 1. What is the number of stations, including flag stations, from,

1. Chittagong to Badarpur?
2. From Akhaura to Sylhet?
3. From Laksam to Noakhali?
4. From Chandpur to Laksam?
5. From Akhaura to Asuganj?
6. From Lumding to Gauhati?
7. From Badarpur to Tinshukia?
8. Tangi Branch.

2. In how many of the above-mentioned stations and flag stations are there waiting sheds—

- (a) for males,
- (b) for females, and
- (c) waiting room for ladies?

3. (a) How many stations on the Assam Bengal Railway have raised platforms?

(b) How many stations have—

(a) Refreshment stalls,

(b) Licensed vendors of provisions apart from stalls, and

(c) Water-men?

The Honourable Sir Charles Innes: 1. The information desired can readily be obtained by the Honourable Member from the time table of the Railway.

2. (a) and (b) and 3 (b). Detailed information is not available, but the Honourable Member's attention is invited to the pamphlet on "Facilities for Third Class Passengers" in the Library, where information regarding third-class waiting accommodation, refreshments and watering arrangements on the Assam Bengal Railway is given.

2. (c) It is understood that the information desired by the Honourable Member can be ascertained from the Assam Bengal Railway Guide.

3. (a) Government have no information. The provision of raised platforms, where necessary, is a matter within the competence of the Agent.

RAILWAY CARRIAGES ON THE ASSAM BENGAL RAILWAY.

250. **Mr. Kamini Kumar Chanda:** 1. On the Assam Bengal Railway what is the present number of,

(a) First class carriages and seats,

(b) Second class carriages and seats,

(c) Intermediate class carriages and seats, and

(d) Third class carriages and seats?

2. What is the number of composite carriages (mentioning the class of compartments) with seats of each class?

3. (a) What is the number of intermediate carriages or compartments in compo-carriages having latrine arrangements?

(b) What is the number of third class carriages or compartments in compo-carriages having latrine arrangements?

4. Are all the third class and intermediate class carriages or compartments, specially for females, in branch lines fitted with latrine arrangements?

The Honourable Sir Charles Innes: The Honourable Member is referred to Statement 10 of the Financial and Statistical Statements and to Appendix F of Volume II of the Report by the Railway Board on Indian Railways for 1923-24, which give the information available.

TOTAL NUMBER OF PASSENGERS CARRIED BY THE ASSAM BENGAL RAILWAY IN 1924.

251. **Mr. Kamini Kumar Chanda:** On the Assam Bengal Railway what was the total number of passengers in different classes in the year 1924?

The Honourable Sir Charles Innes: The Honourable Member is referred to Statement 12 of the Financial and Statistical Statements of Volume II of the Report by the Railway Board on Indian Railways for 1923-24.

WORKSHOPS ON THE ASSAM BENGAL RAILWAY.

252. Mr. Kamini Kumar Chanda: How many workshops are there on the Assam Bengal Railway, and which of them have been electrified?

The Honourable Sir Charles Innes: There is only one big workshop on the Assam-Bengal Railway at Pahartali and the electrification of this is approaching completion. There is also a small workshop at Lumding which has been electrified.

CARRIAGES ON THE ASSAM BENGAL RAILWAY FITTED WITH
ELECTRIC FANS.

253. Mr. Kamini Kumar Chanda: On the Assam Bengal Railway how many compos and carriages, first class and second class, respectively, are fitted with electric fans?

The Honourable Sir Charles Innes: The information asked for by the Honourable Member has been called for and will be furnished to him when received.

APPOINTMENT OF INDIANS IN THE SUPERIOR SERVICES ON THE
ASSAM BENGAL RAILWAY.

254. Mr. Kamini Kumar Chanda: How many Indians have been taken in the superior services on the Assam Bengal Railway since the publication of the last classified list of officers and how many Anglo-Indians and Europeans respectively?

The Honourable Sir Charles Innes: If the Honourable Member will wait till the next edition of the classified list is published, which will be before end of April 1925, he will be able to get the information for himself. The only information that Government has is that one more Indian has been appointed to the superior service on this Railway since the last list was issued.

TERMINATION OF THE CONTRACT WITH THE ASSAM BENGAL RAILWAY.

255. Mr. Kamini Kumar Chanda: (a) In view of the continued losses in the Assam Bengal Railway since the opening of it, has the question of putting an end to the agreement between the Secretary of State and the Company ever been considered?

(b) If so, when? What were the decisions arrived at and the reasons therefor.

The Honourable Sir Charles Innes: (a) and (b). Under the terms of the contract between the Secretary of State and the Assam Bengal Railway Company, Government could determine the contract either on the 31st day of December 1921 or on the 31st day of December of any succeeding tenth year by giving twelve months' notice. The question of terminating the contract was taken up in 1920, but as it was not considered justifiable on financial grounds to buy out the Company's interest in the undertaking, the contract was allowed to continue for another 10 years.

MOTION FOR ADJOURNMENT.

• **Pandit Motilal Nehru** (Cities of the United Provinces: Non-Muham-
madan Urban): I beg leave to move the adjournment of the House on a
definite matter of urgent public importance, namely, the action of the
Government in failing to provide an opportunity to the House to discuss
the Reforms Inquiry Committee Report during the current session.

Mr. President: The Honourable Member asks for leave to move the
adjournment of the House to discuss a definite matter of urgent public
importance, namely:—

“the action of the Government in failing to provide an opportunity
to the House to discuss the Reforms Inquiry Committee
Report during the current session.”

In so far as this request to move the adjournment of the House anti-
cipates discussion which will arise on a motion of which notice has already
been given in the name of Mr. Rangaswami Iyengar under the Home
Department vote, it is out of order on the ground of anticipation. It is
further out of order because the allotment of the time of the House is
made by the Governor-General and not by the Governor General in
Council.

I may, however, point out to my Honourable friend that two oppor-
tunities will arise to discuss this matter, one on the Home Department
vote and the other on the vote for the Executive Council, either to-day
or to-morrow, as the case may be.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: 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 have, at their meeting
held on the 12th March, 1925, agreed without any amendments to the following Bills
which have been passed by the Legislative Assembly:

A Bill to amend the Cantonments (House-Accommodation) Act, 1923.

A Bill further to amend the Indian Merchant Shipping Act, 1923, for certain
purposes.

A Bill to provide for the better regulation of cotton ginning and cotton pressing
factories.”

STATEMENT OF BUSINESS.

The Honourable Sir Alexander Muddiman (Home Member): Sir, the
course of business for the week beginning with the 16th of March is, as
far as I can see, as follows: On Monday and Tuesday, the 16th and 17th
March, the Indian Finance Bill will be before the House for consideration
and, I hope, for passing. There will also be a Resolution of which the
Honourable the Finance Member has given notice on the subject of pro-
vincial contributions. Any business not finished on this day will run on
to Wednesday, the 18th. Additional business for Wednesday, the 18th, will

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be as follows: A motion will be moved by Sir Hari Singh Gour recommending concurrence with the request of the Council of State to appoint Members to a Joint Committee on the Bill introduced in the Council of State to amend the Succession Certificate Act, 1889. Secondly, a motion will be made asking for the concurrence of this House in the amendments made by the Council of State in the Prisons (Amendment) Bill. A Bill to amend the Indian Stamp Act, 1899, which was published on the 7th March, will be introduced and a motion will be made that it be taken into consideration and, if that motion is passed, that it be passed. Fourthly, motions will be made to take into consideration and to pass, if the former motion is accepted, the Indian Income-tax (Second Amendment) Bill and the Indian Tariff (Amendment) Bill as reported by the Select Committee. It is also possible that a motion may be made for leave to introduce a Bill to amend the Indian Cotton Cess Act, 1923. Any business left over from Wednesday will be taken on Monday, the 23rd. Thursday, the 19th March, has been allotted for non-official Bills.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadan Rural): May I ask the Honourable Member whether he has considered the desirability or advisability of giving another day for Bills as suggested by me?

The Honourable Sir Alexander Muddiman: I have received a request to that effect from the Honourable Member. I doubt whether it will be possible in the state of public business to give another day. It might be that if any Bills are outstanding which could be finished in this session and if the state of business permits I might find a little time for that. There is one Bill, the Age of Consent Bill, which I have in mind.

Diwan Bahadur M. Ramachandra Rao: The 20th March happens to be a day on which there is no official business as yet. If any business which is left over on the 19th can be carried over to the 20th and all the Bills which have been ballotted can be finished, it will certainly meet the wishes of many Honourable Members in this House.

The Honourable Sir Alexander Muddiman: As I said, I will have to consider the matter with reference to the state of Government business. It may be that I shall have an important Bill to bring before the House, though at present I am not in a position to make a statement on that point.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): May I know with reference to the legislative business which will be brought up on the next non-official day whether Bills which were adjourned *sine die* and Bills which were adjourned for further consideration (Mr. Patel's Bill for the repeal of the Regulations and the Bill for the abolition of Racial Distinctions in the Criminal Procedure Code), will be brought up on the agenda of the next non-official day?

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): May I inform the Honourable Member that my Racial Distinctions Bill has been already ballotted and stands third on the list on the 19th.

The Honourable Sir Alexander Muddiman: The Honourable Member (Mr. Patel) has supplied the information.

Mr. President: As far as that is concerned, Honourable Members are aware that the ballot for Bills is only a ballot for leave to introduce.

Bills which have passed beyond the stage of introduction are set down on subsequent dates after their introduction in accordance with the result of a separate informal ballot. Mr. Patel has informed Honourable Members that his Bill stands third on the list of business for the 19th.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): May I ask whether it is the intention of Government to allot more days for the Demands for Grants?

The Honourable Sir Alexander Muddiman: I have received a letter on that subject. The Honourable Member is aware that the allotment of days does not rest with Government. It rests with the Governor General. I have forwarded that request to the Governor General, but I have not been able to make a recommendation in support of that request. The House has already had three days more this year than it had last year.

Diwan Bahadur T. Rangachariar: May I also ask why there is no indication of the introduction of a Bill on the recommendations of the Bar Committee, in the statement made by the Honourable the Home Member?

The Honourable Sir Alexander Muddiman: I am glad that the Honourable Member has raised this question. It was the intention of Government to introduce a Bill dealing with the recommendations of the Bar Committee. We have however not received a reply from one important Local Government, the Government of Bombay, and as the Honourable Member is aware the law in that province on the subject of legal practitioners is special. We do not think therefore we should be justified in putting before this House a Bill till we have seen the recommendation of that Government. I recognise the interest the Honourable Member takes in that subject and the statement I am now about to make may meet him to some degree. We have drafted a Bill, and, when we have received the recommendation of the Government of Bombay, we shall have to re-examine it with reference to that recommendation. It is proposed thereafter to introduce the Bill by publication. We could not in any case have got farther than the introduction stage in this session, and therefore I think the Honourable Member will see that there will be no great delay in following that procedure.

Diwan Bahadur T. Rangachariar: May I ask, Sir, whether it is the intention of Government to take any steps on the Report of the Mercantile Marine Committee?

The Honourable Sir Alexander Muddiman: That I think would be more suitably addressed to my Honourable friend. But there is no intention I think this session.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member when this session is likely to come to an end?

The Honourable Sir Alexander Muddiman: That, Sir, will depend very largely on the course of the Finance Bill in the two Houses.

Diwan Bahadur M. Ramachandra Rao: Will the Honourable Member give us the approximate date?

The Honourable Sir Alexander Muddiman: I think the approximate date will be the 25th if all goes well.

Mr. Devaki Prasad Sinha (Chota Nagpur Divisions: Non-Muhamadan): May I ask the Honourable the Home Member if he is taking steps to see that the replies from the provinces on those recommendations are speedily obtained?

The Honourable Sir Alexander Muddiman: There is only one Local Government, as I have said, and we have been trying our best to get a reply out of that Local Government.

Mr. Devaki Prasad Sinha: Is the Honourable the Home Member also trying his best to induce those High Courts that have not yet taken steps to give effect to the recommendations of the Indian Bar Committee to do so?

The Honourable Sir Alexander Muddiman: I must have notice of that, Sir.

THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

SECOND STAGE—*contd.*

Expenditure from Revenue—contd.

DEMAND No. 19—OPIUM—*contd.*

OPIUM POLICY OF THE GOVERNMENT OF INDIA.

Mr. President: The Assembly will now resume consideration of Part II of the Budget. The motion proposed was:

"That a sum not exceeding Rs. 1,78,95,000 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, 1926, in respect of 'Opium'."

Since which an amendment has been moved:

"That the Demand under the head 'Opium' be omitted."

Further amendment moved:

"That the Demand under the head 'Opium' be reduced by Rs. 100."

The Honourable Sir Basil Blackett (Finance Member): Sir, I have for some time been very desirous that an opportunity should arise for a discussion in this House of the question of opium, and I am very glad that the opportunity now before us has been taken advantage of with such useful results. The House will I am sure agree with me that the speeches which we heard yesterday were nearly all of them an extremely valuable contribution to this subject, and for my part I do not regret at all the fact that the closure was not moved. I think the House did not move the closure because they felt that they were listening to a really valuable discussion. No one who listened to Dr. Datta's speech could fail to be impressed by his sincerity, by his mastery of his subject and by the moderation with which he put forward the views which he held. I think it is most desirable that India should have an understanding of the subject of opium and should be in possession of the figures and facts on which to arrive at an informed public opinion. One of the difficulties of the past has been that, so far

as the Government of India are concerned, they have had very little to guide them in the way of an Indian public opinion on this subject. Until very recently—scarcely a year ago, the only public opinion to which much expression had been given on this subject by the leaders of Indian thought ever since the date—about 1907—when the restriction of the China trade began to be well to the fore, took the line that the Government of India and the people of India were being forced to sacrifice revenue and give up a valuable trade in order to pander to the non-conformist conscience of England. That was the line that had been taken. It is only quite recently that the emergence of a different form of public opinion has become noticeable, and I am very glad that such a public opinion should now be in process of forming; because in dealing with this question of opium, whether for internal use or for external use, it is almost essential that the Government of India should have public opinion behind them before they take any important action.

We are discussing to-day the Demand for the grant of the expenditure which will come in course of payment during the year 1925-26 under the head Opium, that is to say, the expenditure that will be incurred by the Government of India in maintaining the opium establishment, in controlling the production of opium in India and in disposing of that opium either through the Local Governments for internal consumption or for the purpose of export: Throughout the whole of British India, apart from certain inaccessible tracts on the frontier of Burma, the cultivation of opium is regulated by Statute. The important Acts are Act XIII of 1857 as amended by Act I of 1911, and Act I of 1878. Under these Acts the cultivation of the poppy within India is permissible only under license. The total area to be sown is fixed by the Government from year to year, and the license specifies the exact area which the licensee may cultivate. With the exception of the Punjab where the people are allowed to plant certain small areas with poppy and sell the opium direct to licensed vendors, the cultivator is bound to sell the whole of his produce to the Government. The crude opium so received is sent to the Government factory at Ghazipur. There used to be another factory at Patna when the China trade was in existence, but now the only factory is the factory at Ghazipur and the produce received from the cultivators is there made up into raw opium in two forms: either opium intended for export to foreign countries, which is known as provision opium owing to the fact that the proceeds of sales were originally in the old days intended to provide funds for Indian transactions with China; and opium for consumption in India which is known as excise opium. Provision opium consists at present of pure Benares opium, that is, opium grown in the United Provinces. Excise opium is a blend consisting of about one part of Benares opium with three to four parts of Malwa opium, that is, opium grown in the Indian States, in Central India and Rajputana. The cultivation, manufacture and export of opium is a central subject and it is not open to a Local Government to authorise the cultivation or manufacture or export of opium. The sale proceeds of provision opium, that is, opium for export, go to the credit of the central revenues: Excise opium is sold by the Central Government to the Local Governments at cost. The difference between the price at which the Local Government sells to the public and the price which it pays to the Central Government being equivalent to an excise duty. It is convenient to consider provision opium and excise opium, that is, as I have said, opium for export and opium for internal consumption, separately. Excise opium is sold by the Central Government to the Local Governments at cost price, as I have said. The greater

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part of it is produced in the Malwa States; the Central Government have no financial interest in the extent of the consumption of excise opium; that is a matter which interests Local Governments. The Central Government's function in regard to excise opium is simply to control the production, to manufacture and to sell it to the Local Governments at cost price. In the Local Governments, with the exception of Assam, excise is a transferred subject under a Minister responsible to the Legislative Council. The policy pursued in regard to excise opium is therefore one which rests with the Local Governments. The powers of intervention of the Central Government in a transferred subject are, as the House knows, limited. They are governed by Rule 49 of the Devolution Rules. It is, therefore, in the Provincial Legislatures in the first instance at any rate, and with the possible exception of Assam, that the subject of the excise policy of the respective Local Governments should be raised and, if it is found unsatisfactory, criticised. But I recognise that there are very considerable advantages in being able to deal with the subject of the consumption of opium in India as a single question; and that of course is possible only in the Central Legislature, and as was stated by Lord Hardinge at a meeting of the Assembly of the League of Nations a year or two ago, "any genuine measure of reform initiated by a provincial Minister will undoubtedly receive encouragement and support from the Government of India".

Let me now describe the general policy which has been pursued by the Local Government in this matter for the last 10 or 15 years. There are differences in detail, but there is a general line of policy running right through. The general policy has been to increase progressively the issue price of opium and to reduce the limit of private possession and in general to tighten control over the traffic. The issue price of opium to-day is from 2 to 3 times what it was in 1910-11 and the number of shops where opium can be obtained is about two-thirds of what it then was. The limit of private possession is quite small. It varies from 1 to 3 tolas in the case of non-smoking opium and from $\frac{1}{4}$ to $\frac{1}{2}$ tola in the case of smoking opium, which of course is very exceptional. The general policy of Local Governments may be summed up in the phrase which has been applied to the policy in regard to excise generally, that is, the policy of getting the maximum revenue from the minimum consumption. Thus in 1910-11, excise revenue from opium was 164 lakhs and the consumption was 12,530 maunds. In 1922-23, the revenue was 250 lakhs and the consumption 7,666 maunds. That is the consumption for 1922-23. The latest figures, those of 1923-24 show a further reduction to 7,406 maunds, that is to say, since 1910-11 revenue has increased by more than 50 per cent. and the consumption has gone down to not very much more than one-half of what it was in 1910-11. I think the complete statistics in regard to the consumption of opium by provinces, comparing the present day with 1910-11 would be of interest.

	Maunds.
In Madras in 1910-11 the consumption was	1,178
1923-24	878
In Bombay in 1910-11	1,436
1923-24	819
In Bengal in 1910-11	1,656
1923-24	998
In Burma in 1910-11	1,306
1923-24	772

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matter. Proposals are under consideration in several provinces for prohibiting opium smoking in company altogether and imposing severe penalties for attempting to obtain opium unlawfully. If the provinces wish to go further than at present in regard to restricting opium consumption and to initiate reasonable proposals calculated to reduce the consumption, the Government of India would be the last to raise any objection. On the other hand, the Government of India have never hesitated to take most drastic steps to check opium consumption when such steps were really necessary. It was accepted in 1893, for example, that consumption of opium for smoking was harmful to people of the Burman race. In 1894 a campaign was entered upon for the progressive suppression of smoking in Lower Burma, a campaign which can be paralleled, if at all, and then only on a very much smaller scale, by the campaign undertaken by the United States of America in the Philippines. The history of that campaign in Burma is a long and intricate one into which I need not enter at length. But the efforts of the Government of Burma have had very considerable results. By the end of 1911-12 the number of Burmans registered as smokers had fallen to 14,019. In 1921 it was 5,405 and with the extinction of this number, because no new names can be added to the register, the prohibition of opium smoking by Burmans will be absolutely complete right through the whole of Burma. The history of that effort shows that one of the biggest difficulties is the increase in smuggling and illicit consumption. That difficulty caused a change in the method on two or three occasions. The history of opium consumption in Assam is very interesting in the same connection. A good deal of information was given about Assam by Mr. Cosgrave, whose speech I am sure the House recognised as a very valuable contribution to the debate. I need not go through the details of what Assam has done except just to give these figures. Before giving these figures, I think I had better say that up to the year 1860 the cultivation and manufacture of opium in Assam was entirely unrestricted. The first restrictions were introduced in 1860 when a duty of Rs. 14 a seer was imposed on excise opium and a gradual reduction of the number of shops was undertaken. In 1873-74 Assam consumed 1,150 maunds. It had a population of 4,094,972 and its consumption per head was 17·4 grams. In 1922-23 the opium consumption in Assam was 990 maunds, just half of the previous figure. The population was 7,606,230, approaching double of the previous figure, and the consumption per head had gone down from 17·4 grams to 5 grams a head. That is still very large as compared with the figure recognised by the League of Nations as being the amount required on the average for strictly medicinal and scientific uses. But when you see that the consumption per head has been reduced from 17·4 grams to 5 grams in the last half century it is very difficult, I think, to draw any other conclusion than that the policy which is being pursued is on the right lines and that if any additional efforts are to be made, which seem very desirable in a place like Assam particularly where it is undoubtedly in some places an evil, you should be very careful that those additional efforts should be in line with the efforts that have been already made and should not be a breakaway from the old methods by which you may lose the advantage of the progressive reduction which you are securing by your existing methods.

Now, the policy of the Government of India in regard to opium consumption in India is still based on the findings of the Royal Commission of 1893.

That Commission went very thoroughly into the question of opium consumption in India. It is interesting to observe that that commission was appointed by the British Government and paid for by the British Government because it was pressed on India by the British Government. Now, the conclusions of the Royal Commission have been quoted in one or two connections, but I am afraid I must repeat some of them. The commission examined over 700 witnesses from all sections of the population including 161 medical men of whom 15 were medical missionaries. Their main conclusions were as follows:

Paragraph 259.—Opium is used as a stimulant, and it is also largely consumed in India for the mitigation of suffering and the prevention or cure of disease. It is the universal household remedy. It is extensively administered to infants, and the practice does not appear to any appreciable extent injurious. The use of opium does not cause insanity. It does not prejudicially affect the birth-rate. It does not appear responsible for any disease peculiar to itself. An Insurance Society at Bombay, after twenty years' experience, has not found it necessary to impose an extra premium on the lives of moderate opium-eaters.

Paragraph 273.—We have made exhaustive inquiry into the consumption of opium in India and its effects. We find no evidence of extensive moral or physical degradation from its use.

Opium is extensively used for non-medical and quasi-medical purposes, in some cases with benefit, and for the most part without injurious consequences. The non-medical uses are so interwoven with the medical uses that it would not be practicable to draw a distinction between them in the distribution and sale of the drug.

The habitual use of opium as a stimulant by young people is generally condemned.

Opium-smoking is little practised in India; it is considered a disreputable habit."

I was challenged by Dr. S. K. Datta in regard to my statement that there were religious connections with the use of opium. I have not spent any time in research as was suggested by Dr. Datta. Since that date and indeed until he mentioned it again I had not thought of the point. But I was relying on my memory of a passage in the Royal Commission's Report on opium. If he will look at paragraph 109, he will see that it is a long paragraph which concerns itself entirely with the ceremonial, social and religious uses of opium in Rajputana.

Dr. S. K. Datta (Nominated: Indian Christians): The whole emphasis of that paragraph was social, not political.

The Honourable Sir Basil Blackett: I said social and religious and the Royal Commission also says social and religious. I did not lay emphasis on one or the other.

Rai Sahib M. Harbilas Sarda (Ajmer-Merwara: General): I have lived all my life in Rajputana but have never heard that in Rajputana opium had any religious aspect. Neither the Princes of Rajputana nor the common people have anything to do with opium from a religious point of view. This is the first time I learn that opium has any religious significance in Rajputana.

The Honourable Sir Basil Blackett: I am sorry the Honourable Member has not wasted his time in reading the Report of the Royal Commission. I have only quoted from a report where that statement is made. I do not make any further statement. That chapter will be found in the Report of the Royal Commission.

When the Royal Commission reported in 1893 the average *per capita* consumption in India was 27 grams per annum. In 1922-23 it was less than 18 grams. Now, opium in India is, I understand, often administered to cattle. Therefore the true *per capita* consumption must be below 18

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grams if you allow for the use of opium for administration to cattle. It will be seen that *prima facie* there is no reason to suppose that the policy that is being pursued by the various Governments in regard to opium and its uses in India has not been a satisfactory one which is arriving at its object, namely, a gradual reduction of consumption and the prevention of the evils. That particular evils exist in Bombay, Assam and Burma is undeniable, and I believe that the right way to combat the evil in Bombay, for example, is the way that is already being adopted, as stated by one speaker yesterday, of educating the mothers in the danger of the practice. I do not think it is a matter that you could usefully deal with by an attempt at this stage to introduce more drastic remedies such as prohibition altogether of the use of opium for purposes other than medicinal and scientific because of the difficulties which that involves, and which were so clearly pointed out by the Royal Commission in 1893. We have evidence that the consumption is going down rapidly year by year, and that, as conditions improve, the evil, where it exists, is being lessened. Dr. Datta quoted the consumption per head in 1923 and rightly pointed out that the figure was too high. I have had the figures for some places mentioned by him examined. At Ambala the number of seers per thousand of the population consumed in 1922-23 was 26.8. The corresponding figure in 1892-93 was 52.4. In Ludhiana, which is a Sikh district, the figure in 1922-23 was 49.3 seers per thousand of the population. In 1892-93 the figure was 123.8. You will see there has been an enormous reduction in both those places. I have figures here for Cawnpore, Benares, Calcutta, Ahmedabad and so on. In Bombay the figure in 1892-93 was 108.6, and in 1922-23 it was 43.1. All the figures show enormous reductions, in many cases more than half as compared with 1892-93; so that, even when we allow for the fact that there are districts where the consumption looks high, it is at any rate satisfactory to observe that there has been a regular and a progressive reduction. The Government of India recently circularised the Local Governments in regard to this question of internal consumption. As I stated at the beginning of my speech, internal consumption is primarily a matter in which the policy is governed by Ministers in the transferred departments. Attention was drawn to some *prima facie* evidence which had been produced by some investigators of abuses of opium in various directions, and the Local Governments have been asked to re-examine the question and to consider with the Government of India by what means, whether by some special inquiry or another committee, the problem should be dealt with, if the Local Governments come to the conclusion that there is *prima facie* evidence making it desirable to review the conclusions of the Royal Commission of 1893. I am not in a position to-day to say what action the Government of India will take when the replies from Local Governments are received. They have not yet been received. I think none have been received. The Governments have naturally been watching with interest the Geneva discussions on the subject of opium and I imagine they have delayed their replies pending the possibility of examining what is going on in other parts of the world in this matter. But I can say for myself that my own view coincides entirely with that given by Mr. Cosgrave; and I think that, unless strong reasons to the contrary exist, which I do not know of, some kind of inquiry to review the conclusions of the Commission of 1893 may be very desirable. I see no reason why there should be any objection to it, but as I say, I am not in a position to go further because we have not received the replies of

the Local Governments and we do not know their views, and in a matter of this sort the views of the Local Governments, the subject being a transferred subject, must necessarily carry very considerable weight. But I think the figures which I have put before the House must convince an impartial person that the policy of the Government of India in regard to internal consumption, and the policy of the Local Governments is having very considerable results in the reduction everywhere of the consumption and the prevention of any spread of the abuses which are connected with opium when it is taken to excess.

I now turn to the question of export. I cannot say very much about that because, as the House knows, this whole subject has been very prominently before the public of the world at the Geneva Conferences, and we are not yet in possession even of a complete report of the proceedings of the Geneva Conference and have not been in a position to take action on those proceedings. But the position is really a fairly simple one. The Government of India, as is well known, have agreed to export opium only to those countries whose Governments desire to have Indian opium, and no opium is exported to China. The exports are strictly controlled. The greater part of them go to Governments with whom we have direct agreements. The rest are sold by auction and purchased by exporters who, before they can export, have to produce a license from the Government of the country to which they are exporting the opium, that the import is licensed by that Government. Something was said of the history beginning a good way back by the speaker yesterday. I do not propose to go back beyond 1908. An agreement was arrived at at the beginning of 1908 by which, with effect from the 1st January 1908, the Government undertook to diminish progressively the total amount of opium sold in Calcutta by 5,100 chests a year for a period of three years, which it was expected would indirectly diminish the amount imported into China. If the Chinese fulfilled their share of the agreement to reduce cultivation in China to a similar extent, the Government of India further agreed to continue the annual reduction of 5,100 chests until the total export reached the figure of 1,600 chests. For the five years 1901-05, the average export to all countries was 67,000 chests, of which China took 51,000. So the progressive annual reduction of 5,100 chests would have brought the export to China to an end in 1917. Negotiations were begun in 1910 in Peking for a continuance of the 1908 arrangement, and the Government of India agreed that there was general evidence that cultivation had been substantially reduced in China during the period. Under the terms of the new

12 Noon. agreement the Government of India agreed to the payment of an import duty being imposed by China three times the existing amount in return for the promised abolition of provincial taxes, the partial closure of China to Indian opium by the provinces, including not only the stoppage of transit but also Treaty Port closure, Shanghai and Canton excepted, and the total stoppage of exports on proof of the total cessation of opium growing in China. Finally, in 1912, the Government of India agreed to stop exports to China altogether although the time had not arrived at which they had agreed to do so and although there was evidence by that time that Chinese effort to reduce production was not being altogether successful. At the present time,—the figures of course are not statistically exact—at least nine-tenths of the production of opium in the world is believed to be taking place in China.

Now coming to the non-China markets the first maximum limit of 14,000 chests per annum was fixed. This has been progressively reduced

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and the exports are nowadays between 8,000 and 9,000 chests per annum. Japan takes very little. In Macao and French Indo-China the exports go only to the Governments. The average net receipts of the Government of India for sales of export opium in the three years 1910-11 to 1912-13 were 801.62 lakhs. The average net receipts for 1921-1922-23 were 183.41 lakhs, a reduction of considerably over 6 lakhs. The reduction is really very much larger because the price of opium has increased very considerably during the period, and the opium sold at present prices that was sold in 1911 would have brought in more nearly 12 crores than 8 crores.

Dr. S. K. Datta: I am sorry to interrupt, but will the Honourable the Finance Member tell us the amount taken by each of the Overseas Colonies, *e.g.*, the Straits Settlements, over the last 10 years? My whole contention is that there has actually not been any reduction.

The Honourable Sir Basil Blackett: I have got very considerable statistics here but I have not those particular ones. Yes, I have got some figures here. I take the year 1913 and the year 1923:

	1913.	1923.
	Chests.	Chests.
China	4,612	Nil.
Singapore	2,367	2,100
Hongkong	1,120	240
Penang	200	Nil.
Colombo	105	50
Batavia	3,535	900
Bangkok	1,350	1,600
Saigon	450	2,975

The totals for all countries are 15,760 in 1913 and 8,544 in 1923.

Dr. S. K. Datta: You accept the statement that there has been actually an increase in the Straits Settlements?

The Honourable Sir Basil Blackett: No, a decrease. In the Straits Settlements it fell from 2,367 chests in 1913 to 2,100. The Singapore figure for 1910 was 10,688 chests. In the case of Hongkong it fell from 1,120 in 1913 to 240 chests. I do not think it does carry the interpretation that Dr. Datta puts on it. The figures of Saigon are perhaps more interesting from his point of view.

Now that is the policy of the Government of India. In regard to the exports they are carrying out their agreement under the Convention to the full. They have in one or two cases gone beyond it. In the case of Macao, where they were convinced that the amount imported under licence was more than the colony could possibly require for internal consumption, they did go beyond the Convention and seriously restricted the amount for export. The Government will be perfectly happy to see these exports further reduced. They do not wish to secure revenue out of the degradation of other countries, but they do not see that they are going to help forward any useful work if they themselves suddenly or even over a period of years without co-operation from elsewhere deprive India of her revenue and the cultivators of their employment by refusing to send exports of opium to countries whose Governments continue to licence their import in pursuance of the policy which those Governments have themselves agreed to carry out of gradual reduction; since the only result so far as the Government of India can see of such an action on their part would be to mulct

the Indian tax-payer in a considerable sum of money and have no effect whatsoever on the amount of opium imported to and consumed in these places. It may be said that the Government of India themselves say that opium smoking is an evil; they ought therefore to prohibit the export of opium to any country where it is likely to be smoked even though that country may get opium in equal quantities from elsewhere. If that is the policy which it is desired the Government of India should adopt, it is one which I think ought to be carefully weighed and very carefully considered by this House and by the country generally before it is adopted. It is not as far as I can see likely to be a useful contribution to this world-problem. Much more is likely to be gained by the continuance of co-operation between the nations in the League of Nations than by isolated action of the kind that is suggested. We are awaiting the final reports from the Geneva Conference and the whole subject will then have to be studied with considerable care by the Government of India and the new obligations which have been entered into in that Conference will have to be carried out and will be carried out to the full. But in the meanwhile I think that the Government of India are entitled to claim that they have done more than any other country in the world at the expense of their own tax-payers to contribute towards the problem of reducing the consumption of opium where such consumption is abused; and I am very glad, as I said at the beginning, to have had the opportunity of putting the full facts, I am afraid at some length, before this House in order that they may be in a position to arrive at a considered judgment in the matter.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, we have listened with great interest to the careful statement of the Honourable the Finance Member in this House to-day. There are two questions which arise out of it for the consideration of this House; one relates to the use of opium in this country and the other to the export of opium outside India. So far as the use of opium in this country is concerned, I submit that while the Government of India are entitled to claim that the use of opium in this country has been reduced to a large extent, the fact still remains clear that the amount of opium which is still used in several parts of the country is excessive. The figures which Mr. Andrews has published, and which have not been controverted, show that while the standard fixed by the League of Nations is 6 seers per ten thousand of the population after taking all the legitimate requirements of the people into account, at present Calcutta consumes 144 seers per ten thousand, Rangoon 108 seers, Ferozepur 60 seers, Ludhiana 49 seers, Lahore 40 seers, Amritsar 28 seers, Cawnpore 29 seers, Ahmedabad 42 seers, Bombay 43 seers, Broach 51 seers, Sholapur 35 seers, Karachi 46 seers, Hyderabad (Sind) 52 seers, Madras 26 seers, Cuttack 25 seers and Balasore 56 seers per ten thousand of the population. Now, Sir, this is excessive beyond expression and it indicates what amount of evil the improper use of opium is working in the country itself. There are other figures which show the consumption by provinces. The United Provinces have happily a standard of 6.6 seers per ten thousand, which is very nearly the figure which the League of Nations have fixed. Bengal has 8.1, Bihar and Orissa 8.3, Madras 8.5, the North West Frontier 10.2, Punjab 12.0, Central Provinces 16.1, Bombay 22.2, Burma 28.7, Assam 52.1, Baluchistan 6.0, Ajmer 52.7. Now, Sir, that will show the need, the very crying need, of an inquiry into this question so far as the internal use of opium in the country is concerned. If six seers per ten thousand of the population

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is the correct standard, then the enormous quantity which is being used over and above it in the different provinces beginning with the Punjab requires certainly to be curtailed. I would ask the Honourable Finance Member and this House to imagine what an amount of misery, degradation and suffering this excessive use of opium indicates. In the provinces which have been mentioned the case of Assam has already been dealt with fully. We have also the case of Ajmer where the rate of consumption is 52·1 seers where it ought to be 6 seers. Therefore, I submit that, apart from the question of the export trade, there is a very clear necessity for the appointment of a committee to go into this very important problem. It is not sufficient for the Government to say that after receiving the reports to which they have referred, they will take up the question and deal with it. If the matter were to be dealt with by the Government of India alone this House need not have interested itself in it. But the Government of India have to lay their demand in connection with Opium before this Assembly, and the Assembly has to debate it. We have been discussing it for some time; and it is only fair that, when the reports have been received from Local Governments, there ought to be a committee appointed on which the elected Members of this House should be properly represented, to go into the whole question and to lay down a policy for the whole of India. It is not a question, as the Honourable Finance Member said, which was primarily the concern of Provincial Governments. In one sense it is . . .

The Honourable Sir Basil Blackett: Of the Ministers; it is a transferred subject.

Pandit Madan Mohan Malaviya: It is a transferred subject, says the Honourable Finance Member; in one sense it is; but the Government of India sell the opium to the Local Governments; that is a fact that can not be disputed. If the Central Government sell opium to the Local Governments, and if the Central Government still direct the policy of the Local Governments in this matter, it will not do to say that the Government of India have no direct responsibility in this matter. The Government of India are responsible; the Local Governments are merely agents of the Government of India, and the Government of India are the agents of Parliament; and the Government of India sell opium to their subordinates, the Local Governments. I submit the fact stands without any doubt as I have stated it. I do not know that the Honourable Member will say that any enunciation of policy by the Government of India in this matter will be disregarded for half a moment by any Provincial Government. It is impossible to think of it . . .

The Honourable Sir Basil Blackett: What do you mean by provincial autonomy?

Pandit Madan Mohan Malaviya: Yes; when we have got provincial autonomy then I shall not have to waste my time here in trying to persuade the Honourable Member that a certain policy should be pursued in this matter; but at present we know that the Central Government are responsible primarily for the policy which has been pursued. Therefore, I submit that there ought to be a committee appointed and that the Honourable Finance Member ought definitely to promise to this Assembly that a committee will be appointed to investigate into this matter. In the presence of this great evil, it is not satisfactory for him to say that he could not commit the Government of India to any view in this matter. He said clearly that he spoke for himself; of course we know that even if he speaks for himself he counts

for a great deal in the Government of India as it is constituted at present, and that might suffice in the opinion of some people; but when he distinctly says that he does not want to commit the Government of India to any policy at this moment, he leaves the matter in a very unsatisfactory condition. I submit, Sir, that the numberless infants who have suffered, whose lives have been stunted and injured by the improper administration of opium, that the numberless men and women who have suffered by the use of opium to the extent to which it is allowed, cry out for a reform in this direction and the Government ought not to postpone the day of reform any longer.

The Honourable Finance Member rightly claimed that on the whole there has been a great deal of reduction in the use of opium in India. That fact is indisputable. But let us also note the tale that the figures tell in regard to some parts of this country. Let us take the worst of them in Assam. In 1875 the quantity of opium used there was 1,874 maunds and the revenue 12 lakhs; in 1921 the quantity used stood at 1,614 maunds though the revenue had risen to 44 lakhs. That is, in the course of about 46 years, the total reduction brought about in Assam was from 1,874 maunds to 1,614 maunds! My Honourable friend Mr. Phookun has pointed out that the larger reduction which occurred in 1922, i.e., from 1,614 maunds to 1,013 maunds, occurred because of the non-co-operation movement . . .

The Honourable Sir Basil Blackett: May I just explain, Sir. I am afraid that is not correct. The reduction occurred because of a reduction of facilities by the Assam Government, a reduction of a very considerable amount which took effect from the beginning of 1921-22, with a simultaneous increase in the issue prices.

Pandit Madan Mohan Malaviya: I thank the Honourable Member. Making allowance for what he has said, Sir, I still say that nobody can dispute the fact that the visit of Mahatma Gandhi to Assam and the great impetus which he gave to the discarding of the use of liquor and intoxicating drugs, largely brought about the reduction to which attention has been drawn. I do not think the Finance Member himself will dispute this fact. Now, Sir, let us look at the figure in the next year. In 1922 it was 1,013 maunds; in 1924 it was brought down to 890 maunds. So I submit that the efforts of the people have been very largely instrumental in reducing consumption there. But still the evil is very great and requires to be combated; and the right way to deal with the question is by appointing a committee such as I have suggested.

The Honourable Finance Member claimed that during the last fifty years there has been a great deal of change for good in the policy of the Government. I admit it; everybody admits it; the Government of India have lost a great deal, an enormous amount of revenue over this opium and they deserve credit for it. But, Sir, we cannot forget that the export of opium to the large extent to which it was exported to China was itself an evil for which the Government should never have become responsible. If the Government encouraged and sedulously worked up a State policy of the export of opium to China for a long number of years and began to earn a large revenue therefrom, they could not complain if they were required to give up that revenue. A man might have been committing robberies and accumulating a large income every year therefrom, and if he is called upon to give up his robberies and to give up the income from those robberies, he might claim that he acted correctly in giving it up and we shall all give him credit for it; but he should not claim too much credit for that.

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abandonment. We are glad this revenue has gone down. India has suffered a loss of nearly eight crores; but I am certain that Indians feel no regret for it; they feel that this revenue has been rightly given up.

I now come to the question of the export of opium. Whatever amount of opium may be needed for medical and scientific purposes ought certainly to be available to the people. There ought to be such regulations as will permit the use of opium by people for medicinal purposes without any very serious obstacle being placed in their way; all that is a proper matter for regulation. Such regulations exist in the United Provinces, and there the consumption has been brought down to six seers per 10,000 of the population; similarly it has been brought down in Madras, Bengal and Bihar and Orissa. When consumption has been brought down to this figure in these four provinces, under the operations of regulations promulgated by the Government, there should be no difficulty in bringing down the consumption to that figure in other provinces as well.

But, Sir, as regards the export trade, the position is different. Why are we bound to export opium outside India? Why should we at all export opium outside India? If the Governments of any country require opium for medical and scientific purposes, the Government of India might very well supply that much of opium which is so required, but I read in this paper for which we are indebted to Mr. Andrews, at whom I was sorry to find yesterday some speakers were inclined to sneer—Mr. Andrews deserves our gratitude for having put forward the facts relating to the use of opium—and I want to know whether the Honourable the Finance Member supports his statement or contradicts it. Mr. Andrews says that the greater part of opium which is exported now, "that practically every chest of opium that leaves India for the Far East is immediately prepared for smoking and used for smoking". Therefore, Indian opium which is used all over the Far East would come under this Article of the Hague Convention, and I should like to know if the Honourable the Finance Member can throw any light on this matter. Is it a fact that the greater part of opium, or as Mr. Andrews says, that practically every chest of opium that leaves India for the Far East is immediately prepared for smoking and used for smoking? (After a pause.) I take it, Sir, that the Honourable the Finance Member is not in a position to answer my question or that he does not wish to answer it. Mr. Andrews says:

"A very large proportion of the opium exported from India goes to the British possessions in the Far East. It is at once prepared by the Governments of those British possessions for opium smoking and sold in opium dens under a Government monopoly. The Government of India gets out of its contract by saying that it does not send out 'prepared' opium but 'raw' opium. The American delegation stated that this was a mere quibble. It was a connivance between two parties at a breach of treaty and contract, because it was well known that all the opium sent out from India to the Far East was used for smoking purposes."

If that is a fact, then I say, Sir, that every one of us, Europeans and Indians, ought to insist that the export of opium out of India should cease, and that it should cease without any delay.

Then the argument taken up by the Honourable the Finance Member was, were we to do so, what would be the result? The Governments of those countries would still allow opium to be imported into or cultivated in their territories, and therefore what would we gain by it? Well, Sir, we shall gain to this extent that we shall cease to be a party to a crime. It is a crime to send out opium to be smoked outside India or anywhere, and if

you continue to trade in opium which is used for this purpose, you are committing a grave crime. You should cease to do so. It is no argument to tell me that if other people commit a crime, I should also do the same. I want the Government of India to say with Felix Holt that if some people must steal, they will not. If other people will allow opium to be sent into any country to be smoked, or if those countries will allow opium to be cultivated in their territories to be smoked, they will be responsible before God and man for that evil, and not we. I want that the Government of India should wash their hands of this evil. That is the position which I want the Honourable the Finance Member and the Government of India to take.

Now, Sir, let us look at the position to which we were exposed at the Geneva Conference. The Government of India were a party to the Hague Conference. At that Conference in 1912 the representative of the Government of India agreed on behalf of the Government that the export of prepared opium shall be prohibited as soon as possible. Now when the last Conference met at Geneva, the representative of the Government of India—and not the representative of the Indian people, let me make it quite clear,—made a statement which exposed us to censure. Through the representative of the Government of India, as the subordinate of the British Government, we were made responsible for assuming a position which exposed us to the censure of America and of all the civilized people. The Americans said that thirteen years had elapsed since the Government of India and the British Government promised to prohibit the trade in prepared opium as soon as possible—at Geneva the representatives of the British Government said that they would suppress opium smoking within fifteen years from the time that China would go dry. The Hague Convention of 1912-13 in Article VII stated as follows:

“The contracting Powers shall prohibit the import and export of prepared opium. Those powers, however, which are not yet ready to prohibit immediately the export of prepared opium shall prohibit it as soon as possible.”

Thirteen years after that when they met in Geneva the complaint was that the British Government and the Government of India were still not prepared to carry out their part of the contract. Lord Robert Cecil brought forward on behalf of Great Britain and India the proposal that first of all it should be ascertained by an International Commission that no opium was being smuggled from China. After that date 15 years should elapse, at the end of which the contracting Powers should agree to suppress opium smoking. Why should we insist upon that, Sir? America wanted that 15 years after the date of the Geneva Conference the smoking of opium should be suppressed, but Lord Robert Cecil would not agree to that very simple, accommodating proposition, and we were thus exposed to the ridicule and censure of the civilized world. Now, Sir, what does it matter to us? How is our responsibility for participation in this crime against another nation reduced or mitigated, because those people continue to commit that crime themselves? If the Chinese will not prevent the smoking of opium in China or if they will cultivate opium in China to the extent they desire, why should we say that we shall also continue to participate in that crime? If some people commit robberies every day, is that any reason why I should not cease to commit robberies? The moment it is recognised that we are committing a grave and inexcusable wrong in allowing our opium to be exported for smoking, that very moment the Government should say “this shall cease”. And I take it that the

[Pandit Madan Mohan Malaviya.]

verdict of this Assembly to-day will be that the export of opium which is used for smoking shall cease. I hope the Government of India will take note of this verdict, and that they will give an assurance to this House that it will accept that verdict and change their present policy. No committee of inquiry is needed with regard to the second part of the question. We do not want any investigation as to what is going on in other countries. We do not care how long China will take to adopt a sane, wise and humanitarian policy. We do not care how many smugglers there are, how many criminals there are, who would smuggle opium from one country into another. We want that not an ounce of Indian opium should go out of India for smoking purposes.

The Honourable the Finance Member quoted from the Report of the Opium Commission in order to show that the use of opium did not lead to lunacy. I think the Commission deserves to be censured for having said that. I venture to doubt if the Commission were right in saying so. If I remember aright there was evidence given before the Hemp Drugs Commission, which was also appointed by the Government, which showed that lunacy is promoted by smoking opium which is called *charas*.

The Honourable Sir Basil Blackett: It has nothing to do with opium.

Pandit Madan Mohan Malaviya: I mean the preparation called *Chandoo*. Now, Sir, that being so, perhaps the Honourable the Finance Member is wrong in endorsing the opinion of the Commission. But however that may be, I submit, Sir, that no one has as yet said that the smoking of opium promotes the health or happiness of any man, woman or child. It has universally been regarded as a great evil, and therefore it is that the Government of India are asked to put down the smoking of opium. I should personally go the length of saying without any hesitation that smoking of opium should be prohibited by law, it should be made penal for anybody to smoke opium. I submit, therefore, that the question as to whether China has or has not carried out its part of the contract or whether other countries with which we deal have or have not carried out their part of the contract in this matter does not affect the question. The simple question before the Government of India is that this is an evil trade and that this trade should be given up as early as possible. I hope the Government will make a definite announcement to satisfy this House so that the motions now before it may be correctly dealt with.

Mr. Devaki Prasad Sinha: I move, Sir, that the question be now put.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I do not think I can make any profitable contribution to this debate at this stage. The question has been thoroughly discussed and if I rise in my place it is simply because I find that there was a desire among the Members of my Party to speak on the subject. On that question we have conferred with each other and it has been decided that if I stand and make the position of the whole Party quite clear in the House it will not be necessary for other speakers from this side of the House to follow. Now, Sir, I need only say one word as to that, and that is that the Swaraj Party agrees fully in the strongest condemnation of the Government policy as regards opium. I need not repeat all the arguments. We associate ourselves with the very able speech of my friend the Honourable Dr. Datta and of the other speakers who have followed him. There was some misapprehension about the motion of my friend Mr. Duraiswami

Aiyangar but I have had a talk with him and I have advised him to withdraw his motion about total abolition because in any event we must provide at least for the cultivation and manufacture of opium for the purposes for which the House has restricted it, that is to say, medicinal and scientific purposes. But it will serve no purpose, Sir, if my friends who have got small cuts and my other friends who have got big cuts all insist upon them. So long as the opinion of this House is made perfectly clear, and that I think has been done in the speeches that have been delivered, it will be waste of time to take up all cuts. I would therefore ask my friend Mr. Duraiswami Aiyangar, if Dr. Datta will adopt the amendment of my friend Mr. Ramachandra Rao, to withdraw his motion.

Mr. C. Duraiswami Aiyangar: Sir, out of respect for my leader I withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

Mr. President: The original question was:

"That a sum not exceeding Rs. 1,78,95,000 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, 1926, in respect of 'Opium'."

Since which an amendment has been moved:

"That the Demand under the head 'Opium' be reduced by Rs. 100."

The question I have to put is that the Demand under the head "Opium" be reduced by Rs. 100.

The Assembly divided:

AYES—62.

- | | |
|-------------------------------|--------------------------------|
| - Abdul Karim, Khwaja. | Mehta, Mr. Jumnadas M. |
| Abhyankar, Mr. M. V. | Misra, Pandit Shambhu Dayal. |
| Acharya, Mr. M. K. | Misra, Pandit Harkaran Nath. |
| Ahmad Ali Khan, Mr. | *Murtuza Sahib Bahadur, Maulvi |
| Aiyangar, Mr. C. Duraiswami. | Sayad. |
| Aiyangar, Mr. K. Rama. | Nambiyar, Mr. K. K. |
| *Ariff, Mr. Yacoob C.* | Narain Das, Mr. |
| Belvi, Mr. D. V. | Nehru, Dr. Kishenlal. |
| Bhat, Mr. K. Sadasiva. | Nehru, Pandit Motilal. |
| Chaman Lall, Mr. | Nehru, Pandit Shamlal. |
| Chanda, Mr. Kamini Kumar. | Neogy, Mr. K. C. |
| Chetty, Mr. R. K. Shanmukham. | Pal, Mr. Bipin Chandra. |
| Das, Mr. B. | Patel, Mr. V. J. |
| Das, Pandit Nilakantha. | Phookun, Mr. Tarun Ram. |
| Datta, Dr. S. K. | Ramachandra Rao, Diwan Bahadur |
| Duni Chand, Lala. | M. |
| Dutt, Mr. Amar Nath. | Rangachariar, Diwan Bahadur T. |
| *Ghazanfar Ali Khan, Raja. | Ranga Iyer, Mr. C. S. |
| Ghose, Mr. S. C. | Ray, Mr. Kumar Sankar. |
| Goswami, Mr. T. C. | Reddi, Mr. K. Venkataramana. |
| Gulab Singh, Sardar. | *Samiullah Khan, Mr. M. |
| Hans Raj, Lala. | *Sarfraz Hussain Khan, Khan |
| Hari Prasad Lal. Rai. | Bahadur. |
| Iyengar, Mr. A. Rangaswami. | *Shafee, Maulvi Mohammad. |
| *Jeelani, Haji S. A. K. | Singh, Mr. Gaya Prasad. |
| Joshi, Mr. N. M. | Sinha, Mr. Ambika Prasad. |
| Kasturbhai Lalbhai, Mr. | Sinha, Mr. Devaki Prasad. |
| *Kazim Ali, Shaikh-e-Chatgam | Sinha, Kumar Ganganand. |
| Maulvi Muhammad. | Syamacharan, Mr. |
| Kelkar, Mr. N. C. | Tok Kyi, Maung. |
| Lohokare, Dr. K. G. | Venkatapitiraju, Mr. B. |
| *Mahmood Schammad Sahib | *Yakub, Maulvi Muhammad. |
| Bahadur, Mr. | *Yusuf Imam, Mr. M. |
| Malaviya, Pandit Madan Mohan. | |

* "That the Demand under the head 'Opium' be omitted."

NOES—50.

Abdul Mumin, Khan Bahadur Muhammad.	Lindsay, Mr. Darcy.
Abdul Qaiyum, Nawab Sir Sahibzada.	Lloyd, Mr. A. H.
Abul Kasem, Maulvi.	Makan, Mr. M. E.
Ahmed, Mr. K.	Marr, Mr. A.
Aiyer, Sir P. S. Sivaswamy.	McCallum, Mr. J. L.
Ajab Khan, Captain.	Mitra, The Honourable Sir Bhupendra Nath.
Ashworth, Mr. E. H.	Moir, Mr. T. E.
Badi-uz-Zaman, Maulvi.	Muddiman, The Honourable Sir Alexander.
Bhore, Mr. J. W.	Muhammad Ismail, Khan Bahadur Saiyid.
Blackett, The Honourable Sir Basil.	Mutalik, Sardar V. N.
Bray, Mr. Denys.	Naidu, Mr. M. C.
Burdon, Mr. E.	Purshotamdas Thakurdas, Sir.
Calvert, Mr. H.	Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Clarke, Sir Geoffrey.	Rau, Mr. P. R.
Cocke, Mr. H. G.	Rhodes, Sir Campbell.
Cosgrave, Mr. W. A.	Rushbrook-Williams, Prof. L. F.
Crawford, Colonel J. D.	Sastri, Diwan Bahadur C. V. Visvanatha.
Dalal, Sardar B. A.	Singh, Rai Bahadur S. N.
Fleming, Mr. E. G.	Stanyon, Colonel Sir Henry.
Fraser, Sir Gordon.	Sykes, Mr. E. F.
Graham, Mr. L.	Tonkinson, Mr. H.
Hira Singh Brar, Sardar Bahadur Captain.	Webb, Mr. M.
Hudson, Mr. W. F.	Willson, Mr. W. S. J.
Hussanally, Khan Bahadur W. M.	Wilson, Mr. R. A.
Hyder, Dr. L. K.	
Innes, The Honourable Sir Charles.	

The motion was adopted.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): I move, Sir, that the main question under the head "Opium" be now put.

The Honourable Sir Basil Blackett: Sir, I wish to take this opportunity, when the general question is before the House, of saying one or two things with regard to the Honourable Pandit Madan Mohan Malaviya's speech. I was under the impression that he did not desire to speak. Otherwise, I should have waited till he had spoken. In fact, I understood that that was his wish too. His statement that far the greater part of the exports of opium to the Far East go to the British Colonies is contrary to the facts. His statement that we have in any way fallen short of our obligations under the Hague Convention is entirely contrary to the facts. It is well known throughout the world that India has done more than any other country to carry out the provisions of the Hague Convention.

Pandit Madan Mohan Malaviya: Has the Honourable Member seen the statement published by Mr. Andrews in which he has stated that the American delegation left the Geneva Conference in disgust because they felt that India and the British Government had not carried out the contract they had signed at the Hague in 1912-13.

The Honourable Sir Basil Blackett: If that is stated, it is not correct. I have seen the pamphlet, but I do not propose at this stage to enter into a discussion of the line taken by the American delegate in the Conference. It was, I think, a line which has not assisted the problem of getting a solution of the opium question.

Pandit Madan Mohan Malaviya: Does the Honourable Member admit the correctness of the statement that it was the action of the Government of India and Great Britain which led President Coolidge to recall the American representatives from the Conference?

The Honourable Sir Basil Blackett: I do not.

Diwan Bahadur T. Rangachariar: I move, Sir, that the main question be now put.

Mr. President: The question is:

“That the main question be now put.”

The motion was adopted.

Mr. President: The question is:

“That a reduced sum not exceeding Rs. 1,78,94,900 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, 1926, in respect of ‘Opium’.”

The motion was adopted.

Mr. President: It being Friday, I propose to adjourn now till 2-15 P.M. but on this occasion I shall certainly sit later than usual to make up the time thus lost.

The Assembly then adjourned for Lunch till Fifteen Minutes Past Two of the Clock.

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

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadan Rural): May I ask you, Sir, and through you, the Honourable the Home Member, whether a variation of the Demands, so as to bring up Nos. 28 and 81 which relate to the Executive Council and the Secretary of State, respectively, to-morrow morning, can be made? In view of the statement which has been made to-day by my Honourable friend, Pandit Motilal Nehru, it seems to me that an opportunity should be afforded by the Government for the discussion of the question raised in the adjournment motion this morning. I therefore suggest that these two Demands, Nos. 28 and 81, should be taken up first to-morrow morning.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): May I intervene and ask whether it is not within the power of the Chair to take these Demands in any order that it thinks proper, or whether the Home Member has got anything to do with the matter?

Mr. President: The order in which the Demands for Grants appear, as far as the procedure of this House is concerned, is more or less arbitrary. If we were to follow the usual Parliamentary practice in England the order in which they will be taken would be arrived at by agreement between the Chief Whip of the Opposition and the Leader of the House. I do not

[Mr. President.]

know whether there is a Chief Whip of the Opposition party. I understand that Mr. Ramachandra Rao has for the moment usurped those functions. Therefore it is not so much for the Chair to decide in what order the Demands should be taken, as for the Opposition and the Government between them to decide as a matter of convenience how they will proceed. Provided notice is given it will be reasonable on the part of the Government to meet the wishes of the House as far as possible in matters of that kind.

Mr. V. J. Patel: Is the Chair bound to accept the agreement arrived at between the two parties?

Mr. President: It is almost a hypothetical question. I do not say that the Chair is bound to accept it but, as a matter of convenience, if the two sides of the House agree that the Demands should be taken up in a certain way, the Chair is always ready to meet the convenience of the House on that matter. Do I understand the Honourable Member to object to the proposed arrangement?

Mr. V. J. Patel: I do not object to anything. I think it is the right of the Chair to take the Demands in any order the Chair thinks fit. The Home Member should have nothing to do with it.

The Honourable Sir Alexander Muddiman (Home Member): In the first place let me say that in dealing with this matter I should naturally be very largely guided by the views of the Chair and indeed my action must be taken after considering any ruling the Chair may give. I may however point out that this is a somewhat late period in the course of our debates to put forward a question of this kind. The House has been taking the Demands in the order in which they appear on the order paper and obviously my Honourable friend will have no difficulty in agreeing with me that any sudden change in the order would dislocate what the Government regard as the reasonable course of business. Now, Sir, my Honourable friend has put a point to me to which I feel I must give full consideration especially in view of your ruling this morning that the matter which my Honourable friend on my right is very anxious to bring forward for discussion could be taken up under Demand No. 28. I understood that to be your ruling and therefore as regards Demand No. 28, I, speaking on behalf of Government, will be quite ready to take that first to-morrow. As regards Demand No. 81, that is too far distant, and I am not able to meet the Honourable Member.

Diwan Bahadur M. Ramachandra Rao: I wish to point out to the Honourable Member that the constitutional position of the Government of India should not be forgotten. The relations between the Government of India and the Secretary of State cannot be forgotten in a discussion of the constitutional issue proposed to be raised on this motion. I do not know whether the Honourable Member and his colleagues pretend to be outside the influence of the Secretary of State in Council or the Secretary of State, but I think, Sir, that the whole question as to responsibility for the working of the reforms or any other question between the Secretary of State and the Government of India is so connected that I should press on the attention of the Honourable Member the desirability of bringing both these Demands together, or one after the other, so that the whole question of the responsibility of the authorities constituting the Government of

India may be discussed adequately in this House. That is the aspect of the case which I should like to present to the Honourable Member and to this House.

The Honourable Sir Alexander Muddiman: I am not altogether ignorant of the relations between the Government of India and the Secretary of State. I have at times had to consider that question. I have made what I think my Honourable friend should regard as a very fair offer. I have given him an opportunity to bring forward a matter which I think the House greatly desires to discuss and whether it is debated under one Demand or the other I assume, and I think rightly, that the debate will take very much the same course. I would however like to make one thing quite clear, Sir, in connection with the proposal that we should take Grant No. 28 first to-morrow. That is that when 28 is finished we shall revert to the normal order of the Demands. That, Sir, I think was your intention. I hope the House will accept this as an earnest of what they desire.

Mr. V. J. Patel: This arrangement is subject to this, that if we reach No. 27 in the ordinary course then this arrangement does not hold good. Supposing we finish 25 to-day, then from to-morrow we take 26 and 27.

The Honourable Sir Alexander Muddiman: I have no wish to disturb the order. I have endeavoured to meet the House. If the House does not want to be met then I have nothing more to say in the matter. I understand the arrangement is that if at the end of to-day we have not got to 28, we take 28 to-morrow and when 28 is finished we go back. I do not want any misapprehension or ground for misapprehension. That is my offer and it is for the House to say whether it is reasonable or not.

Mr. President: I may perhaps say one word further regarding the point raised by Mr. Patel. The Honourable Member will realize that under Standing Order 7 on days allotted by the Governor General for Government business it is the business of the Secretary to set that business down in the order in which he is instructed to set it down by the Governor General in Council; that is to say, on a Government day the Government is in sole charge of business.

DEMAND NO. 20—STAMPS.

Mr. President: The question is:

“That a sum not exceeding Rs. 25,53,000 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, 1926, in respect of ‘Stamps—including Expenditure in England’.”

The Honourable Sir Alexander Muddiman: Before this discussion proceeds, Sir, I should like to have it quite clear whether the House does desire to take Grant No. 28 first to-morrow.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): I take it, Sir, that that is the understanding.

The Honourable Sir Alexander Muddiman: If that is so, I am quite satisfied.

Pandit Motilal Nehru: Yes, it is so.

Mr. V. J. Patel: Supposing we finish 26 to-day. We still take 28 first to-morrow.

Pandit Motilal Nehru: I think, Sir, the position is quite clear. There is no question of going back upon what we have already finished. It is only if we have not finished the Demands before 28 that any question of going back will arise. If we have finished them already there is no question of going back to them.

Mr. V. J. Patel: Mr. President, there is some misunderstanding. Supposing we finish 26 to-day, then do we begin with 27 or go on to 28. That is the position.

Pandit Motilal Nehru: That does not matter.

The Honourable Sir Alexander Muddiman: It is perfectly clear. If the House gets to 26 to-day, we shall begin with 28 to-morrow and go back to 27 when we have finished 28.

DEMAND NO. 20—STAMPS.

Charging of Expenditure on the Security Printing Press Buildings to Revenue.

Mr. K. Rama Aiyangar (Madura and Ramnad cum Tinnevely: Non-Muhammadan Rural): Sir, I beg to move:

“That the Demand under the head ‘Stamps—including expenditure in England,’ be reduced by Rs. 17 lakhs.”

(Cries of “Withdraw, withdraw.”) You cry “withdraw” because you have not read it; just wait and see. The only question that arises, Sir, is whether the expenditure on the construction of security printing press buildings recorded on page 38 of the detailed list, which is 15 lakhs, and capital expenditure charged to revenue in connection with security printing in India, 13 lakhs, together making 28 lakhs, ought to be charged to revenue this year. That is the only question that I have raised by this motion. Ordinarily I should be asking for a cut of 28 lakhs. (Laughter.) I know the Honourable the Finance Member laughs and his department also. But I am not able to follow them in their laugh, because they probably feel they easily find it possible to put into revenue large amounts which in previous years were not so charged. But yesterday the explanation was given by the Honourable the Finance Member that Capital Debt ought not to be allowed to grow. Though the people of the country are suffering under 40 crores of extra taxation, the Honourable the Finance Member comes before us and preaches that the whole practice should be altered and he tells us that capital will so swell that India cannot bear the interest that it has to pay; and therefore the best thing is to cut down the revenue wherever possible for Capital Expenditure and show no balance, so that there may be no relaxation of taxation for a number of years. At least I feel, Sir, that I can certainly say that Sir Basil Blackett is more or less determined that so long as he is here he will only have more and more money heaped up elsewhere but would not reduce taxation in the country, and I am of opinion that the theory that he enunciates must be reserved for a date when all the extra taxation,

which at the instance of this Assembly has been levied, is reduced to its normal level wherever necessary; and then if my Honourable friend Sir Basil Blackett claims credit for being able to lay by money, I should also join in congratulating him. Till then I, even as one Member of this Assembly, shall not be prepared to join in the ordinary chorus of congratulations we hear for the Finance Member in the course of this debate. I feel strongly that whatever new principles are enunciated by the Honourable the Finance Member must be enunciated only after you are able to reach normal conditions of taxation; meanwhile, while we have the excise duty pressing upon cotton goods manufactured in this country, while there are provincial contributions which have to be wiped off and while we have so many other things for our attention, we should very much like that the old principles at least are carried on. India is not so poor and the bogey of his telling us that the credit of India should be maintained and is being maintained by him, I ask the Assembly to take at its worth. India does not want the support of the Honourable the Finance Member to stand its credit in the market. I think the railway property, which has become hers now, if only valued properly and all the buildings that are available in India, if valued properly, will be 3 or 4 times the actual debts we have incurred. Even the current revenues will enable her to stand anywhere in any market and raise enough loans. Therefore, I am not at all prepared to follow the Finance Member at least so long as he does not show that his inclinations are to reduce taxation before he talks of his pet theories of keeping finances in a very fine condition. I do want to join issue with him wherever possible on this, and I say that a security printing press which is supposed to cost 55 lakhs—that was the estimate given in the Finance Committee—which is going to cost Rs. 55 lakhs being put to revenue in the course of one year or two I cannot imagine at all. 28 lakhs are sought to be taken away like that. That we cannot bear the capital debt borrowed for that purpose of 55 lakhs, and that immediately we should pay from revenue is a statement which cannot be at all supported by this Assembly; and I beg of my friends to consider this sort of easily taking away something like more than 1 crore of money—I have given notice under other heads also in which similar amounts have been disposed of—taking away 1 crore of money or about that amount at a time when we are hard pressed for everything, when we are perpetrating so much of injustice not only to industries but also to the people, to the taxpayer and the consumer, while we are under those conditions, I request the Assembly to look to the interests of the tax-payer rather than simply be guided by the statements made often by the Honourable the Finance Member, that we who put forward our arguments must be treated as almost nothing; and often times he commands the confidence of this Assembly even when it is a question of his trying to lay by many crores of rupees from which he can later on direct the finances of the country as he pleases. Of course, I shall pay my tribute to him. I admire the abilities of the Honourable Sir Basil Blackett and I will refer to it when the time comes for doing it. But I do say that we do not want that he should guide us through all these mazes just now. We shall await when we are free and when we can look at him and he can look at us with greater confidence in each other. When that time comes it will be possible for us to follow him in his new theories when they are formulated and approved. Till then I request the Assembly that it should not allow large amount of monies to be taken away in the manner proposed. The amount of the reduction ought to have been 28 lakhs. It was by mistake that I said 17 lakhs. I find that last year there was an expenditure of about 9 and odd lakhs as the

[Mr. K. Rama Aiyangar.]

ordinary revenue expenditure. I thought I might make an allowance for that. I made a mistake. However, I submit that the Assembly must take a strong view of the circumstances. It is not only this item but other heads also will have to be considered properly, so that hereafter this kind of budgeting may not recur except on definite principles which shall be either placed before the Finance Committee and approved by it or placed before this Assembly and approved by it. In this way we shall stand on surer grounds. Let not lakhs of rupees be taken away at the whim and fancy of the Finance Member, though admirably clever he may be, at a time when we are already bearing a large burden and when the tax-payer is suffering so much. I move the motion, Sir.

Mr. President: Reduction moved:

"That the Demand under the head 'Stamp—including expenditure in England,' be reduced by Rs. 17 lakhs."

The Honourable Sir Basil Blackett: Sir, I do not know quite how I have deserved the tirade which has been directed at my devoted head by the last speaker on this matter. It is really nothing more than a repetition of the debate that we had yesterday on the question of charging to capital certain items which are at present charged to revenue under the head of Salt. I am accused of introducing some new principle. I have not introduced a new principle. It has never been the principle of the Government of India that buildings of this nature should be charged to capital. The effect of borrowing for buildings in general must be, as I explained yesterday, that you will increase largely your debt under a head which cannot strictly be called productive. The principle that I enunciated yesterday is the principle that has been followed by the Government of India with only a few exceptions, of which Delhi is one, that you borrow, if you can avoid it, only for productive purposes. (*A Voice:* "What about war debt?") If you incur a war, you try to meet as much of it as you can by taxation and inevitably the rest has to be met by borrowing. It is just because there is that contingent liability that a Government like the Government of India which has to incur unproductive debt in emergencies finds it extremely dangerous to incur unproductive debt in normal times. It has never been the practice of the Government of India to do so. There is no foundation at all for the Honourable Mover's statement that this is a new practice that is being introduced. I really do not know what more I can say. I do not wish to repeat the statement that I made only yesterday which the House was good enough to support by its vote. I must once again ask the House to consider carefully what it is doing if it begins to play this sort of game with the accounts.

Diwan Bahadur T. Rangachariar: May I ask a question, Sir. Is it the policy of the Government of India that whatever the amount may be which is spent on buildings of this nature it is to be charged to revenue? Is there any limit of amount or it is spread over a number of years.

The Honourable Sir Basil Blackett: That is a hypothetical question I think. In the case of New Delhi the expenditure was so large that undoubtedly an exception was made and it was borrowed for instead of being met out of revenue. But I think that is almost the only exception to the general rule.

Mr. A. Rangaswami Iyengar: Was it not done on the ground that the burden for this scheme should be distributed as between the present and future tax-payers?

The Honourable Sir Basil Blackett: That is only the same statement in another form. If from year to year you have buildings to construct, as you have in this case, and you have to charge them from year to year to revenue, you do get a charge against revenue of much the same amount as if you charge to capital, except that you do not incur debt, and you do not pay interest on that debt, and you do not trench on the funds that are available for capital to be borrowed for the purpose of productive enterprise both for the Central Government and for the provinces. I do not think I can usefully add anything more, and I hope the House will not be misled into voting for this reduction.

Diwan Bahadur T. Rangachariar: What is the practice in England?

The Honourable Sir Basil Blackett: The practice in England is invariably to charge this sort of building to revenue.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I am afraid my Honourable friend the Finance Member has conclusively proved that Mr. Rama Aiyangar is quite right in the demand he has made. The Finance Member says there is no new principle that has been adopted in debiting this amount to revenue. He says the principle of the Government of India has been to borrow for productive purposes. I really wonder, Sir, if Sir Basil Blackett forgets that the decision of the Government of India to have a security printing press here was based on the result of an inquiry held by a committee, and that the whole thing is being undertaken on a commercial basis if that report has not been discarded by the Government of India. And if I am not mistaken in my recollection of that report, which I read last year, it distinctly says that you would, by starting this press in India, be able to have your stamps, etc., at the same rate, if not at cheaper rates, than you could import them from outside. So there is no question of an unproductive investment in this building for a printing press, and when I submit that this is being undertaken on calculations arrived at after a very exhaustive inquiry, I say Mr. Rama Aiyangar is quite justified in saying that this money should not be taken from revenue. I believe, Sir, yesterday my Honourable friend was in great distress in regard to finding funds. I present to him one of the sources from which funds could be found if the Government wish. I hope the Assembly will press for this amendment.

Mr. President: The original question was:

"That a sum not exceeding Rs. 25.53,000 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, 1926, in respect of 'Stamp—including expenditure in England'."

Since which a reduction has been moved:

"That the Demand under the head 'Stamp—including expenditure in England,' be reduced by 17 lakhs."

The question I have to put is that reduction be made.

The Assembly divided:

AYES—57.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Belvi, Mr. D. V.
 Bhat, Mr. K. Sadasiva.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Cocke, Mr. H. G.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Fleming, Mr. E. G.
 Ghazanfar Ali Khan, Raja.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Hussanally, Khan Bahadur W. M.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Joshi, Mr. N. M.
 Kasturbhai Lalbhai, Mr.
 Kazim Ali, Shaikh-e-Chatgam
 Maulvi Muhammad.
 Kelkar, Mr. N. C.
 Lohokare, Dr. K. G.
 Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jannadas M.
 Misra, Pandit Shambhu Dayal.

Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Mutalik, Sardar V. N.
 Nambiyar, Mr. K. K.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shaunlal.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Purshotamdas Thakurdas, Sir.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Samiullah Khan, Mr. M.
 Sarda, Rai Sahib M. Harbilas.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Sinha, Kumar Ganganand.
 Syamacharan, Mr.
 Tok Kyi, Maung.
 Venkatapatiraju, Mr. B.
 Yakub, Maulvi Muhammad.
 Yusuf Imam, Mr. M.

NOES—50.

Abdul Mumin, Khan Bahadur
 Muhammad.
 Abdul Qaiyum, Nawab Sir
 Sahibzada.
 Abul Kasem, Maulvi.
 Ahmad Ali Khan, Mr.
 Ahmed, Mr. K.
 Aiyer, Sir P. S. Sivaswamy.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Alimuzzaman Chowdhry, Mr.
 Ashworth, Mr. E. H.
 Badi-uz-Zaman, Maulvi.
 Bhere, Mr. J. W.
 Blackett, The Honourable Sir
 Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Clarke, Sir Geoffrey.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Dalal, Sardar B. A.
 Fraser, Sir Gordon.
 Ghulam Bari, Khan Bahadur.
 Graham, Mr. L.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Hudson, Mr. W. F.
 Hyder, Dr. L. K.
 Innes, The Honourable Sir
 Charles.

Lindsay, Mr. Darcy.
 Lloyd, Mr. A. H.
 Mahmood Schamnad Sahib
 Bahadur, Mr.
 Makan, Mr. M. E.
 Marr, Mr. A.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir
 Bhupendra Nath.
 Moir, Mr. T. E.
 Muddiman, The Honourable
 Sir Alexander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Naidu, Mr. M. C.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Rau, Mr. P. R.
 Reddi, Mr. K. Venkataramana.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V.
 Visvanatha.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.

The motion was adopted.

DESIRABILITY OF DEVANAGARI SCRIPT ON STAMP PAPERS.

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Santhal Parganas: Non-Muhammadian Rural): Sir, I move this reduction in order to raise the point I have indicated in the motion, which runs as follows:—

“That the Demand under the head ‘Stamps.—including expenditure in England,’ be reduced by Rs. 100 (Desirability of Devanagari Script on the stamp papers).”

Sir, on the 28th January I asked the following question on the subject:

“Are not the Government aware of the fact that Devanagari is more extensively used and read in North India than any other script? Will the Government be pleased to state why does it not find a place in the Stamp papers published and sold by and for the Government.”

The Honourable Sir Basil Blackett replied:

“I should hesitate to answer the first part of the question in the affirmative.

I am aware that the Devanagari script has many supporters. My researches have not enabled me to answer the second part of the question.”

The answer, Sir, as it must have been clear to the House, is evasive and the Honourable the Finance Member did not give me any indication on that day that he was willing even to consider the question. I again ask, supposing we establish that it is the script of the language that is fit to be the *lingua franca* of India, that it is the script which has got the widest currency all over India, would he give the matter his best possible consideration? As the House is aware, Devanagari is very widely read in Bihar, Bengal, the United Provinces, Bombay, the Central Provinces and the Punjab. (*Voices*: “Not in the Punjab; Urdu is the language in the Punjab and not Hindi.”) Yes, Urdu is the spoken language in the Punjab. Even if people actually do not use it as the official language, the majority of the population can read and perhaps also write Devanagari in the Punjab. Further, Sir, it has been recognised as the court script in most of the provinces I have just mentioned, and I hope that in time to come, Devanagari will be recognised as the court script of Madras (*A Voice*: “Punjab!”), and also of Punjab, I may tell the House that Hindi is gaining ground very much in Madras also and side by side with its Devanagari too and we shall not be surprised that when the Swaraj Government is established, if Hindi will be recognised as the official language and Devanagari the official script all over India. The Devanagari script, Sir, I venture to suggest, is the most scientific script in the world; any sound can be reproduced by means of it, and even if it is adopted as the international script of the world, there can be no difficulty to anybody. In this connection I may mention, Sir, a movement, called the *Ekalipivistara* movement, which was started a few years ago for the encouragement and development of the Devanagari script under the patronage and guidance of the late Mr. Justice Sarada Charan Mitra, but that movement has somehow or other been languishing in recent years. Nevertheless I am gratified to find that leaders of public opinion all over India, foremost among whom are Mahatma Gandhi and Pandit Madan Mohan Malaviya, are doing their level best to encourage the spread of Hindi and Devanagari. The House will remember that a few years ago when the Government neglected to give a place to the Devanagari script in its currency notes there was a widespread discontent and agitation.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadian): May I know, Sir, if the Honourable Member is aware that in the Bihar and Orissa Council a Resolution was moved some

[Khan Bahadur Sarfaraz Hussain Khan.]

time ago to introduce Urdu as an optional court language in the province, that it was defeated, and that the result has caused great dissatisfaction among Muhammadans there?

Kumar Ganganand Sinha: Yes. But the Honourable Member may move an amendment to my motion.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Is there so much room on a stamp as to incorporate all the languages of India?

Nawab Sir Sahibzada Abdul Qaiyum (North West Frontier Province: Nominated Non-official): Why not adopt the Pushtu script, Sir, in preference to Hindi?

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): I think the Government should adopt the Sindhi script, because five millions of people speak Sindhi, and therefore I think the Sindhi script should also be printed.

Kumar Ganganand Sinha: But, I was speaking about Devanagari, Sir. With regard to currency notes, we are gratified to find that in recent issues Devanagari script has been incorporated. I should be content if, in view of the divergence of opinion that has just been expressed, the Government would go into the whole case and consider the question sympathetically in the interests of a large number of people of this country.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I am very sorry that this controversial point
3 P.M. has been introduced in this House. It would have been better if the Honourable Member had not introduced this controversial point in this House, the language controversy and the controversy about the Hindi and Urdu script has been raging in this country for a very long time and it has been considered, and really is, one of the chief causes which is widening the gulf of disunion between the two communities. I think, Sir, a man who in these days tries to widen this gulf is the greatest enemy of his country, he is one who wants to keep away Swaraj from us. If the only blessing of Swaraj, in the opinion of my Honourable friend, is the introduction of Hindi, I am afraid he will never get Swaraj. I do not want to make a big speech, but I hope the Government will ignore such proposals that, in the garb of petty things, such as stamp scripts, are brought forward in this House. The introduction of the Urdu-Hindi question in season and out of season is sure to result in creating ill-feeling in the country. I hope, Sir, that the Government will not look into these things and will not make any change in the stamp script or anything of the sort. I strongly oppose the motion.

Mr. Narain Dass (Agra Division: Non-Muhammadan Rural): Sir, I think this is not a question of the superiority of one provincial language over another. This is really a question of script, a script just to specify the value of certain stamps and I think the suggestion to write it in the Hindi language also will go a great way to save the small debtor who goes to buy a stamp of 8 annas or a stamp of 12 annas. Some time ago specimens of stamps were sent to the Honourable Members. I saw upon them the script in Tamil and Telugu and other languages. The idea struck

many persons outside the Assembly that the language mostly known in several provinces might also find place there, not to establish its superiority over any other language, not to expel any other language which may have found place there, not at any rate to drive out Urdu at all, but just, retaining Urdu, to give place to Hindi also. And I think it is only in the interests of administration if Hindi also were adopted. Sir, I think every Member ought to support the motion before the House.

Mr. A. H. Lloyd (Member: Central Board of Revenue): Sir, I do not want to detain the House at length but I must point out that the intention of this motion is to pass a censure on the Government for not having introduced the Devanagari script into the stamps in the past, whereas the Mover in his speech has confined himself to asking for an assurance as to the future. I trust, therefore, that, after the answer I shall give, he will see his way to withdraw his motion; because I do not think there is any occasion for censuring the Government for their action hitherto. The Mover began by referring to a question which he asked the Honourable the Finance Member early in the present session of the Assembly and he complained that the Honourable the Finance Member gave him no assurance. May I ask the Mover to read those questions again and say whether it is possible to give an assurance in answer to questions which are questions of facts and not of the intentions of Government? He asked, firstly, whether the Devanagari script was or was not used by a large number of people in the northern parts of India. Is it possible in answering that to give expression to the intentions of Government? He then asked why the script did not appear in the present designs. Is it possible, or at any rate necessary, in answering that question to say anything about future designs? If the Honourable Member had asked the Honourable the Finance Member about any future designs, I have no doubt he would have received an answer which would have expressed as far as possible the intentions of Government in this matter. But I think he is unreasonable in calling the answer which he did receive "evasive". I will not follow the Honourable Member along the lines of considering whether this script should be adopted on stamped papers because it is the hypothetical official language of a future Swaraj Government, nor because it is an even more hypothetical international script.

I would merely say that the Government of India have no objection to the incorporation of any script in their stamp papers, provided that there is room for it, and that it is not inconvenient. Obviously, in the case of the small postage stamps, there might be difficulties. Obviously also, the English language, which is the official language of India, must appear on every stamp paper. I have no doubt the Honourable Member agrees to that. As regards Urdu, the Honourable the Finance Member was not able to answer with certainty the question of the Honourable Mover as to why it appears on certain stamp papers, because that would mean lengthy researches into the remote past. But I think a very plausible theory, which I am sure will be accepted by the House, is that the Urdu script is practically the same as the Persian script, which was inherited by the Honourable East India Company as an official language. We have taken up this question and we are quite prepared, if a good case for introducing the Devanagari script is established, to introduce it where it is possible to do so. But I must point out that before we can give any definite assurance on this point, we shall have to consult the Local Governments. After all, the printing of stamps other than postage stamps is going to be carried on by us almost entirely on behalf of the Local Governments.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): May I remind the Honourable Member that at the beginning he promised not to take up much of the time of the House?

Mr. A. H. Lloyd: I thank the Honourable Member.

Mr. President: The question is:

"That the Demand under the head 'Stamps—including expenditure in England,' be reduced by Rs. 100."

The motion was negatived.

Mr. President: The question is:

"That a reduced sum not exceeding Rs. 8,53,000 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, 1926, in respect of 'Stamps—including expenditure in England.'"

The motion was adopted.

DEMAND NO. 21—FOREST.

Mr. President: The question is:

"That a sum not exceeding Rs. 6,83,000 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, 1926, in respect of 'Forest.'"

INDIANISATION OF THE FOREST SERVICE.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, a few moments ago this House entered its emphatic protest, its emphatic verdict, against the shuffling of the capital and revenue accounts. My motion* stands for drawing attention to the shuffling out of Indians from the services, especially the Forest Service. I am not going to allude to the other services though our grievances apply equally to the other services. Sir, our grievances are very old. It is a very old old story. During the Islington Commission inquiry we find that the recruits for the Imperial Forest Service were 213 in number, whereas in the Lee Commission Report we find that this number has increased to 399. While we are anxious for the Indianisation of the services, our Government are seeing their way to increase the cadre of these services so that the unseen hand of the Secretary of State from London recruits a much larger number now than was recruited before. Sir, our grievances are not only against the large number of Imperial Forest officers that are recruited abroad but apply as well to the Indianisation of all the services recruited abroad and to the recruitment of these officers in India. But before I talk of the reduction of the number of these officers in different services, I must mention here that I have nothing to say against those officials who are already in the services. In spite of our adverse verdict in this House against the recommendations of the Lee Commission, we want those who are already in existing services, whether in the Forest, the Civil Service or other Imperial Services, to be happy and contented. We want to be fair to them, but we want also that the Government of India and the Secretary of State should be fair to us. They are increasing the number of Imperial officers and getting a large number from England.

* "That the Demand under the head 'Forest' be reduced by Rs. 100."

In this connection I may say that His Excellency the Viceroy is visiting England. The *Manchester Guardian*, commenting on it, said that the Viceroy's discussion with the Secretary of State will be solely on economic questions and that Indian politicians are too much accustomed to discuss politics. We discuss politics because we have no control over our finances and economic questions and so we talk politics in this House. But if His Excellency the Viceroy is going to discuss economic questions with the Secretary of State—and we find that our Finance Member is also going to have a holiday at the same time—let both of them thrash out this economic question, this top-heavy burden on India owing to the large number of Imperial service officers. Let them discuss whether the number of the services cannot be reduced and whether a smaller number of Imperial service officers cannot be recruited in future and a larger number of them be provincialised. I may incidentally remark here that His Excellency the Viceroy and also the Honourable the Finance Member should give up their shyness and talk boldly with the War Office on India's military burdens and heavy expenditure of the Army Department. The army expenditure is very very heavy and the army is maintained on a war basis. Let them say that considering India's finances the number of troops in the army should be reduced and Indianised to meet India's

Mr. President: The Honourable Member is now discussing the Army; he ought to be discussing trees!

Mr. B. Das: Then, Sir, I shall confine my remarks to this subject. (*Cries of "Withdraw."*) I will not withdraw. I hope the Secretary of the Education Department will take up my suggestion and see that the number of Imperial officers in the Forest Department is reduced.

Coming to the Provincial Services, during the war, the Provincial Forest Service rendered very good service. They took the place of the Imperial Forest Service men and did good work. After the war they were reverted to their original position and have not been given any position of responsibility. Well, there is a College at Dehra Dun. For years it confined itself to the training of lower grades of service in the Forest Department. They have now taken to training the provincial service officers and I wonder when they are going to take up the training of the Imperial Service men. May I say that the Islington Commission recommended that all the Indian forest officials should be recruited in India and that there was no need of their recruitment abroad. In the Civil List for India I find Indians in the forest service confined only to the lower rank of Assistant Conservators. I do not find one Indian Conservator of Forests. I find very few Deputy Conservators. It is impossible to expect an Inspector General of Forests for another 20 years. The Honourable Sir Charles Innes told us that Indian engineers and Indian members are not available for the Railway Board because it is a highly technical department. Now, what is the education and training for forestry? It is a little bit of knowledge of fauna and flora of India and of botany. India has produced good scientists and botanists. I look into the list of professors in the Dehra Dun College. I find only one or two Indians in that college and some of them are occupying very minor positions.

The Indian Forest Service is not attractive to recruits in England. Those who are disappointed in the Civil Services and the better services take up forestry. If the Indian student can go in for higher studies in England, for an equal amount of money expenditure, why should he take

[Mr. B. Das.]

up forestry and not some other subject which will bring higher emoluments to him? My friend Mr. Bhore himself went in for the I. C. S. He knows that the Indian educated abroad prefers the Civil Service, the bar or some other services of higher emoluments. Well these are my remarks.

I hope during the reply my friend Mr. Bhore will tell me what has been their policy as regards the Indianisation of the Forest Service and that he will also tell me whether he wants to see the forest institution at Dehra Dun truly Indian in spirit. We want Indian professors, Indian research students, so that after retirement their services may be available to India as in the case of Dr. P. C. Roy and Sir J. C. Bose. The Government of India do not look into these things. I hope my friend Mr. Bhore will give me a definite reply to these points. With these remarks, Sir, I move my motion :

“ That the Demand under the head ‘ Forest ’ be reduced by Rs. 100.”

Mr. J. W. Bhore (Secretary, Department of Education, Health and Lands): Before I give my Honourable friend the figures and the assurance which I hope will quite satisfy him I should like to clear the ground in regard to one small preliminary point. In moving his motion I take it that my Honourable friend refers to the present policy in regard to recruitment for the Indian Forest Service. That being so I propose to confine myself to the post-reforms figures of personnel. Since 1922 we have, including last year's recruits, who will come out next year, recruited a total of 90 new men. Of these 45 are Europeans and 45 are Indians. Of this number, Burma has absorbed 30 Europeans so that the rest of India has taken 15 Europeans and 43 Indians during this period. As the House is aware the Lee Commission recommended that 75 per cent. of the future recruits for the Indian Forest Service should be Indian. Directly that report was published we approached the Secretary of State and asked him to allow us to anticipate that percentage last year, and of the four recruits of last year three were Indians and one was a European. Now, Sir, I need hardly give this House the assurance that the rate of Indianisation recommended by the Lee Commission will continue to be maintained. I should however I think make mention of the case of Bombay and Burma. These two provinces will under the new dispensation be masters in their own house and they will regulate their own recruitment. Now, Sir, my Honourable friend has referred to the case of Dehra Dun. In regard to a research institute I think the House will agree with me that what we want in such an institute is to get the very best men available irrespective of caste, or race or creed. But I entirely agree that as far as possible we should provide training for Indians in this matter of research and this we are doing at the present moment. But, Sir, there is an explanation for the fact that a large proportion of the staff of the Research Institute at Dehra Dun is European. As the House no doubt knows, until comparatively recent times the personnel of the Indian Forest Service was almost entirely European; so that when it came to staffing the institute with the most experienced officers who had made their mark in forestry, sylviculture and allied subjects, we found that our choice had to be confined to a field in which there were practically no Indians. But, Sir, in view of the fact that in recent years we have been recruiting large numbers of Indians, I have not the slightest doubt that at no distant date we shall be able to get all the Indians we want, with the qualifications, the

experience and the training necessary for employment in this institute. But, Sir, even at the present time Indians are by no means unrepresented on the staff of the Forest Institute. Let me give to the House a few figures. Take the research and the teaching section. Of the superior staff 10 are Europeans and 5 are Indians; of the special expert staff 5 are Europeans and 1 is an Indian. Now, Sir, I should like to say just one word in regard to the special expert staff. The members of this staff are men who are at the very top of their profession. They have been recruited on definite short-term contracts. In order that the House might realize the great difficulty we experienced in getting this special type of experts and the very great care exercised in their selection, I should like to refer to a case which came under my personal knowledge when I was in the office of the High Commissioner in London. We had to scour Great Britain, Canada and America in order to get the particular type of expert in wood seasoning that we wanted, and we eventually found him in America. I refer to this merely to show that we cannot get these experts without much difficulty. We cannot pick them up every day and anywhere. Now, Sir, these experts have attached to them young Indian assistants of the highest qualifications, our idea being that when these experts leave us, we shall have competent Indians trained to take their place. That, Sir, is the definite policy of Government so far as these expert appointments are concerned and I hope that it is a policy which will commend itself to this House.

Sir, I think I have said sufficient to satisfy this House and the Honourable Member that we are adopting a forward policy in regard to Indianization and I hope, Sir, that my Honourable friend will withdraw his motion.

Diwan Bahadur T. Rangachariar: As I have a motion on the head Forest Research Institute and as my Honourable friend Mr. Bhore has referred to it, in order not to repeat the motion again, I wish to say what I have to say on that point. I am more interested about one or two points that struck me on recently visiting the Institute. The first point that struck me was to inquire in regard to the great scientific and practical knowledge that is being acquired there what steps are being taken by Government to spread that knowledge among the people, so that the people interested in industries may take advantage of the research and start either minor or major industries. That is one point that struck me. The second point which struck me was the inadequate opportunities, which Indians had there. After all, this knowledge is essential for the country and it is far better that that knowledge is acquired by Indians who live in the country and who will be in a better position to spread that knowledge among their own countrymen and use it to the economic advantage of the country. I saw only three Indians there as understudies in the Forest Department of research work. I understand there are 4 already, but I saw only three there. They are only about two years old. The institution has been in existence for nearly 20 years, if not more. I wondered why no advantage was taken of putting in more Indians for this research work. The explanation given by my Honourable friend that the Forest Service was composed entirely of Europeans or almost entirely of Europeans I do not think is an answer to the point. For instance, I remember when I was in the Finance Committee there was a proposal to send for two carpenters from England. I wondered why, and I believe they were actually sent for on short-term contracts. Surely, it cannot be

[Diwan Bahadur T. Rangachariar.]

said that we cannot command Indian carpenters for the purpose of the Institute. Anyway I hope such experiments will not be made and I do trust more opportunities will be given to Indians to take part in this research work. We want more young Indians, young graduates, who can apply their knowledge and follow the example of the people who are in charge of the institute and be benefited. I was greatly struck, Sir, with the great advance which has been made by the research conducted in that institute. Many a wood and timber which we cast off as useless have now been found very valuable by certain chemical or seasoning process for various purposes; so that that knowledge is a great asset in developing the forest wealth of this country and putting minor forest produce to use. I am sorry I am not a specialist myself. But I was struck with the store of knowledge which is being acquired in that great Institute. I do wish that more emphasis is laid upon associating young Indians in the research work. It would be good if Indian graduates are employed from the Indian Forest service or the provincial service, it does not matter to me which, because I do not think we should confine the selection only to the Indian Forest Service; I think we should extend the advantages also to individuals belonging to the Provincial Forest Service. These are the observations which struck me on visiting the Institute, and I hope Government will lay due emphasis on these points.

Mr. President: The question is:

“That the Demand under the head ‘Forest’ be reduced by Rs. 100.”

The motion was negatived.

GREATER EXPENDITURE ON FORESTS THAN THE REVENUE REALISED FROM THEM.

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, I move:

“That the Demand under the head ‘Forest’ be reduced by Rs. 100.”

My object in moving this reduction is to get an explanation from Government as to why they are spending every year more money on forests than they get from them. I think, Sir, the Government of India are conducting this department in order to get revenue for the treasury, but I find that year after year they are spending more money and getting less. I do not know whether there was any year when Government got more money from the forests than they spent on them. But I have got figures here given in the book for Demands from which I find that in the year 1923-24 they got 21 lakhs, while they spent 36 lakhs; in the revised Budget for 1924-25 they got 13 lakhs while they spent 29 lakhs. In the present Budget they estimate that they will get 26 lakhs and they propose to spend 34 lakhs. I do not know whether the Government of India consider Forests as a revenue department or whether they consider it as a spending department like the Education Department. If they consider Forests as a revenue department, I think it is high time that they should begin to get more from Forests than what they spend on them. If they consider the forests as a means for the convenience of the *Shikaries* let them say so. If they are for rainfall let Government say that the forests are developed only for rainfall. But if they propose to maintain the forests as a means of convenience to the public or as a good sight for their eyes

and a means for their comfort, I will suggest to them that they should extend their activities not to those parts where there are large forests but they should plant trees in the arid forests where trees are wanted. They should plant some trees in the track through which the Bombay, Baroda and Central India Railway takes me to Bombay; or even if they like they should plant some trees on the arid plains of Raisina. With these words I move my motion.

Mr. President: Reduction moved:

"That the Demand under the head 'Forest' be reduced by Rs. 100."

Mr. Narain Dass: Sir, apart from the financial loss to which attention has been drawn by Mr. Joshi, I may be permitted to say a few words as regards the forest policy as it affects the life of the people. Not only do the Government incur wasteful expenditure of heavy sums from year to year, but the forest activity goes a great deal to exploit the tenantry of the country, especially those tenants who live in the hills. Sir, I have heard of the scientific value of the proposition which has been enunciated by the experts, namely, that forests develop the rain capacity of the country, and many other beneficial results are also pointed out by them. We may or may not believe in those illusory benefits. But what is practically seen is the great distress to which the people living in the hills and the great jungles are reduced. There was a time when people used to take their cattle to the far distant hills for the purpose of grazing them and that was the only way by which they could make their living. Now-a-days we find that every bit of forest is reserved. Whatever may be the scientific value of this hill preservation, the poor people cannot eke out even their bare living on the small area left to them. The village life on the hills has been so stunted that I cannot depict the difficulties of the people to which this forest policy of Government has reduced them. The number of cattle is dwindling down from day to day. The area set apart for grazing is reduced. Although in some places a small plot of land is set apart for this purpose, it is not of a very good quality for grazing their cattle. All the better lands and the higher lands that are available are being taken possession of by the Government. The present policy of the Government, if it had proved a financial success, would not have left many people on the hill side. This experiment has so far at least not proved beneficial to the interests of the country. Instead of that, the people are really being reduced to a great distress. I will suggest that whatever may be the experiment, at least the rights of the tenants, so far as they ensure a bare existence, should be kept steadily in view. With these words, Sir, I support Mr. Joshi's motion.

Mr. J. W. Bhore: Sir, my Honourable friend Mr. Joshi has, I am afraid, travelled somewhat beyond the Demand which we are at present discussing, and I must therefore, Sir, beg for your indulgence if, in answering him, I refer very briefly to one or two matters which do not directly flow from this Demand. My Honourable friend Mr. Joshi has criticised the administration of Forests by the Government of India on the following grounds. He says that our estimated expenditure next year is Rs. 34,18,000, and our estimated income Rs. 26,48,000. From that, Sir, he draws the conclusion that the management of the central forests by the Government of India has been uneconomical, and I think he considers that this adverse balance ought to be considered by us as a notice to put up our shutters and hand over the business to some one who could make it pay. I would like my Honourable friend Mr. Joshi to examine with me a little

[Mr. J. W. Bhore.]

more closely the heads of receipts and expenditure which go to make up the total to which he refers. There are three such heads. There is, first, the administration of forests proper in connection with those forest areas which are directly under the Government of India. Under this, Sir, the income for the coming year is estimated at Rs. 25,22,000 and the expenditure at Rs. 21,23,000, thus leaving a profit of about four lakhs of rupees. The second head, Sir, is Headquarters Administration and the Forest Research Institute at Dehra Dun, the latter accounting for about 90 per cent. of the Demand under this head. Under this head the expenditure is calculated at Rs. 10,25,000 and the income at Rs. 1,16,000. Thirdly, Sir, there is the head of expenditure connected with the training of recruits. Only expenditure is shown under this head, and the expenditure under this head is about 1½ lakhs of rupees. Now, Sir, we can get this third head out of the way at once. This expenditure is incurred in the first instance by the Government of India on behalf of Local Governments, and the whole of it will be recoverable subsequently from the provinces. That, Sir, leaves for consideration the other two heads. In regard to forest administration in respect of forest areas directly under us, I do not think I have anything to explain. I have shown that we expect a balance on the right side of four lakhs of rupees, and I have no doubt myself that that balance will grow steadily year by year. We have had a lot of capital expenditure in the past in connection with the development of the Andamans and it is now beginning to bear fruit. The property that we have in the forests of the Andamans is a magnificent asset and at the proper time I hope I may have occasion to draw the attention of this House to its vast potentialities. If I did so now, however, I am sure I should be called to order. That leaves me, Sir, only the Research Institute at Dehra Dun, and here, as I have already pointed out, the expenditure is far in excess of the income. Now, Sir, if I understand my Honourable friend's point in regard to this, it is either that this Institute should be self-supporting, or that the income from the central forests should cover the expenditure of this institute and leave a large balance on the right side

Mr. N. M. Joshi: Let me interrupt the Honourable Member and say that was not my intention. My intention is that the Forest Department as a whole should show a profit, not that one item should show a profit.

Mr. J. W. Bhore: I have just shown to the Honourable Member that the forests under the administration of the Central Government, excluding the Forest Research Institute, does show a profit of four lakhs of rupees.

Mr. N. M. Joshi: Why is the Institute necessary if not for the forests?

Mr. J. W. Bhore: I am coming to that in a moment. Now, Sir, in regard to the Forest Research Institute, I must bring to the notice of the Honourable Member that there is no research institute, so far as I know, which pays for itself in the world, and that for the simple reason that it is impossible to assess the money value of the work done by such an institution.

Mr. N. M. Joshi: I never suggested that.

Mr. J. W. Bhore: Will the Honourable Member please let me go on? Now, Sir, as the Honourable Member knows Research is a central subject

and this Central Research Institute exists not for the sake of the Central Government alone or of the central forests but for the sake of India as a whole. The results that we obtain from our Research Institute, Sir, are published and they are open to all Provincial Governments and to the public at large. We do not patent them. We do not charge for them. We do not keep them secret and utilise them for our own purposes. Sir, if it were possible to compute the money value of a single one of the more important results that we have obtained in Dehra Dun, I am perfectly certain that it would pay for the running of this Institute over and over again. Let me give, Sir, one single instance. As a result of protracted experiments we were able to perfect a method of treating the less valuable soft woods by which they were rendered useful sleeper material. Now what is the result of that? Firstly, railways can get their sleepers much cheaper. Secondly, valuable hard woods which had been used in the past for sleepers can now be diverted to more important purposes. And thirdly, practically valueless soft woods are now being put to the most remunerative use. I could multiply these instances, but I think I have said sufficient to convince the House and I hope the Honourable Member too that the Research Institute at Dehra Dun must not be looked upon as unproductive simply because we cannot show a direct money return on the other side of the balance sheet. The return is indirect; it is shared by the whole of India and I am quite certain that a conservative estimate of its value would show that this Research Institute has paid for itself over and over again. I trust, Sir, I have said enough to convince the Honourable Member and that he will withdraw his motion.

Mr. N. M. Joshi: Sir, I withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

Mr. President: The question is:

“That a sum not exceeding Rs. 6,83,000 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, 1926, in respect of ‘Forest’.”

The motion was adopted.

DEMAND NO. 22.—IRRIGATION, NAVIGATION, EMBANKMENTS AND DRAINAGE WORKS—INCLUDING EXPENDITURE IN ENGLAND.

Mr. President: The question is:

“That a sum not exceeding Rs. 13,67,000 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, 1926, in respect of ‘Irrigation, Navigation, Embankment and Drainage Works—including expenditure in England’.”

The motion was adopted.

DEMAND NO. 23.—INDIAN POSTAL AND TELEGRAPH DEPARTMENT.

Mr. President: The question is:

“That a sum not exceeding Rs. 8,70,84,000 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, 1926, in respect of the ‘Indian Postal and Telegraph Department’.”

AMALGAMATION OF POST AND TELEGRAPH TRAFFIC.

Diwan Bahadur M. Ramachandra Rao: Sir, before I move motion* No. 60, I should like to know from the Honourable Member in charge of this Department whether as a matter of fact a committee has been appointed to go into this question. If the Honourable Member gives me an assurance that the report of that committee will be published and placed before this Assembly, I do not propose to move the motion standing in my name (No. 60) about the amalgamation of Post and Telegraph Traffic. I should like to have a statement, Sir, from the Honourable Member.

The Honourable Sir Bhupendra Nath Mitra (Industries Member): Sir, it has been mentioned on several occasions in this House that a departmental committee was appointed by Government to investigate possible methods of economy in the Post and Telegraph Department and more particularly to report whether economy can be effected without loss of efficiency by internal rearrangement of the methods of working and redistribution of duties. That committee has just finished its report and the report is in the printer's hands. Government have decided to publish the report.

Diwan Bahadur M. Ramachandra Rao: May I know, Sir, whether that will be available to Members of the Assembly?

The Honourable Sir Bhupendra Nath Mitra: If it is published it naturally becomes available to Members of the Assembly.

Diwan Bahadur M. Ramachandra Rao: Will it be placed before this House for discussion?

The Honourable Sir Bhupendra Nath Mitra: I cannot give any undertaking on that point, Sir, because it would be premature for me to give any undertaking on that subject. As I have said the report is ready; the next stage is to publish it.

Diwan Bahadur M. Ramachandra Rao: May I know when that will be?

The Honourable Sir Bhupendra Nath Mitra: In a few days; it is now in the printer's hands.

Diwan Bahadur M. Ramachandra Rao: I do not propose to move 60. As regards 61 I do not propose to move it as there is a motion further down regarding the commercialisation of the accounts.

Mr. President: It seems to me that Nos. 58, 61 and 79 really all go together, they all relate to commercialisation of accounts.

GRIEVANCES OF TELEGRAPH PEONS.

Mr. N. M. Joshi: Sir, I move:

"That the Demand under the head 'Indian Postal and Telegraph Department' be reduced by Rs. 100."

My object in moving this reduction is to draw the attention of the Director General of Posts and Telegraphs and the Honourable Member in charge of the Department to the grievances of telegraph peons. Sir, in the Postal Department the postmen are considered to be men of superior service and they get the privileges of that service. But in the case of the Telegraph Department the telegraph peons, who possess the same education

* "That the Demand under the head 'Indian Postal and Telegraph Department' be reduced by Rs. 100."

as the postmen, are not considered to be men of superior service. They are treated as men of inferior service; they do not get the same amount of leave; they do not get the same amount of pension as the men of the superior service. I do not understand why the Department makes this distinction between postmen and telegraph peons. I suggest to them therefore that they should take early steps to treat the telegraph peons as men of the superior service.

Then there is another grievance which these people have. In the year 1920 there was a strike of the telegraph peons in Bombay and I am told they were promised that they would get some increase in their salaries on a time scale. But afterwards a committee was appointed and on that committee the telegraph peons were not represented at all with the result that the Committee rejected this proposal of giving them increases on a time scale. I therefore suggest to the Honourable Member in charge of the Department that this question should be considered and some increases on a time scale should be given to the telegraph peons. The House knows, Sir, that the Honourable Member has agreed to receive a deputation from the postal employees. I suggest to him that he should also agree to receive a deputation from the telegraph peons and better their lot at least to some extent.

Mr. President: Reduction moved:

"That the Demand under the head 'Indian Postal and Telegraph Department' be reduced by Rs. 100."

Sir Geoffrey Clarke (Director General of Posts and Telegraphs): Sir, in 1920 after the strike to which Mr. Joshi refers the question of the pay of telegraph peons was considered by the Post Office Committee which dealt mostly with the post office staff but also with the pay of telegraph peons; and I am surprised to hear Mr. Joshi say that the pay was not raised, because the subsistence pay of the peons was very considerably raised. As a matter of fact in that inquiry the committee found that the pay of telegraph peons all over the country was slightly better than the pay of men doing a similar class of work in other callings. They found that the pay in Bombay City averaged about Rs. 41 a month for a peon and outside Bombay City in the Presidency there was no office in which a peon got less than Rs. 20 a month. Now, the pay of the telegraph peon in India is composed of what we call subsistence pay combined with task work pay. He gets a definite subsistence allowance every month and he also gets a task work allowance varying from four pies to six or seven pies in different places or even eight pies for every message that he delivers, and it is the combination of these two classes of pay that gives him his monthly salary, and all over the country now, as far as I have inquired, the pay of peons is satisfactory. They have the grievance to which Mr. Joshi has referred, that they are considered as inferior servants. That is a very big question which it is rather difficult for the Department of Post and Telegraphs to consider, because the only menials if I may call them such (*Mr. Devaki Prasad Sinha*: "They are not menials"), the only subordinate workers in the post office who are superior servants are the postmen, and the postmen were raised to the class of superior servants for very special reasons. Mr. Joshi tries to make out that telegraph peons and postal peons are a similar class of people and that they have a similar education. That is absolutely wrong. The postal peon throughout the country is a man of very much superior education. We demand from

[Sir Geoffrey Clarke.]

him superior knowledge to that of the telegraph peon. Up to date, as far as I am aware, we have had no general memorial from telegraph peons, and if we do receive a memorial at any time, we are quite willing to consider their case and do what we can for them. In these circumstances, Sir, I think Mr. Joshi might withdraw his motion.

Mr. N. M. Joshi: Sir, I beg to withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

Sir Hari Singh Gour (Central Provinces, Hindi Divisions: Non-Muhammadan): I have also an amendment, Sir, and if you will allow me, I wish to take it up.

Mr. President (to Sir Purshotamdas Thakurdas): I am not quite sure what rates the Honourable Member refers to as the postal rates. Postal rates come under the Finance Bill and not under the Demands for grants.

Sir Hari Singh Gour: Sir, I wish to draw the attention of Honourable Members opposite not merely to the postal rate but to the general increase in the working expenses of Post Offices by 3 lakhs and also in the ensuing year a further increase of 37 lakhs is estimated with a deficit.

Mr. President: I called Sir Purshotamdas Thakurdas. I was asking him what rates he refers to.

BURDENSOME RATES CHARGED BY THE POSTAL AND TELEGRAPH DEPARTMENT.

Sir Purshotamdas Thakurdas: Sir, I wish to refer to the facilities that have been withdrawn by the Post Office, apart from the question of rates. It is quite possible that I have not worded my amendment happily, but if I move any amendment in connection with the existing rates, I would do so in the Finance Bill. May I go on, Sir?

Mr. President: Yes, certainly.

Sir Purshotamdas Thakurdas: Sir, I beg to move:

“That the Demand under the head ‘Indian Postal and Telegraph Department’ be reduced by Rs. 100.”

The main difference Sir, between the Post and Telegraph Budget as presented this year and the Budgets that used to be presented till this year is that this year it is claimed that the accounts are maintained on a thoroughly commercial basis. My main complaint is that in preparing the accounts of the Post and Telegraph Department on a commercial basis, the Department has overdone commercialisation of their policy. I wish, Sir, to put before the House one or two instances to show how under the excuse of putting the whole account system on a commercial basis, the Postal Department have increased their charges indirectly on the public. I will begin, Sir, by citing a few figures. For 1923-24, of which accounts are out, the Postal Department show a surplus of 35 lakhs, and the Telegraph Department show a surplus of 8 lakhs. For 1924-25, we are told by the Honourable the Finance Member in paragraph 6 of his speech, that the net receipts of the Postal Department would be 63 lakhs in the current year, I mean for the budget year 1925-26, and we are also told that there would be a deficit of Rs. 60,000 for the Post and Telegraph Departments

taken together. The result, as far as actual cash receipts are concerned both in respect of the post and telegraph service, however, marks, if anything, a little improvement. But several sums have been taken away in the following various methods. 33 lakhs have been written off for depreciation; 50 lakhs have been debited—I do not say incorrectly, I am only stating facts—50 lakhs have been debited for pensions to staffs of the two Departments, and 66 lakhs have been debited for interest; making in all, Sir, a total of about 1 crore and 49 lakhs which the Finance Department either take credit for or which they insist on the Post and Telegraph Department setting on one side to get the accounts on a commercial basis.

Incidentally, Sir, it would be very interesting to know, in view of the statement made by the Honourable the Finance Member on a previous amendment which was carried to a division, as to whether it was the custom of the Government of India in the past to debit anything at all to capital expenditure. I understood the Finance Member to claim that everything was being debited to revenue and if everything was being debited to revenue, what is this item of 66 lakhs by way of interest which is being debited in the Post and Telegraph accounts.

But, Sir, whilst the Finance Member happens to benefit most by this commercialisation of accounts, what happens to the public? The Honourable Member in charge and the Honourable the Director General, Sir, go on tightening their hold and go on increasing their statutory charges which are now admitted I hope even by the Treasury Benches opposite to be high enough for India. Sir, the other day, the Finance Member claimed that he has made gold for India very cheap. But I suppose he expects that gold to be retained in important places like Calcutta and Bombay because I find that my Honourable friend opposite makes it as difficult as possible for gold to go up-country even to the cultivator. I will give you, Sir, an instance. The Post Office prevent a man from sending gold by postal parcel for a value exceeding Rs. 300 and a bar normally costs Rs. 600, which means that a gold bar has to be divided in two before it can be sent to villages and mofussil centres. I could understand it if the Post Office insisted that no article sent by postal packet should exceed Rs. 300 in value—because then I would understand that either the Honourable the Director General of Posts and Telegraphs is not very sure of the honesty of his staff or he wishes to incur as small a claim as possible for loss in transit in his Insurance Department. But the facts are, Sir, that you can send articles up to Rs. 2,000, whether they are currency notes or gold ornaments or jewellery or precious stones, but as soon as it comes to a gold bar, the Postal Department refuses to handle anything worth more than Rs. 300 and that is, Sir, one of the ways in which the Honourable the Finance Member claims that with a higher exchange he is going to make gold cheap for India. I wonder how long this restriction has been in existence? I have a recollection, and I understand from one of the Members of my Chamber in Bombay, that it was not very long before the war that this restriction on the transport of gold by post was put on. But even supposing that the restriction ante-dates the year of the war I claim that since this very great handicap to the smaller men up-country was brought to the notice of the Postal Department, they ought to have considered it more favourably. I, Sir, do not wish to plead for people who wish to hoard gold. I myself am not a believer in the pet theory put forward by the Finance Member very often that the agricultural population in India hoard gold. But I certainly think that it is an artificial

[Sir Purshotamdas Thakurdas.]

handicap for the Postal Department of all others to say to their customers that you may send precious stones worth Rs. 2,000 and we will insure them and accept the same; you may send diamonds, pearls, or anything, indeed even gold ornaments, but as soon as you come to bar gold, we must restrict you to the value of Rs. 300. It practically means that they do not want bar gold to reach up-country in the same way as any other article. The restriction, Sir, and the motive of the restriction, is difficult to understand, and I wish to suggest very seriously to the Honourable Member in charge that the Government may very favourably consider this.

Sir, the next question is one which is a little more annoying. The Honourable Member in charge thought fit to issue instructions that, if a postal parcel is directed to a place and if it happens that the addressee has left that place and the postal parcel has to be redirected, another postage stamp or charge should be levied. Now, I, Sir, could easily have understood this if the Honourable Member in charge could have given us even rough figures regarding the misuse if any that may have been made till now of the facilities afforded by the Postal Department, ever since the starting of the Indian Postal Department. It is since this 4 P.M. idea of commercialisation of accounts came into being that the Honourable Member has seen fit, Sir, to go on making things more difficult for the public. The Postal Department will take a postal parcel from the uttermost southern limit of India for the same charge right up to Kashmir but if somebody happens to send a parcel from Delhi to Lucknow, and if the addressee happens to have left a day earlier than his programme in order to attend the Assembly meeting at Delhi, that parcel cannot be re-directed to Delhi unless a fresh charge was paid. I call this policy commercialisation with a vengeance, and I certainly think that it does not redound to the credit of the Department that they should have ever undertaken commercialisation in this spirit. I think the Government of India owe it to the public of India to withdraw this and to let the people have the facilities that they had till now, particularly so, Sir, when the Department concerned cannot put up figures to show the amount of income that they stand to make by this and tell us the amount lost in past years before this new policy dawned on them. I do not think that this Assembly can approve of commercialisation in this direction or in this manner.

The third thing, Sir, is in connection with the rather arbitrary increase in press telegrams, a subject about which I do not think I need say much to the House, because I understand there was a question asked in this House about this not very long back. I should have thought, Sir, that commercialisation was to be restricted, when it was recommended, to accounts, and that the first anxiety of the Government of India to see that a rate of postage, which was most naturally suited to India and to the resources of the people of India, was to be reintroduced. In spite of that, Sir, charges have been put on thick and we are told that we need not complain about it because it has all been done under the idea of commercialisation.

There is one more point and I think I have finished. Schedule II to the Finance Bill says that the rates for book-post packets are half an anna for every five tolas or fraction thereof. This works out, Sir, to two annas for 40 tolas. This is the same rate for which you can send a book-post parcel from India to Japan, America or to any other part of the world.

and still, in order that the book-post may be carried from say Delhi to Lucknow, the Postal Department charges the same rate. I understand that the Director General of Post Offices has received innumerable applications and petitions from persons concerned in this traffic, with the result, I am afraid, that pending the Government of India's pleasure to revise their ideas of commercialisation of a Department like the Posts and Telegraphs, the Director General must have been compelled to turn a deaf ear to them. No wonder, Sir, that the Post Office, in spite of its many uses to India, is not very popular with the public at present. I therefore very earnestly ask the Honourable Member opposite not to do any more injury to the public under any excuse, even of the idea of commercialisation. (Diwan Bahadur T. Rangachariar here made an interruption which was inaudible.) I understood my Honourable friend to say something about merchants. May I ask him to repeat what he said? (*Diwan Bahadur T. Rangachariar*: "Not to follow the merchant's practice.") I am afraid the Honourable Member has come in contact with very poor merchants. I wish he came in contact with some better ones too. I particularly wish to refer to the very deaf ear that the Director General of Posts and Telegraphs has turned to petitions regarding the book packet rates. The Honourable the Finance Member rather took consolation to himself that this year in the budget he had been able to vote fairly large sums for what he called nation-building purposes

The Honourable Sir Bhupendra Nath Mitra: On a point of order, Sir? Is the Honourable Member in order in discussing an item entered in the Finance Bill? This book packet rate, as he has himself said, is an item in the Finance Bill.

Sir Purshotamdas Thakurdas: I, Sir, hope that I have been able to prove that the two or three instances that I gave are instances of really burdensome rates. I am not referring to those now, but as I said, I would refer to them by perhaps an amendment to the Finance Bill. But if the Honourable Member wishes to hear all I have got to say on this item now that I have commenced with it I may go on; otherwise I will shift it to another of the three so that the Honourable Member cannot take any objection.

Mr. President: Is the Honourable Member referring to the rates leviable under the Finance Bill?

Sir Purshotamdas Thakurdas: Not necessarily. I will refer to the other one, namely, redirection charges for postal parcels. That does not come under the Finance Bill and I am safely outside my Honourable friend's objection. If the Honourable Member in charge wishes to rise to an objection I am ready to give way.

The Honourable Sir Bhupendra Nath Mitra: I was referring to the item which my Honourable friend had previously mentioned, namely, the book packet rate, and I had to take the objection in view of your ruling given earlier in the debate.

Sir Purshotamdas Thakurdas: I had finished reference to that before the Honourable Member rose. I will refer, Sir, first of all, to the extra rates that are being put on redirected parcels. Have I your permission (referring to the Honourable Sir Bhupendra Nath Mitra) to refer to that?

The Honourable Sir Bhupendra Nath Mitra: It does not require my permission, Sir, but yours.

Sir Purshotamdas Thakurdas: I am in order in referring to the rates on redirected parcels. That is not in the Finance Bill.

Mr. President: I presume that is done under an administrative rule?

The Honourable Sir Bhupendra Nath Mitra: That is so.

Sir Purshotamdas Thakurdas: I can refer to it, then, on the Demands for Grants. I was saying that the Finance Member took consolation that this year he had been able to give a bigger grant for nation-building and nation-improving departments. Whether the sums voted under that head this year are big or not is for the Assembly to judge, but I would strongly impress on the Honourable Member in charge of the Posts and Telegraphs to look upon the Postal Department as one of the most civilising and one of the most nation-building of departments under the Government of India and not to put any further burden, either directly or indirectly, or through the instrumentality of the Finance Bill or by any administrative action that he may choose to take, on the public who wish to utilise or who rather have to utilise the Post Office, and to that end I would strongly ask him to do everything possible to lighten the burden on anything which adds to the literacy of the country. Just to refer to one item to which I will refer later on, the book-post packet is a thing which helps to distribute more knowledge in the country, and I very strongly press the Honourable Member to give very favourable consideration to that, because I am not sure that it will involve him in a greater expenditure than Rs. 5 or 7 lakhs. In the meantime, I again submit for favourable consideration those two or three items about which he has had notice of strong complaints from the public before now—items which cause the greatest amount of irritation among the various classes concerned. Sir, I move my amendment.

Mr. President: Reduction moved:

“That the Demand under the head ‘Indian Postal and Telegraph Department’ be reduced by Rs. 100.”

Mr. Darcy Lindsay (Bengal European): I desire to support my Honourable friend, Sir Purshotamdas Thakurdas in one small matter to which he has referred, and that is the question of insurance, I do not know why the insurance on gold bars is restricted to Rs. 300. The Honourable Member opposite may give some information on that score later on. Sir Purshotamdas referred to other articles, postal packages, insured up to a value of Rs. 2,000. I would like the Department to go a good deal further and increase the limit to at least Rs. 10,000. I know that the department are losing considerable sums of money by limiting the amount to so small a figure. They do the work. They give the protection. It costs as much to carry the article safely, no matter what they charge and the public obtain the advantage. In my late business of insurance I have had numerous cases before me where the sender insures with the Post Office for very small sums. It may be Rs. 100 or Rs. 200. He then goes to the insurance company. (A Voice: “Who?”) Never mind who. He goes and obtains a policy under the protection of this post office receipt at a lower rate as the insurance company are satisfied that the post office guard that article of Rs. 200 value to them with as much care as they would do in the case of an article which was insured for Rs. 10,000. On those grounds, Sir, I would strongly recommend the department to increase their limit. If they are afraid of running such a big risk I have no doubt that they could underwrite the surpluses with many of the insurance offices.

In fact some time ago I put such a proposal before the Honourable Member who received it with favour, but it did not go any further. I am not out for business myself but I do earnestly put before the department the advantage they could gain by increasing their limit and getting some return for the great care they take with the insured packages. They are not sufficiently remunerated now for the amount of work they do.

Mr. A. Rangaswami Iyengar: I move that the question be put.

Mr. H. G. Cocke (Bombay: European): I sympathise with the Honourable Member from Bombay in connection with the points he has raised as regards the commercialisation of the post office accounts. It is very difficult indeed for any one to reconcile Demand No. 23 totalling a crore and 70 lakhs with the figures on pages 4 and 5 of the Posts and Telegraph Detailed Statement. The particular point that Sir Purshotamdas has raised is the question of interest—66 lakhs. That it will be noted is not part of Demand No. 23 unless it is included in working expenses which I think it is not. What is really happening to these accounts is that we are retaining the old system of budget demand but we are having a supplementary profit and loss statement and on that profit and loss statement certain "commercial" items are brought in but we are not really voting these to-day. They are not part of the demand we are asked to vote. As regards the question whether we are being asked to vote interest on expenditure made last year on (say) new post offices which we have already paid for from revenue—that is a very pertinent question. We are not being asked to vote interest on that to-day but in the supplementary statement it is assumed that the whole of this capital expenditure has been met from capital and has not been charged to revenue. That is to say, the profit and loss statement really bears no relationship to the demand. The interest does not appear in the demand. It is merely put into this statement on the assumption that all our past capital expenditure has been made in the same way as it would have been made if we were a commercial concern.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, I feel sure that I must take part in the debate especially in an important subject like the Postal and Telegraph Department. Sir, they are the poor men's messengers. But I do not bother the Treasury Bench, especially my Honourable friends of the Department, as I do not put the burden on them of gold or silver of my Honourable friend from Bombay, nor do I ask them to carry my pearls, diamonds, or rubies. Sir, my grievances—I suppose it is a subject before the Government to-day and before we get the household demand and the Executive Council of His Excellency the Viceroy, the first thing to-morrow morning, it is worth while now before the sunset to discuss what I want, and which is absolutely necessary. Now, Sir, my grievances are these. You have got the system of sending letters, post-cards and book packets. That is to say, you can buy a post-card for half an anna, you can buy an envelope for one anna, and write a letter or send a book post that reaches a destination from one end of India to the other, say from Cape Comorin to the Mount Everest. (Laughter.) But, Sir, if you write a letter from here to some place only two or three hundred miles away, it does not reach its destination. And why, because in the Department of my Honourable friends, there are certain sub-post offices where the postmasters are neither paid per month what they are entitled to get, nor is there a postman to give delivery of the letters, whether they are bearing or half anna post-cards or anna envelopes,

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and even book packets. Particularly, Sir, I have experienced this difficulty when I was canvassing in my constituency during the election time. The Electioneering pamphlets, letters to voters, etc., never reached the destination.

Mr. A. Rangaswami Iyengar: On a point of order, Sir, is the Honourable Member talking on the question of the commercialization of postal accounts?

Mr. K. Ahmed: My object, Sir, is exactly what is down on the paper, and that is the "burdensome rates." My Honourable friend sends his letter from the Imperial town of Delhi or Simla, and pays the same half anna for a post-card and sends it all the way to Cape Comorin in Southern India. Why should I not be entitled to speak when after the "burdensome rates" this Department charges, they will not carry my letter two or three hundred miles.

Mr. President: The Honourable Member is out of order. The Honourable Member will be in order in discussing that on the Schedule to the Finance Bill.

Mr. K. Ahmed: With your permission, Sir, if the Treasury Bench will give us an answer, I will not continue.

The Honourable Sir Bhupendra Nath Mitra: Sir, before I begin to reply to my friend Sir Purshotamdas Thakurdas's observations may I be assured on one point. I see there are various other amendments on the question of commercialization of accounts. Are those amendments withdrawn? Because if so, I can deal with the whole question at this stage. Otherwise, subject to your permission, I would prefer to hear what the other Honourable Members have got to say on this question before I deal with it.

Mr. President: I meant to take commercialization of accounts first of all, but Mr. Rangaswami Iyengar was not in the Chamber. When I called his name, Mr. Ramachandra Rao did not move, and Mr. Neogy was not here either, so that that subject, for the moment, fell to the ground. I imagine that what has been said represents all the Honourable Member has to reply to.

Diwan Bahadur M. Ramachandra Rao: Sir, I took care to say that the question of the commercialisation of accounts would come up for discussion on a later motion of Mr. Venkatapatiraju. I thought, Sir, that at that time it would be opportune to go into some of the figures as now allocated in the budget estimate for Posts and Telegraphs. I have a few remarks to make, Sir, on this question. The whole question of commercialisation has now been brought under discussion and I should like to say a few words.

Mr. K. Rama Aiyangar: May I draw your attention, Sir, to No. 64 and ask the Honourable Sir Bhupendra Nath Mitra if it can also be taken up at this stage?

Mr. President: The amendment moved by Sir Purshotamdas Thakurdas raises a somewhat different question to that raised in Nos. 58, 61 and 79. No. 64, standing in the Honourable Member's name (Mr. K. Rama Aiyangar) really comes under commercialisation, although it is a subsidiary part of commercialisation of accounts.

The Honourable Sir Bhupendra Nath Mitra: Sir, if I may say so, my friend Sir Purshotamdas Thakurdas has made a confusion between two different aspects of the case. The first is a question of policy, the second is a question of accounts. Turning now firstly to the question of policy, to which he apparently wanted to refer, I think the position of Government in the matter was clearly brought out in connection with the discussion on the budget estimates for 1924-25. In the course of his speech in this House on the 12th of March 1924, Mr. Neogy said:

"As late as 1905 Government made a definite declaration of policy that it is not the desire of Government to treat the post office as a source of revenue and that all excess of receipts over expenditure will in future be devoted to the further improvement or cheapening of postal facilities. I want my Honourable friend"—(that is my predecessor in office)—"to declare on the floor of the House to-day that he holds fast to this declaration of policy."

The Honourable Sir A. C. Chatterjee replied:

"I do not think Mr. Neogy has been able to find a single declaration of Government that the post office and telegraph department should be a source of income to Government. All that has happened is that we have tried to prevent it from becoming a source of expenditure to Government. I entirely agree with Mr. Neogy in considering that the post office should be looked upon as a public utility service. But in the same way as railways and other organisations which are for the benefit of the general public and are looked upon as public utility services should at the same time pay their way, I consider that the Post and Telegraph Department should pay its own way and I have the authority of my Honourable colleague, the Finance Member, in saying that the Government do not look to the post and telegraph department as a revenue-earning department."

An exposition of the policy on similar lines was made by the Honourable Sir Basil Blackett in his speech in the Council of State on the 24th March 1924, in the course of which he said:

"In my view, the post and telegraph undertakings of the Government ought to pay their way. I do not mean to say that each individual item must necessarily be a paying item, but that the Post and Telegraph Department taken as whole should not be carrying the letters and mails and sending the telegrams of the people of India at the expense of the general tax-payer."

It may interest the House to know that the principle underlying this policy is followed in England also. Our position in regard to the Postal and Telegraph Department to-day is much worse than that of the corresponding department in England a year ago as disclosed in the budget statement for 1924-25. We anticipate that the revenue account of the department in 1925-26 will close with a small deficit. In England a year ago the budget estimate of the department, i.e., for 1924-25, showed a surplus of several millions of pounds. But the Chancellor of the Exchequer in the first Labour Ministry in England refused to allow any consideration based on the political advantage which might accrue to his party by playing to the imagination of the people, to outweigh his duty towards the general tax-payer of his country. He refused to make any large reductions in postal rates. On the 29th of April 1924 he said in the House of Commons:

"I am not in a position to make any considerable changes in the postal rates. It is true that the post office is making a profit on all its services taken together. There are however certain charges which are now the subject of investigation and for this reason it is impossible to say definitely what these profits are likely to be at the end of the year. There is one thing clear and that is that it is not yet possible to re-establish the penny post as an economic proposition." (At this stage a Member of the

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House interjected "Why not?" (Mr. Snowden continued.) "It is not possible as an economic proposition. I am quite sure that neither this House nor the country is thinking that the post office should be subsidized by the general tax-payer."

I have now dealt, Sir, with the question of the policy. The various specific points referred to by my Honourable friend Sir Purshotamdas Thakurdas really impinge on this question of policy and not on any question of accounting. If the soundness of the policy is admitted, namely, that the Post and Telegraph Department must pay its way and that it should not be worked in such a manner as to throw a charge on the general tax-payer, then the necessity for retaining or imposing the various imposts which he refers to is immediately established. I am not for the moment dealing with the question of the transmission of gold, in regard to which the department does not earn any revenue. I shall deal with it later on.

Sir Purshotamdas Thakurdas: May I interrupt the Honourable Member if he does not mind my doing so? What are these 66 lakhs being paid to the Finance Department for? Is there anything like capital account of the Post and Telegraph Department outstanding?

The Honourable Sir Bhupendra Nath Mitra: As I said, I shall deal with the question of commercialisation of accounts later on, because the commercialisation of accounts is only ancillary to the basic policy. The three points to which specific reference was made by Sir Purshotamdas Thakurdas were, firstly, the increase of the limit up to which gold is transmitted by the post office. Now, that has nothing to do with the revenue-earning aspect of the department. The present restriction, I can assure my Honourable friend, was imposed in the year 1910, long before the war. It was imposed for special reasons and as a measure of protection to the post office. In that year several very serious cases of loss of insured parcels containing gold in transit through the post office came to light. Inquiries into the matter showed that there was a regular trade between Bombay and upcountry in gold sent by the parcel post. The Director General represented to Government the extreme undesirability of the existing system which offered to the ill-paid postal official a very serious temptation; and in view of this representation, the limit was raised by Government, who definitely recognised that transmission of gold in large quantities was not part of the legitimate duties of the post office. The position is precisely the same in England, where the limit to the value of gold allowed to be conveyed by the parcel post is only £5. Further, the matter is not one which affects the general body of the public for whom the postal service caters. It can benefit only a limited body; and in fact it has been argued that it may interfere with the legitimate operations of banks in regard to remittances.

The next point to which my friend Sir Purshotamdas drew attention was the levy of a charge for the re-direction of postal parcels. Now, Sir, the reason why this charge was imposed with effect from the 1st July 1924 is one which hangs on the policy. With reference to the recommendations of the Inchcape Committee, of which my Honourable friend was a member, Government explored all sources of economy, as well as the possibility of securing additional payment for services rendered, so that it might be possible to make the postal and telegraph department

pay its own way. As a result of that examination, certain credits were secured by the postal department from various Government departments. The examinations also brought to light one or two cases where the public, or a section of the public, were receiving certain subsidiary services from the postal department without making adequate payment for them. The re-direction of parcels was one of these services. A charge for the re-direction of parcels has always been levied by the British post office and in other countries; and after careful consideration, we came to the conclusion that there was no reason why a similar charge should not be levied in India in the present financial condition of the department. When the department had carried the parcel to its original destination its contract was over, and it was only reasonable that further work should be charged for if it was of any considerable magnitude. As I said in this House on the 28th January last, considerable labour and expense are incurred in dealing with the transmission of postal parcels, and the labour and expense are no less in the case of re-directed parcels than in the case of the original parcel itself. We accordingly decided that, with effect from the 1st July, 1924, a parcel re-directed to any place served by the inland post shall, save when the original address and the substituted address are within the same delivery area of the same post office or within the same town, be charged for such re-direction with further postage amounting to half the pre-paid rates. The charge levied in England is the full rates, not the half rates.

Sir Purshotamdas Thakurdas: Why did you not charge the full rates to fall into line with the pattern you take?

The Honourable Sir Bhupendra Nath Mitra: It is not a question of falling into line. It is a question of trying to make the department pay its way. That is the position.

Sir Purshotamdas Thakurdas: Does the Honourable Member realise any difference between the conditions here and in England and the capacity of the people to pay?

The Honourable Sir Bhupendra Nath Mitra: I know this, that there is one difference between those conditions—a very great difference. Distances in India are much longer than distances in England. In spite of this factor, the incidence of our inland parcel rate is certainly not as high as that of the English rate.

Sir Purshotamdas Thakurdas: So that the whole policy of the Government of India is wrong according to the Honourable Member?

The Honourable Sir Bhupendra Nath Mitra: I must say that I do not quite see how the Honourable Member comes to that conclusion. As I have said, the policy of the Government is this: It is particularly anxious that the department should pay its way and should not be a drag on the general tax-payer and in that way interfere with the allotment of sums for the nation-building services proper. That is the policy, and I do not see exactly how what I have stated in any way conflicts with that policy.

The revenue from this re-direction fee is estimated at about Rs. 3 lakhs a year; but, Sir, we cannot overlook the maxim that if we look after the pence, the pounds will take care of themselves.

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Sir Purshotamdas Thakurdas then referred to the book-packet rate. Here, the rate was increased in 1921 in connection with the Finance Bill for that year and it was fully open to the House at that stage not to accept the proposal of Government in that matter. The statistics which I laid on the table of the House the other day make it perfectly clear that the traffic has not in any way suffered by the increase in the rate; and in the present financial condition of the department, Government see no reason for making any reduction in the rate.

I did not quite catch what my friend Mr. Darcy Lindsay said on the subject of insurance. We cannot possibly interfere with any private person who insures with the post office for a certain sum of money any article which he wants to send by the post office and reinsures it again with some other agency for another sum of money. But if he referred to what Sir Purshotamdas Thakurdas said in regard to gold bullion, his observations were not very apposite, because we do not allow the transmission of gold bullion through the post office when the value exceeds Rs. 300.

Mr. Darcy Lindsay: The point I wished to make was that the post office should not give all the protection that they do for the very small fee they receive on an insurance of Rs. 100 or Rs. 200 on the ground that the full value is reinsured elsewhere at a very much lower premium. My point is that the post office should obtain the full premium for the value of the article. The value of the article can be declared and should be declared with the post office up to the full amount.

The Honourable Sir Bhupendra Nath Mitra: I see my friend Mr. Lindsay really wants to add to what my friend Sir Purshotamdas Thakurdas called the burdensome exactions of the department. (*Cries of "No" and "Nothing of the kind"*.)

Sir Hari Singh Gour: He wants you to take what is taken by the Insurance Companies.

The Honourable Sir Bhupendra Nath Mitra: It means then that he wants us to raise the rates of premium

Sir Hari Singh Gour: Nothing of the kind.

The Honourable Sir Bhupendra Nath Mitra: I thought he said that.

Sir Purshotamdas Thakurdas: He asks you to take more risks. The risks you are taking are so safe with the traffic now offering that you might as well take the risk yourself instead of letting that money go to private insurance companies.

Mr. Darcy Lindsay: That is exactly my point.

Sir Purshotamdas Thakurdas: So it is more revenue to the Honourable Member and not burdensome charges.

The Honourable Sir Bhupendra Nath Mitra: I am glad of that suggestion. I am sorry I could not quite understand it, because I found it difficult to connect it with Sir Purshotamdas's grievances; and I shall certainly give the matter my most careful consideration to ascertain whether it will bring in more net revenue to the department.

Mr. A. Rangaswami Iyengar: What about the surcharge on the press?

The Honourable Sir Bhupendra Nath Mitra: As regards the surcharge, my friend Sir Purshotamdas Thakurdas did not touch on the point at all and that is one of the reasons why before rising to reply to him I wanted to know whether there were any other Members of the House who wanted to speak on allied questions. As the question of the surcharge on the press was not brought up, I could not possibly deal with it.

Mr. A. Rangaswami Iyengar: Sir Purshotamdas says he did refer to it.

Sir Purshotamdas Thakurdas: I mentioned it, but I did not dwell at any length on it, because I thought the House and the Honourable Member knew all the details about the grievances of it. However, it is for the Honourable Member to decide whether to speak on it or not.

The Honourable Sir Bhupendra Nath Mitra: I am quite willing to deal with the matter. The point here is as follows: Press telegrams are in certain cases accepted without prepayment. The rules used to provide that a deposit should be paid to Government in regard to these telegrams; but that deposit covered only the average monthly or fortnightly expenditure of the parties concerned plus the corresponding expenditure in the period elapsing between the date of termination of the monthly or fortnightly account period and the average date of settlement of periodical accounts. This deposit is charged also in England, but in addition to it a charge is levied to cover the cost of extra work thrown on the Postal and Telegraph Department in keeping the accounts and preparing bills for press messages which are accepted without prepayment. We have with effect from the 1st April of this year introduced an arrangement similar to that followed in England, I may tell my Honourable friends that the matter was brought to our notice by the Auditor General. He pointed out that here was a service for which a certain section of the public were not making proper payment, though payment is required in the corresponding case in England. As the Postal and Telegraph Department in India cannot yet pay its way, Government saw no reason why the charge should not be levied. The amount involved is not large. But as I have said before, we have got to look after the pence, so that we can get the pounds wherewith to balance the receipts and expenditure.

I next turn to the questions connected properly with the commercialization of the accounts, which were referred to by Sir Purshotamdas Thakurdas; and here I may say that the idea of commercialization of accounts was one which was very strongly recommended by the Inchcape Committee, of which he was a member. Not only that; but that Committee did notice that there was an item of interest to be included in the commercial accounts. They took no exception to the entry. All they said was this:

"As stated previously, we are informed that sufficient allowance has not been made for depreciation in arriving at the capital expenditure on which interest should be charged as part of the working expenses."

Now, for the purpose of the commercial accounts which will be introduced in the Postal and Telegraph Department from the 1st of April 1925, the block account on which interest will be charged is the depreciated value, and that, as a matter of fact, will meet the point taken by the Inchcape Committee. I may at the same time inform the House that the practice.

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in England in regard to charging interest on capital is as follows: The department may show a surplus in its revenue account in a particular year and the exchequer may be able to meet the capital expenditure of the department during the year wholly or partly from this surplus in the revenue account. Even so, interest is charged on the amount of surplus devoted to capital expenditure. This is undoubtedly the correct arrangement and we propose to follow it in India. In fact, the question whether the capital expenditure has been met from the surplus earned by the department or from any other source has really nothing to do with the entry of interest in the commercial accounts. The entry of interest must be with reference to the block account of the department, exactly as is due in any well-conducted business concern, and I am perfectly certain that my Honourable friend Sir Purshotamdas Thakurdas is fully familiar with that arrangement

Sir Purshotamdas Thakurdas: No, Sir, I absolutely disagree with what the Honourable Member says. I have, however, no right of reply here, but I absolutely disagree with the explanation the Honourable Member gives.

The Honourable Sir Bhupendra Nath Mitra: Sir, I think I have dealt with all the points that were raised by my Honourable friend Sir Purshotamdas Thakurdas, and I trust that in view of the explanation I have given him, he will withdraw his motion. If I may add one observation, this amendment should have been proposed by him on the grant either for the Department of Finance or the Department of Industries, because the Postal Department has got nothing to do with questions of policy. Still I have given him the fullest explanation in the matter, and I hope he will withdraw his motion.

Sir Purshotamdas Thakurdas: How does the Department of Industries come in, Sir?

The Honourable Sir Bhupendra Nath Mitra: Because it is the administrative department.

Diwan Bahadur M. Ramachandra Rao: Sir, I should like to make a few remarks arising out of the observations made both by Mr. Cocke and also the Honourable Bhupendra Nath Mitra, and that is about the commercialisation of these accounts. The Honourable the Finance Member in introducing the Budget stated as follows:

"It was not until January that various important decisions of principle were finally reached on both as regards the form of the account itself and the actual method of distributing the charges. Final orders are still to be issued in certain cases. The Statements and estimates prepared represent, therefore, on several points decisions which must be regarded as provisional."

Sir, I am drawing attention to this passage in the Honourable the Finance Member's speech, as when we consider the departmental estimates many Honourable Members are puzzled as to the results classified under the head of Post Office and Telegraphs, including Radio and Telephones and the implications and inferences which should be drawn from the allocation of charges under these respective heads. Honourable Members will see from page 4 that according to these accounts, which even according to the Finance Member are merely provisional, the charges and the receipts are balanced

and a net surplus balance of Rs. 29,28,100 is shown under the head Post Office. Then under the head of Telegraphs, including Radio, a loss of Rs. 26,15,430 is shown, and then under the head of Telephones a loss of Rs. 3,72,670 is shown.

Sir, these accounts and the accounts for 1924-25 have now been recast in accordance with the principles for commercialisation which the Accountant General and his staff have adopted and which have been embodied in the accounts for 1925-26. I think it is only due to this House that these accounts and the allocations made under the various heads should be gone into by the Finance Committee. Until this is done none of us are prepared to accept these allocations as satisfactory or even just to these three heads, namely, Post Office, Telegraphs and Telephones. I think that if this classification is intended to afford some relief in regard to postal charges and in regard to the extension of postal facilities, it seems to me that these allocations have to be very carefully examined to see whether they are as proper, satisfactory and just. There are many items which are combined charges for both the Postal and Telegraph Departments. They have to be gone into and it seems to me, Sir, that the whole question of both the form of the accounts as well as the substance of these allocations under these three heads ought to be gone into by the Finance Committee, more especially in view of the statement made by the Finance Member that the statements in the estimates represent at several points positions which must be regarded as provisional. I could say a good deal with reference to the various changes that have been made—stamp charges, charges for depreciation, charges with reference to interest on capital outlay, charges with reference to what is paid for the services rendered to other departments, from Indian States, etc., all these have also to be considered with reference to this, and the appropriateness of the figures shown has to be thoroughly gone into in the interests of the general tax-payer. We have stated several times that postal rates have been increased and postal facilities have not increased. Figures have been quoted on other occasions and they have been repeated over and over again. Therefore the whole question of economy and the allocation of charges between various heads requires consideration and I trust the Honourable the Finance Member will not misunderstand me when I say that we cannot accept these figures. We cannot accept these allocations, they must be gone into by the Standing Finance Committee of this House. I do not wish to pursue this matter further, Sir, except to state that, as my friend Sir Purshotamdas Thakurdas said, commercialisation has been overdone and the expenditure has been maintained at its full strength and economies do not seem to compare with the result, so that we see no prospect until something very radical is done under this head for the reduction of postal rates. There is the question of amalgamation of Posts and Telegraphs, which has formed the subject of an inquiry. Then there are other economies which have been suggested. Therefore, Sir, we are not prepared to accept this as the last word on this commercialisation. The thing has to be gone into, not on the floor of the House, but in committee of this House or in any special committee which this House may appoint.

LONG DISTANCE TELEPHONES.

Colonel J. D. Crawford (Bengal: European): Sir, my Honourable friend, Mr. Ramachandra Rao introduced the question of telephones, and I do not know whether I should be in order on this motion in asking the Government

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of India to state their policy in regard to long distance telephones. I am absolutely in favour of the development of long distance telephones in this country. But I believe, Sir, that they are not likely to be remunerative if they only radiate out from the Government of India. If these telephones are to be remunerative at all, they should be established between the big commercial centres. It is commerce that is likely to use them and it is from commerce that you are likely to get the greatest amount of your revenue. I would be very glad if the Director General will give us an indication of the loss at present made on these long distance telephones, and as to the position regarding them generally. I understand there is a telephone in existence between Karachi and Lahore, that it is not of much use and that it would be of more use if arrangements were made so that merchants in Karachi could get into immediate touch with the wheat growing areas.

Sir Geoffrey Clarke: There is no telephone between Karachi and Lahore yet.

Colonel J. D. Crawford: Then my information on that question is wrong. But it gives an example of the manner in which I believe long distance telephones can be put up with benefit and with revenue to the Postal Department. I would be very much obliged for a statement from the Director General as to the position with regard to this question.

CAPITAL OUTLAY ON THE POSTAL AND TELEGRAPH DEPARTMENT, ETC.

Mr. K. Rama Aiyangar: Sir, Nos. 64,* 75† and 76‡ I will dispose of in a very few words. I only want some information from the Department on these motions. I want to know if in estimating the capital outlay on the Post and Telegraph Department they have taken into account the revenue portion of the capital outlay which has been contributed by the revenues to the Post and Telegraph Department in previous years, and if so, how much of the capital account relates to the capital borrowed and how much relates to the revenue portion in the present calculation of capital account. As far as I have been able to trace the papers placed before us, I have not been able to arrive at the actual capital value that has been arrived at. I know the Honourable the Finance Member has referred to the accounts as they stand in the Revenue and Finance Accounts of 1923-24, but I have not been able to trace it. I want to know what the capital value now estimated is and how much of it is revenue portion and how much has been contributed to capital by borrowings. That is the information I want.

The second thing, Sir, is as regards the depreciation fund that has been calculated. What is the actual life that has been given to the various articles? What is the average? How does that work out? I see from the papers that the depreciation fund amount is tacked on to the capital to a certain extent and to revenue to another extent. I want to know how

* "That the Demand under the head 'Indian Postal and Telegraph Department' be reduced by Rs. 100." (Capital outlay on Post and Telegraph and principle of contribution to depreciation fund.)

† "That the Demand under the head 'Indian Postal and Telegraph Department' be reduced by Rs. 100." (When credit has not been given to service to Marine and Indian States.)

‡ "That the Demand under the head 'Indian Postal and Telegraph Department' be reduced by Rs. 100." (Share of unified stamps.)

much has been tacked on to capital this year, and what proportion is proposed to be met from the revenue from next year onwards. I want to know exactly the amount by which the depreciation fund is proposed to be charged and at what rate.

The next point to which I want to draw the attention of the Honourable Member opposite relates to my motion No. 75. I want to know why credit has not been given to the work done by the Post Office in connection with the Marine Department and the Indian States. These I find have been given credit to in previous years, but in the present calculation credit has not been given to these two heads. I find it will come to a little more than 15 lakhs, or from 13 to 15 lakhs. I want to know why credit has not been given to these two heads in the present value taken of the services rendered by the Postal Department to other Departments of Government.

The next point that I want to know relates to my motion No. 76, and that is with reference to the Civil Department share of unified stamps that has been allowed to be deducted from the income of the Postal Department. I find that in 1923-24, 1924-25 and in previous years it has been put at

5 P.M. only Rs. 19 lakhs, but it is proposed to put it at Rs. 42 lakhs for 1925-26. I know that there has been some correspondence going on between this Government and the Local Governments in respect of the share of unified stamps which we altered last year by a Bill. But the amount that is now charged is more than double of what it has been in previous years and I want to know why Rs. 42 lakhs is proposed to be taken while it was only Rs. 19 lakhs before, and on what basis this has been done. I want to know how Government are going to support this deduction of Rs. 42 lakhs from the income of the department.

The only other point that I would like to refer to relates to this debit of Rs. 66 lakhs in respect of interest. If a portion of the revenue has borne the capital expenditure before, it is not proper that the whole of the interest should be deducted from the revenues of the department now. I want to know the amount of interest on the money contributed by the Department previously and the interest on the balance of the capital. I know a good deal could have been raised at smaller rates of interest previously than now. I want these figures in order to come to a conclusion on these various matters.

Sir Purshotamdas Thakurdas: I do not wish to press my motion.

The motion was, by leave of the Assembly, withdrawn.

Mr. K. Rama Aiyangar: I would like to have a reply and I press my motion.

Mr. A. Rangaswami Iyengar: I move, Sir, that the main question be now put.

Mr. President: In respect to that, I may point out that it has been suggested to me that, as a discussion can be raised on the question of postal rates on the motion that the Finance Bill be taken into consideration, and as the question of the commercialisation of Post Office accounts will also be in order then, it may be unnecessary to continue the discussion in that form now. In the debate on the Finance Bill it will probably be easier for Government to deal with those points on much larger lines, because both of them will be in order, than if we continue the debate now.

The question is that the main question be now put.

The motion was adopted.

Mr. President: The question is:

"That a sum not exceeding Rs. 8,70,84,000 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, 1926, in respect of the 'Indian Postal and Telegraph Department'."

The motion was adopted.

DEMAND NO. 24—INDO-EUROPEAN TELEGRAPH DEPARTMENT.

Mr. President: The question is:

"That a sum not exceeding Rs. 29,55,000 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, 1926, in respect of the 'Indo-European Telegraph Department'."

GENERAL RETRENCHMENT.

Mr. K. Rama Aiyangar: I beg to move:

"That the Demand under the head 'Indo-European Telegraph Department' be reduced by Rs. 1 lakh."

I do not want to detain the House long in connection with this motion, but I will only refer to the recommendations of the Retrenchment Committee which expected only about Rs. 29.89 lakhs to be the expenditure on this Department from that date. They considered the various heads and then recommended that amount. In fact, I find that they recommend further reduction by a closer scrutiny. What I find now is that during the last three years the expenditure has gone up and it is proposed to put it at Rs. 31 lakhs for the next year. I will only draw the attention of Honourable Members to certain entries at pages 101 and 103. On page 101 there is a debit of 2.06 under the Central Persian Telegraph Line and on page 103 there is a provision of about 1.29 extra made for next year under the head line maintenance under repairs and renewals, Gulf section. These seem to be new provisions which have been added on. It is against the spirit of the recommendations of the Retrenchment Committee. The total of these come to 3 lakhs and odd. However, I do not propose to cut the whole amount because, as far as we have been able to follow the working of this Department in the Finance Committee, the Government of India are not themselves in possession of information regarding this. Whatever it is, if there is any reason for making a provision it can only be to a small extent, in view of the recommendations of the Retrenchment Committee. I therefore want only a lakh to be cut out of the 3 and odd lakhs extra provided. Therefore I move the amendment in my name.

The Honourable Sir Bhupendra Nath Mitra: Sir, I do not want to take any long time over this matter. The additional items for which sums have been provided in the Budget of the Indo-European Telegraph Department were examined by the Standing Finance Committee and the additional sums were passed by them. I do not quite understand on what grounds the Honourable Mr. Rama Aiyangar wants reduction to be made in the vote. Apart from the special items, the amount entered there is the sum which we require for the service of the department in the year 1925-26.

Sir Purshotamdas Thakurdas: I am very glad that a reference is made to the Finance Committee having passed this item. I wonder if the officers who represented his department before the Committee reported to

the Honourable Member that the Finance Committee were able to get pretty little information regarding several items from those officers. In fact it was mentioned to us in the Finance Committee that the few details that they got from the Secretary of State were all that they could put before the Standing Finance Committee and that it was very difficult to give the Finance Committee more details. In fact the budget period would be over if the Finance Committee waited for further details which were required. It is on this account that this motion of Mr. Rama Aiyangar should be pressed to a division for for years now, as far as I remember, the House has been pressing for the management of the Indo-European Telegraph Department being transferred to the Government of India and it is very difficult to understand why and how the Government of India justify the reluctance of the Secretary of State to transfer that department to India, which is the correct headquarter for that department. I am afraid the plea that the Finance Committee passed the expenditure should in the first instance not have been urged here and if it is to be urged the Honourable Member should be ready to give the Honourable Mr. Rama Aiyangar the explanation that he wants. I am speaking from memory, but I am pretty sure that the Finance Committee were not able to get any details more than the very very few figures that the Secretary of State was pleased to send out to the Government of India and to the Department themselves.

Mr. Devaki Prasad Sinha: Why did they pass it?

Sir Purshotamdas Thakurdas: Because we were told that if we did not pass it, the budget period in this House would be passed.

The Honourable Sir Basil Blckett: I think the Honourable Member is referring to the proceedings of the Standing Finance Committee, Vol. 4, No. 3, page 118, on Tuesday the 13th January 1925, in connection with the supplementary grant required for the purchase of a new cable steamer for the Indo-European Telegraph Department. The details which were available were put before the Committee. An explanation was given of the increase over the original estimates, which was due to the fact that the tenders received from the different ship-builders had shown wide differences of opinion as to what the ship would cost, and the original estimate proved somewhat low. Then it goes on to say:

"The approval of the Standing Finance Committee was requested to a Demand for a supplementary grant for Rs. 1,85,000 being placed before the Legislative Assembly at their next session. The Committee agreed to the supplementary grant being obtained but expressed regret that the original estimate was so wide of the mark. Some members also pointed out how difficult it was for the Legislative Assembly to exercise control over the expenditure of the Department owing to its being managed from London. But it was understood that the question of the personnel and management was under consideration."

That I think was the reference which the Honourable Member had in mind. I would point out that that was in connection with a supplementary grant which has already been dealt with by this House. The Honourable Member is no doubt right in saying that there are difficulties in giving all the details that are asked in the Standing Finance Committee when reference has to be made for them to London. But I am not clear that there was any point in regard to this year's estimate on which the Standing Finance Committee was not satisfied by the information that was placed before them. The particular case which they are referring to belongs to

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the supplementary estimate that was presented about a month ago, not to any of the estimates now before the House. I do not know if the Honourable Member has in mind any particular case where the information, on which the decisions of the Standing Finance Committee now included in these estimates are based, was insufficient.

Sir Purshotamdas Thakurdas: My impression was exactly based on what the Honourable the Finance Member has read. If he has handy the minutes of the Finance Committee where these items are said to have been passed I have an idea that he will also find a similar record—here again I am speaking from memory—but I am sure he will also find a similar record.

Mr. K. Rama Aiyangar: I think it is a mistake to say that these amounts have been passed by the Finance Committee. Only the other day in connection with two items, one of 2 lakhs and one of 1.26 lakhs the same mistake was made by the Honourable the Finance Member. I had no right of reply so that I could not point it out. It is not correct that all this new extra expenditure is placed before the Finance Committee at all. In fact it is only particular items where they are new proposals, which are placed before the Committee for supplementary grants or adding to the new year's Budget.

Sir Purshotamdas Thakurdas: Perhaps it will suit our purpose if the Honourable the Finance Member can read to us from the minutes where these items were passed by the Finance Committee. It is quite possible that both myself and Mr. Rama Iyengar are (A Voice: "I move that the question be now put.") No. It cannot be put. The Honourable Member has either got to explain the item or we have to put it out.

The Honourable Sir Bhupendra Nath Mitra: The trouble is that the Honourable Member has not mentioned the items to which he takes exception. He talks about general increase in expenditure. That is the whole question.

Sir Purshotamdas Thakurdas: I am very sorry the Honourable Member is shifting his ground. He said that this expenditure had the approval of the Finance Committee. It is not in any

The Honourable Sir Bhupendra Nath Mitra: What I said in the reply was this, that the amount provided in the Budget represents the money that is wanted for the service of this Department and that all provision for new items has been passed by the Standing Finance Committee. That is all I said, because I found it very difficult to connect Mr. Rama Aiyangar's attack with any specific item.

Sir Purshotamdas Thakurdas: I beg to point out to the Honourable Member that this item referred to by me has not been sanctioned by the Finance Committee. Surely the Honourable Member must have passed it after scrutinising the details.

The Honourable Sir Bhupendra Nath Mitra: What is the item?

The Honourable Sir Basil Blackett: In Volume IV, No. 4, of the Standing Finance Committee's proceedings, dated 2nd March, page 353, there are various items, some recurring, some non-recurring, set out in the schedule. For example, there is an item, No. 27, cable winding machines for the cable steamer purchased for the Indo-European Telegraph Department. That is a non-recurring item of

Rs. 68,600, which is included in the estimate which is now before the House. That is one example of a case in which the Standing Finance Committee has agreed to the placing before this House of the estimate that is now before them. If the Honourable Member will look at page 315 of the same volume he will find the item, Provision of a new cable winding machine for the cable steamer recently purchased for the Indo-European Telegraph Department. It says:

"The Government of India were now advised that it would neither be economical nor practicable to transfer the old cable winding machine to the new steamer owing to its age and bad state of repair, and to the almost certain prospect of having to replace it within a few years, and accordingly proposed to provide a new machine at a cost of Rs. 68,600. The approval of the Standing Finance Committee was accordingly requested to the inclusion of this amount in the budget estimates for 1925-26. The Committee agreed; but regretted that the estimate originally placed before them was so wide of the mark."

That is one example of the cases which were referred to by my Honourable friend, the Member for Industries, of items in this Budget which have been passed by the Standing Finance Committee, and I am quite sure that he was correct in saying that there is no new item included in these estimates which has not been passed by the Standing Finance Committee.

Mr. K. Rama Aiyangar: Please see page 101, Rental—Central Persian Telegraph Line, where an extra provision has been made.

The Honourable Sir Bhupendra Nath Mitra: Will the Honourable Member kindly speak up?

Mr. K. Rama Aiyangar: Please see page 101, about 8 lines from below. There is the item, Rental—Central Persian Telegraph Line. In the previous year provision was made for Rs. 18,700. Now Rs. 2,06,300 is provided. That is one item. Again on page 103, Abstract D—Lines of Maintenance, Repairs to Lines, Rs. 13,000 is now increased to Rs. 1,26,000. That is also given in the total 1.29 lakhs more.

The Honourable Sir Bhupendra Nath Mitra: As regards the first point, apparently my Honourable friend has not read the Explanatory Memorandum by the Financial Secretary on the Budget of the Government of India, 1925-26. If he had turned to paragraph 31, page 15, of that document, he would have seen that the difference represents payment of arrears of rental of the Central Persian Telegraph line. It is an ordinary charge, the payment of which had been overlooked for a certain number of years, and therefore arrears have to be paid in the year 1925-26.

As regards the other part, I shall be obliged if the Honourable Member will kindly repeat his demand for information.

Mr. K. Rama Aiyangar: At page 103, Abstract D—Line Maintenance, in the first paragraph Repairs and Renewals, provision is made from Stores of 110,000, 96,000 more than for the previous year. It is the same in the total of that paragraph also.

The Honourable Sir Bhupendra Nath Mitra: The explanation here too is perfectly simple. During the period of the war, the progress of work on repairs to these lines had to be considerably curtailed. Now, the position reached is such that we must incur a sufficient amount of expenditure on repairs to these lines. That is the explanation of this increase.

Mr. K. Rama Aiyangar: I withdraw my motion, Sir. But all these matters ought to have been mentioned in the Standing Finance Committee.

Mr. P. R. Rau (Finance Department: Nominated Official): Sir, I should just like to add for the information of the Honourable Member in addition to what has already been said by the Honourable the Finance Member that there are a number of items which were placed before the Standing Finance Committee in connection with the Indo-European Telegraph Department. These items will be found on page 127 of Volume IV, No. 4 of the proceedings of the Standing Finance Committee. The first item is "Dismantling coastal line from Guidor Kandak to Charbar and strengthening inland line Bakri Junction to Charbar by adding a third wire, Rs. 37,900." You will find this item in thick type on page 93 of the Yellow Book. There are many other items on the same page in the proceedings of the Standing Finance Committee which I do not propose to weary the House by reading, but which, if the Honourable Member will refer to them, will show that a number of items were placed before the Standing Finance Committee and were accepted by them.

Mr. K. Rama Aiyangar: I do not press my motion.

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

Mr. K. Rama Aiyangar: I do not press the motion.

The motion was, by leave of the Assembly, withdrawn.

TRANSFER OF THE HEADQUARTERS OF THE INDO-EUROPEAN TELEGRAPH DEPARTMENT FROM ENGLAND TO INDIA.

Diwan Bahadur M. Ramachandra Rao: Sir, I beg to move:

"That the Demand under the head 'Indo-European Telegraph Department' be reduced by Rs. 100."

Honourable Members will see that from year to year the difficulty in regard to accepting the estimates required for this department has been that the Secretary of State is responsible for the expenditure in England. The headquarters of the department is in England. Neither the Government of India nor the Standing Finance Committee nor this House is in a position to scrutinise this expenditure and a proposal has been made by the Incheape Committee that steps should be taken for the transfer of the headquarters of the Indo-European Telegraph company to this country. I think, Sir, that it is only then that we shall be in a position to scrutinise the expenditure of this Department. Till then, neither the Government of India nor the Standing Finance Committee nor this House can be in a position to scrutinise this expenditure and to fulfil their responsibilities. Proposals have been made from time to time in this House that this step should be taken and we have had no satisfactory answer. As a protest against the continued inaction of the Government of India I press this motion for the acceptance of this House.

Mr. President: Reduction moved:

"That the Demand under the head 'Indo-European Telegraph Department' be reduced by Rs. 100."

The Honourable Sir Bhupendra Nath Mitra: Sir, the Government of India have not overlooked the demand which has been made on several occasions by this House that the headquarters of the Indo-European

Department should be removed from England to India. The subject, however, bristles with difficulties. My Honourable friend Sir Geoffrey Clarke spent some time during last October in London in examining the matter from the particular aspect of the need of maintaining any agency in London for dealing with the transactions of the Indo-European Department. He has submitted a report and that report is now under the consideration of the Government of India. I can assure my friend Mr. Ramachandra Rao that the matter is not so easy that we can by a stroke of the pen transfer the headquarters from London to India. The transactions of this Department are largely mixed up with the transactions of two companies whose headquarters are in London. We have got to make periodical settlement of accounts with them and we would not gain much by simply transferring the headquarters from London to India by a stroke of the pen. We have got to devise some machinery by which fuller information would be available to this Assembly and which would also leave us an agency in London to expeditiously deal with and settle the accounts with the connected companies.

Mr. President: The question is:

“That the Demand under the head ‘Indo-European Telegraph Department’ be reduced by Rs. 100.”

The motion was negatived.

Mr. President: The question is:

“That a sum not exceeding Rs. 29,55,000 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, 1926, in respect of the ‘Indo-European Telegraph Department.’”

The motion was adopted.

DEMAND No. 25—INTEREST ON ORDINARY DEBT AND REDUCTION OR AVOIDANCE OF DEBT.

Mr. President: The question is:

“That a sum not exceeding Rs. 1,38,18,000 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, 1926, in respect of ‘Interest on Ordinary Debt and Reduction or Avoidance of Debt.’”

Mr. Jamnadas M. Mehta (Bombay Northern Division: Non-Muhammadan Rural): Sir, I beg to move:

“That the Demand under the head ‘Interest on Ordinary Debt and Reduction or Avoidance of Debt’ be omitted.”

Sir, before showing why this reduction should be made, I want to point out a mistake which occurs in this big book on page 44. The Demand is for Rs. 1,38,18,000. Votability is indicated by the letter (a) against those items which are voted, but, Sir, the only items against which the letter (a) is shown are Rs. 6,75,000 and Rs. 1,70,000 on page 44 and Rs. 1,17,08,000 at the bottom of the same page, and on page 45, Rs. 9,49,000. Totalling up, Sir, you find that the amount falls short by Rs. 3,16,000 and that the Demand is to that extent not properly put. But I can point out the mistake to the Honourable the Finance Member; perhaps this Rs. 9,49,000 on page 45 which is expenditure in England does not

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include exchange which must come to Rs. 3,16,000, and that latter amount ought to have been shown as votable by putting the letter (a) against the item of exchange in order to make the total of the demand amount to Rs. 1.38 crores. It has cost me a number of hours to find this out and ultimately the mistake was admitted by your own department.

The Honourable Sir Basil Blackett: I do not want to interrupt the Honourable Member, but will he look at footnote (b)?

Mr. Jamnadas M. Mehta: I say (a) is the only letter which shows that items are votable, and the letter (a) occurs only against Rs. 1,17,08,000, Rs. 8,45,000 and Rs. 9,49,000, so the total of these items against which the letter (a) is shown is alone votable and that does not amount to Rs. 1,38,18,000.

The Honourable Sir Basil Blackett: (a), plus (b), plus (c) gives the full explanation. As stated it is Rs. 1,38,18,000.

Mr. Jamnadas M. Mehta: The items marked (a) alone are shown as votable, and the votable items do not total up to Rs. 1,38,18,000. I am content to leave it there. Then, Sir, I do not want the House to think that I am including in my total cut of Rs. 1,38,18,000 the Demand for Rs. 8,45,000 and Rs. 9,49,000 which are for the service of our debt respectively in India and England. I really want that this Rs. 8,45,000 and Rs. 9,49,000 may remain, but the reduction which must be made amounts, as I shall show hereafter, to over Rs. 1,38 lakhs even excluding this Rs. 8,45,000 and Rs. 9,49,000, and therefore I am compelled to press for the omission of the total grant. Sir, if the House will turn to the Explanatory Memorandum, they will find on page 19 that the total amount, which is said to be obligatory payment, amounts to Rs. 3,84,42,000. Yet the amount which the Honourable the Finance Member wants (consisting of voted and non-voted items) is Rs. 5,01,00,000. Well, Sir, I cannot understand why when Rs. 3,84,42,000 are obligatory payments, the rest should be asked for at all. Nor do I understand why even these Rs. 3.84 crores should be called either obligatory or non-voted. The Honourable the Finance Member wants 5 crores 1 lakh while as a matter of fact on his own statement the only obligatory payments are 384 lakhs. Moreover, when you turn to examine the matter closer, you find that the only obligatory payments under the Government of India Act, 1919, are those shown in section 25. That section says the only payments which are not to be put to the vote of the House are charges for interest and sinking fund and expenditure which is prescribed by or under any law; and salaries and pensions, etc. So that whatever demand is neither for interest nor for sinking fund charges nor required to be paid under any law cannot be said to be really obligatory. And yet I find under the misleading term "obligatory" we are compelled to treat Rs. 3,84,42,000 as non-voted although the only portion of it which is really non-votable under the Government of India Act is Rs. 48,55,000—Railway Sinking Fund. The whole of the rest which is in another sense equally obligatory but which is not therefore non-votable is concealed or attempted to be evaded from the scrutiny of the House without any legal authority. I hope, Sir, some enterprising Member will make a test case and teach the Government of India a lesson. A demand may be obligatory and yet not non-votable.

All non-votable Demands are obligatory but all obligatory Demands are not therefore non-votable and the Government of India Act, 1919, gives no authority to the Finance Member or to the Government of India to take away from the purview of the House items which may be obligatory but not therefore non-votable. I protest in the name of this Assembly, Sir, that whilst our rights and privileges are already limited they should be further restricted like this even in the matter of voted items because it pleases the Finance Member to withhold them from our scrutiny and vote. If you examine Rs. 91,47,000, which is the depreciation for the 5 per cent. rupee loan—why that is made non-votable I cannot understand. It is not sinking fund neither is it interest. If you turn to the Finance Member's speech last year at page 208, that amount which is now attempted to be made non-votable is described in this way: "1½ per cent. Depreciation Fund against 5 per cent. Indian War Loan and 5 per cent. Rupee Loan". Well, Sir, depreciation is not the same as sinking fund. This depreciation was provided in order to allay the feelings of those who subscribed to these loans lest these loans should go under 95; and therefore in the prospectus or advertisements of these loans Government promised that they would set aside every year 1½ per cent. as depreciation. But what was promised to our would-be creditors for their satisfaction does not become non-votable and cannot therefore be termed "sinking fund" as has been deliberately done in this big book. Although you find that in this memorandum the description sinking fund is not applied to it, although in the Finance Member's speech this item is described as depreciation fund, although in the Resolution of the Government of India, dated the 9th December 1924, this amount is also described as depreciation, still for reasons to be explained to the House this amount is mentioned as "obligatory payments" and under that misleading name made non-votable. (*The Honourable Sir Basil Blackett*: "Is it not obligatory?") Obligatory it is, according to your description on page 19 of the Explanatory Memorandum, but it is not therefore non-votable. The Government of India Act gives no countenance to that contention. (*Mr. Devaki Prasad Sinha*: "Is it not a part of the contracts?") The Government of India Act gives no countenance to that either. It may be obligatory by virtue of a contract but it is not therefore non-votable under the Act. The salaries of the gentlemen opposite are non-votable; not because they are merely obligatory but because the Government of India Act excludes them specifically from the purview of this House.

Further, there are the capital portion of railway annuities amounting to Rs. 1,73,64,000. These are our obligations for the return of capital. It may be open to a difference of opinion whether we should allow them to be paid out of capital or out of revenue; but there can be no difference of opinion whatever that there is no provision in section 25 of the Government of India Act, 1919, which allows them to be withdrawn from the vote and scrutiny of the House and turned into non-votable items.

Then, Sir, we have Rs 65,00,000 of annual payments for redemption of the capital liabilities assumed in respect of the British War Loan. I should like to know under which section of the Government of India Act this becomes non-votable; obligatory it is, I admit; and we would all be obliged in fairness to vote for it but therefore it does not become non-votable and that is my contention. In this way Rs. 3.35 crores have been made non-votable. Why? Because the Finance Member knows that after the recent debate on debt redemption the House has been inclined to the

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view that so far as this question of the reduction or avoidance of debt is concerned, although we are obliged to pay the debts, we might return capital out of borrowings and only pay such amounts as are revenue charges out of the revenues and not all. The informal conversations to which we were called the other day—I am committing no breach of confidence, I trust, in stating it, and I hope the Finance Member will not object to it—the informal conversations broke down and almost every member of that conference urged the Finance Member at least to agree to debit a large part of those payments to capital; but nothing came out of that conference, although practically all of us, with the exception of the Finance Member and probably one or two others, were against the present system. We insisted that these capital charges must not be taken out of revenue. These 384 lakhs are not all non-votable except Rs. 48,55,000 which are for the railway sinking fund provided under Acts of Parliament; therefore they may be non-votable; but the rest, *i.e.*, Rs. 3.35 crores, ought to have been brought to the vote of the House and I do hope that before it is too late a test case may be made and an injunction may be obtained against the Government of India restraining them from evading the control of this Assembly in this manner, for which they have no warrant at all. . . .

Mr. N. M. Joshi: Government have got the final voice in the matter.

Mr. Jamnadas M. Mehta: I know that; but the Governor General has not exercised it,

The Honourable Sir Basil Blackett: He has.

Mr. Jamnadas M. Mehta: although the Finance Member may advise His Excellency to do so, and the moment his advice is accepted of course our voice is gone; but to-day the position is that the Governor General has not done anything of the kind.

The Honourable Sir Basil Blackett: That is contrary to the fact; he has.

Mr. Jamnadas M. Mehta: Very well, Sir, but I submit that, he can only do it when a conflict arises. His jurisdiction does not accrue until a conflict has arisen; and if he has done it without any conflict arising I do not think he had any right to do so. If the aforesaid Rs. 3.35 crores were put to our vote I am confident we would have agreed to pay, but not from current revenue.

Sir, the amount which the Honourable Finance Member himself describes as obligatory is, as I have already said, 384 lakhs and not more. Yet provision is made for 501 lakhs. Therefore I say 117 lakhs must go; there is no doubt in the mind of anybody who reads this page 19 that the only obligatory payment is 384 lakhs, and even agreeing that the whole of it is non-voted, 501 lakhs should not have been provided; and therefore 117 lakhs must go. That is one point.

Further, Sir, it is clear to me that the Finance Member is a perfect ostrich. On the one hand he fixes the rate of exchange at 1s. 6d., on the other, when he wants to make payments in England, although the rate of exchange which he has assumed both for this Budget and the Railway Budget is 1s. 6d., he charges us as if the rate was still 1s. 4d., so that if you take out the 5 per cent. depreciation, *i.e.*, Rs. 97 lakhs, which are to be paid in this country, the rest of the amount he has charged at 1s. 4d.

although he has himself provided 1s. 6d. as the rate of exchange. And if the House works up his own ratio at 1s. 4d., it will see that the excessive amount which he has taken comes to about 35 lakhs. So that in addition to 1 crore and 17 lakhs, these 35 lakhs have been taken away under the cover of 1s. 4d. which, on his own admission, he does not contemplate would be the rate during the next year; the difference between 1s. 4d. and 1s. 6d., which, as I have said, comes to about 35 lakhs of rupees, must be added to the 1 crore and 17 lakhs. That would make 1 crore and 52 lakhs.

Then, Sir, there are Rs. 24 lakhs of customs revenue; because that revenue is derived from duties on railway capital stores, it is sought to be surrendered out of the customs revenue to capital payment. That would total up to 1 crore 72 lakhs.

The Honourable Sir Basil Blackett: It is already included in the 118 lakhs.

Mr. Jamnadas M. Mehta: I am sorry, Sir. If the Honourable Member says so, I will accept his statement, and the figures I have given may stand corrected to that extent.

But, Sir, our grievance does not end here. If, as I have suggested, the 3 crores 84 lakhs, most of which is votable, had been brought to the scrutiny of this House, we should have turned down the capital portion of the railway annuities, the capital portion of the annual payments for the redemption of liabilities for £100 millions war gift and these 97 lakhs of 5 per cent. rupee loan out of revenue to capital charges. We should have asked the Finance Member to pay them out of capital and not out of revenue, so that we should have further released to revenue a sum of over 3 crores which the Honourable the Finance Member has surreptitiously entered under these obligatory payments from revenue. Well, Sir, a test case might or might not come, but I want to indicate the wrong principle which is embodied in the so-called obligatory payments. Sir, we cannot touch these 3 crores, which are really capital charges, and not revenue charges, and as the Resolution which I had brought forward on the 17th February last still remains to be discussed and adopted or rejected by the Assembly, we will in due course pass our judgment on that. But, as I have shown before, at least 1 crore and 52 lakhs are being taken away unnecessarily. Therefore, although I wished to move for a larger reduction, I have moved the reduction only of 1.38 crores not that I could not, on the figures quoted by me, have been justified in moving for a larger reduction but the arbitrary way in which non-voted items are created by the Finance Member makes it impossible for me to do so. I am not cutting down Rs. 3.35 crores, but I ask the House to make a reduction of only 1 crore 38 lakhs.

Sir, we have complained again and again that larger surpluses are not possible because the Honourable the Finance Member charges to revenue items which are not so chargeable. When we complain he tries to make himself merry at our cost, but the pranks which he is perpetrating on the tax-payer are not easily and lightly to be forgotten; he has no business to charge to revenue payments which ought to be charged to capital; especially as these pranks will remain, even after he has retired from service, I must request him to take warning betimes. Great may be his reputation as a financier; he may be the Gladstone of Finance, he may be the Cavour of Finance, but if he continues to charge things which are not

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chargeable to revenue, if he continues to charge different rates of exchange, though he himself has laid down a particular rate, this House cannot possibly allow it. Then, Sir; the particular policy of charging 24 lakhs as customs duties on railway capital stores and then returning that amount to the Railway capital is a thing which requires explanation. The amount is customs revenue. Whether it comes from railway capital stores or from any other source, it is customs revenue all the same. Why should this revenue be returned to capital? I can take the Finance Member to any business house in Bombay or elsewhere and show him whether there is not some system, some principle, some method under which allocation of expenditure between revenue and capital is made. In this Budget there seems to be no principle. It will be necessary hereafter to press for a committee which will lay down definite rules and principles under which the allocation of expenditure between capital and revenue is made. In the meantime, I would ask the House to remember that we have been paying annually 40 crores as additional taxation for several years. In addition 9 crores of provincial contributions have been further taxation. Over 5 crores being the discount on *ad hoc* securities and the excess over £40 millions in the Gold Standard Reserve are further added to revenue; then the Finance Member gets about 3 crores profit from exchange; totalling Rs. 40 crores the amount of additional annual taxation since the war, Rs. 9 crores being the amount of provincial contributions; about Rs. 5 crores being the discount on *ad hoc* securities and excess of the Gold Standard Reserve over £40 millions, and 3 crores from profits on exchange, we are paying about Rs. 55 to 57 crores of additional taxation every year for some years since the termination of the war. Is it not reasonable that some part of this large amount should be released for the relief of the taxpayer? I submit, Sir, that taxation should be remitted substantially now, so that the public might be able to realise that the war has been over 7 years since, that the demands on their purse are not war demands but are made in the times of peace. Let the country have the satisfaction of feeling that the Armistice was signed on the 11th of November 1918, and that the war does not still continue. I would invite the attention of those Honourable Members who have tabled reductions to my motion that, as I have pointed out, the real reduction that we could make, even with the restricted voting power which the Finance Member has taken upon himself to give to this House, is Rs. 1.52 crores. But as that is not possible in a Demand for Grant totalling a crore and 38 lakhs, we have no remedy beyond the total reduction of the whole Demand. It is not a motion born of obstruction to-day. That motion will follow in due course, but this motion is on merits. The whole of it can be reduced. If the Demand had been larger, we should have made a larger total cut but we are powerless. For that reason, Sir, I hope the House will realise that every item to which I have referred is either not necessary for expenditure or must be charged to capital and therefore, although this 9 lakhs and this 8 lakhs may remain, what we want is that a crore and 38 lakhs must be reduced from the five crores, while the charge that has been hitherto incurred for debt service may remain. Still, Rs. 1,38,00,000 can be reduced. For such a cut, there is a precedent. My Honourable friend Mr. Patel moved the other day a reduction of Rs. 77,000 on the Railway Board Demand. He knew that he could not touch Members of the Railway Board whose salaries and allowances were non-votable but because they were non-votable he touched other items which could directly and indirectly touch those gentlemen whom he wanted

to get at; and because these latter were votable he proposed a total cut of Rs. 77,000, and the House, seeing that it was impossible to touch the people whom he wanted to get at in any other manner, accepted that cut. The whole of that cut of Rs. 77,000 was made, although it was not directly on the merits of the particular items, but because he wanted to hit indirectly the people at whom he could not get in any other manner. With these words, Sir, I move that a total reduction of Rs. 1,38,00,000 be made from the Demand for Grant.

Mr. President: The question is:

“That the Demand under the head ‘Interest on Ordinary Debt and Reduction or Avoidance of Debt’ be omitted.”

Diwan Bahadur T. Rangachariar: Sir, I have two points of difficulty, which I should like the Honourable the Finance Member to explain, in understanding his estimate of the figure which he has put in for this purpose. In the first place, he has calculated the sum of 4 crores, which he has allotted for the amortisation of the debt as it stood on the 31st March, 1923, at the exchange rate of 1s. 4d., whereas the budget figures are based on 1s. 6d. I should like to know what the amount of the debt would be if the external debt were calculated at 1s. 6d. and not at 1s. 4d. If Honourable Members turn to the statement in the speech of the Honourable Member on page 45, they will find that the external debt as it stood on the 31st March, 1924, converted at 1s. 4d. comes to Rs. 485·84 crores. I am sorry I have not got the figures as to how the external debt stood on the 31st March, 1923. Working on the above figure, these 485 crores must be reduced by much less if the exchange rate were calculated at 1s. 6d., so that the 4 crores provided for amortisation of debt on the basis of somewhere near 485 crores must be reduced. I am sorry I have not been able to get at the exact figure. There must be a deduction of somewhere between 40 to 50 crores in the amount of the indebtedness, because it will be only 8/9th of the amount. I should like to know what the amount of the reduction will be on that basis, and whether 4 crores is not an excessive over-estimate of the amount required for the purpose of amortisation of debt. Similar remarks would also apply to the 62 crores which are provided on the basis of 1/80 for the additional debt. How much of it is external debt and how much of it is internal debt I am not able to realise. If that were also worked out on the same basis, there would be some reduction under that head also of the amount required for that purpose. I fully approve of the scheme proposed by the Honourable the Finance Member and the provision which he makes for the redemption and avoidance of debt. I do not wish to quarrel with the scheme. But I only wish to quarrel with the estimate which he has made on that basis.

The other point on which I feel strongly is this question of providing the extra sum of 24 lakhs on account of customs duty on the railway capital charges. If my recollection serves me right, I think that sum is added to the value of the stores and to the capital account of the Railways for which we have provided for interest and for which we have provided a sinking fund and depreciation fund. In that case, what is the necessity for providing for an additional sum of 24 lakhs in the shape of reduction and avoidance of debt? It seems to me a duplicated provision indeed and quite unjustified. These two sums will work out to more than 70 lakhs according to my rough calculation. I am not sure of the figures. My rough calculation will give a saving of more than 70 lakhs under these

[Diwan Bahadur T. Rangachariar.]

two heads and I should like to ask the Honourable the Finance Member whether he will have the figures worked out on that basis and will give the House the benefit of that calculation.

The Honourable Sir Basil Blackett: Sir, this is not the first debate we have had this session on the question of the reduction or avoidance of debt and it is rather difficult to speak again without repeating oneself. I notice that Mr. Jamnadas Mehta found the same difficulty. I was in entire agreement with one of his statements which was that he was not very particular if he was wrong. Really, he should be more careful in his use of figures. I do not want at this hour of the night to go into all the figures which he put before the House. But he succeeded in adding about 40 lakhs to the amount of his cut or to what he said ought to be his cut by some arithmetic which I must assure him was not without fault. One particular point which he made and which has been raised by my Honourable friend, Diwan Bahadur Rangachariar, was in connection with the rate of exchange. If Honourable Members will look at the Finance Department Resolution, dated the 9th December 1924, in which this progress of debt redemption is set out, they will see the statement:

"In calculating the total of the debt charge in the schedule attached to the memorandum exchange has been taken at 1s. 4d. the rupee. If exchange stands above 1s. 4d., the amount of Rs. 4 crores proposed would help to amortise the debt at a more rapid pace."

(*A Voice*: "That does not bind this House.") It was clearly contemplated in the scheme that the rate of exchange during the five years in question, because this scheme is supposed to last for five years, would be taken as 1s. 4d. for the purpose of the scheme. If the rate of exchange happened to be higher, the scheme would serve to give a little bit extra for the reduction of debt. The figure for external debt on the 31st March, 1923, for which my Honourable friend, Diwan Bahadur Rangachariar asked, is Rs. 455,92,00,000 at 1s. 4d. and would be Rs. 405,27,00,000 at 1s. 6d. The figure for the 31st March, 1925, is Rs. 511,78,00,000 at 1s. 4d. and Rs. 454,92,00,000 at 1s. 6d., a difference of Rs. 56,86,00,000. I have not been able in the time available to arrive exactly at what would be the difference in the amount of the sinking fund if we were to take the 1s. 6d. figure for both years. (*A Voice*: "Rs. 35 lakhs.") I would point out to the House that we cannot, in taking our debt which has got to be amortised over a long series of years, take for one year 1s. 6d. as being particularly relevant unless we are looking forward, as the Honourable Member who has spoken seemed to be, to 1s. 6d. becoming a permanent rate for a series of years. (*Diwan Bahadur T. Rangachariar*: "You expect it.") For the current year, yes, and, as pointed out in the Finance Department Resolution, the result would be that during the current year there would be a slightly larger reduction of debt than if it was 1s. 4d. The thing was clearly foreseen in the Government of India Resolution—that is all my point—and the prospect of some extra amount being available as a result of this was taken into consideration in drawing up the scheme.

As regards the points raised by the Honourable Mover about some of these items being non-votable, I can only say that the whole question of how much of this provision for reduction or avoidance of debt was votable and how much was non-votable was carefully examined in the Departments and submitted, as there were doubts, for final decision to the Governor

General, and the final decision of the Governor General is represented by the figures as they are placed before the House. I would draw attention to the fact that probably the intention of Parliament in enacting this provision was rather stricter than as it has been worked in practice. Their intention probably was that any provision for sinking fund should be non-votable, and the fact that this is votable is rather contrary perhaps to the intention of the Government of India Act, though I agree that it is in accordance with the letter of the Act. The House of Commons carefully guards itself against the sort of temptation which Mr. Jamnadas Mehta finds irresistible. It carefully guards itself against the question arising year by year as to the possibility of relieving the Budget for the year by raiding the sinking fund.

6 P.M.

I am asked for the principle on which allocation of expenditure is made as between revenue and capital. There has been no change in that principle since I became Finance Member. The principle has been perfectly clear that so far as possible we borrow only for purposes of reproductive expenditure, particularly railways and irrigation, that we do not borrow for expenditure of a capital nature which is not directly reproductive in the sense that it is developmental. That you borrow for an item like Delhi is only an exception which, I may say, proves the rule. A breach was made in that particular rule in 1922, I think, when certain small charges were transferred from the Post Office vote from revenue to capital in respect of telephone buildings. The question whether telephone buildings were directly reproductive or not was a difficult one to decide and it was decided in favour of a charge under capital. There has been no change otherwise in the general principle and it is a principle to which I personally attach very great importance and I think this House ought to attach very great importance to it. It is easy to quote a commercial balance sheet against the Government of India or any other Government but the answer is perfectly simple that the Government of India's Budget is not in its form governed by anything like the same principles as a commercial balance sheet. No Government can be governed by such principles. If you proceed to do so, you will have the unproductive debt amounting to nearly 3 hundred crores, (I have not got the figure before me at the moment) which would represent in a commercial balance sheet a loss of capital with no assets against it and it will be a good time before such company would be in a position to declare a dividend. The Government of India on the other hand are declaring this year a dividend of at least 2½ crores to the provinces in spite of this condition of their balance sheet if drawn up on commercial lines. That is only one illustration of many which show that it is quite impossible to apply the principle of commercial accounts direct to the Government balance sheet. But that they are valuable as guides in many circumstances I am the last to deny, and the House will notice that we have introduced commercial accounts into several of the Departments where they seemed suitable in the last few years. But you must be careful when you are doing that not to be misled by the analogy into thinking that you can go further and proceed to borrow gaily for all the items which are of a capital nature. This is the second debate to-day in this House on this point. During the first one a motion was proposed to transfer to capital and borrow for the purpose the provision for the security printing press at Nasik. Now, that is a printing press which is going to do the work of the Government in India, to produce stamps and other security printed matter for the use of the Government. That is not a

[Si: Basil Blackett.]

developmental expenditure which is going to increase the area of the country under irrigation or increase the amount of the railway lines open or improve traffic facilities. It is not going to bring in new revenue by giving new facilities to the people of the country. (*A Voice*: "Reduce recurring expenditure.") It is going possibly to reduce recurring expenditure which is quite a different matter as I pointed out then though not at great length, because I thought the House would not go contrary to its previous verdict on exactly the same question. It makes very little ultimate difference whether you have an annual programme of building of a semi-capital or capital nature. Say you have 20 crores or 10 crores a year, or 20 lakhs a year—perhaps we had better take a figure 20 lakhs a year for buildings—whatever the figure is, if you spend 20 lakhs a year for 10 years on new buildings even if they are of capital nature, if you borrow the whole of this 20 lakhs year by year, at the end of 10 years you are very nearly in the position of paying as much in interest as you would have paid year by year in providing new buildings. At the end of the tenth year you are paying in interest the 20 lakhs, or something approaching it, which you would otherwise have spent on your new building programme in the eleventh year. You have saved the tax-payers for 10 years a sum every year getting smaller from a maximum of 20 lakhs and at the end of that period you have got a charge for interest on your tax-payer which will have to be increased to a further amount unless you stop your building programme altogether. I believe in the tea gardens, for example, the system they work on is that they do provide for such capital developments out of their annual revenue and do not have a capital account, because they find that in the end it is the most satisfactory way of working. The only result of borrowing for capital buildings therefore is that during the first 10 years you have slightly relieved the tax-payer and at the end of the 10 years he has both to find the interest and the cost of the new buildings thereafter. You have saved yourself to some extent for the first 10 years at the expense of the whole of the future.

But my general justification for this provision is really on very much bigger lines. I pointed out to the House the other day that we are faced during the next 10 years, and particularly during the next five years, with a very large amount of maturing debt which has to be met on maturity and for the greater part of which we must necessarily re-borrow. In addition, we have undertaken both on behalf of ourselves and on behalf of the Provincial Governments very large commitments for new capital expenditure running into a great number of crores. All that sum has to be borrowed. If you save a few lakhs this year and next and the year after by cutting this provision, you are almost certain to have to pay an extra amount in interest on all your new borrowings, not only the amount which you borrow for new capital expenditure but on all the maturing debt which you are going to convert. A very small difference in the amount of interest which you pay, say, the difference between 5 and 5½ per cent., would mean that in a couple of years you would be paying the extra 70 lakhs that Mr. Rangachariar suggests might be cut off this vote, you will be paying that extra 70 lakhs in the shape of interest. Instead of reducing your debt by the amount of 70 lakhs a year you would at the end of two or three years have a charge for interest larger by 70 lakhs than you would if you leave this provision as it stands. The result of that would be that not only the Government of

India in all their Capital undertakings but every one of the Provincial Governments and the railways would have to pay a larger charge for interest on a large part of their existing debt, because it is a question of renewal of debt. I therefore say that in my opinion it is perfectly plain that this is a penny-wise and pound-foolish policy. (*Diwan Bahadur T. Rangachariar*: "Over-prudent.") Mr. Rangachariar says it is over-prudent. It does not matter whether it is over-prudent, or prudent or wise, if the result is going to be, as I say, that an attempt to cut it, as is proposed by this House, will be to involve your finances in a year or two in a charge for interest, which might otherwise be a charge for reduction of debt. The House has had many opportunities of discussing this matter, but I do wish to make a serious appeal to this House to think twice about making a cut of this sort. If it does so, it is, as I say, taking away some of the value at any rate that we have got from the introduction of this scheme for reduction of debt. By making such a cut it at any rate shows that the House, if it gets its way, would not conduct our finances so prudently as our creditors and those whom we want to be our creditors would wish. It also shows the wisdom of the provision in the English Acts of Parliament by which these questions are not allowed to come up annually for discussion in this way. It will be I say a failure of this House to live up to its responsibility if it makes a cut in this vote at this stage, and it is a cut that will do it no good, because within a couple of years, even if the cut were accepted, the result would be that we should have as large an amount of expenditure to meet annually in respect of interest instead of in respect of principal. You cannot get away from the difficulty that it creates. This is really the one big nation-building provision in the Government of India's Budget. The Government of India are not responsible directly for education, sanitation and so on. But they are responsible for providing capital which is required for the development of the nation-building services throughout India. If you cut this, you certainly add to the charge for interest of all the provinces. On the other hand, this provision is one which, in my opinion, is absolutely essential if you are going to contemplate undertaking anything like the large capital programme of developmental works which the Government of India and the Governments of the provinces have recently undertaken and which I regard as the direction in which most quickly the economic welfare of India as a whole and the uplift of our masses can be achieved.

***Mr. V. J. Patel** (Bombay City: Non-Muhammiadan Urban): Sir, I congratulate my friend Sir Basil Blackett on his laborious attempt to justify the provision of 501 lakhs on these debt redemption schemes. I must say at once that I am not at all convinced by his arguments. He calls the policy which we ask him to pursue a penny-wise and pound-foolish policy. Now, we have pointed out that he has no business to make payments in England at the rate of 1s. 4d. when the market rate is 1s. 6d. That item is not a small item. I have calculated the amount. I will give the exact amount which he would ask us to pay more than he ought to. At page 19, Honourable Members will find that the payment of what are known as obligatory payments amounts to Rs. 3,84,42,000. Now, out of that amount Rs. 97,21,000 is the amount which is to be spent in India. The remaining three items, Rs. 173,68, Rs. 48,55 and Rs. 65,02 are to be remitted to England. If you deduct Rs. 97,21,000 from Rs. 3,84,42,000 you come to Rs. 2, 87,21,000. Now, this is the amount that he asks for debt in England. Now, this amount is calculated at the rate of 1s. 4d. If you calculate it

* Speech not corrected by the Honourable Member.

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at the rate of 1s. 6d. you find a difference of Rs. 35,95,125. So he asks this country to pay him Rs. 35,95,125 more, though he does not require them. All that he says in defence is that under the debt redemption which the Government of India have accepted by a Resolution it has been laid down that any saving on account of exchange will go towards amortising this debt. This is an entire scheme and you cannot deal with a scheme in that way. You want a certain amount to be paid annually for paying off your debt by way of this scheme and you cannot make charges in the scheme as you like. Then why not pay it all at once and finish with it. It is not the idea that we should pay it at once but pay it on definite principles and in a convenient time. This is a scheme for five years and now he says that if you pay at the rate of 1s. 4d. the gain under the exchange will go towards amortizing the debt further and further. That is what we do not want. That is not the right thing to do. This amount of Rs. 35,95,125 must go at once. There is no question of that. He asks us to pay it down at once although, as a matter of fact, he does not require it. He has got to make provision for 287-21 less 35,95,125, and this amount he is legitimately entitled to take from us if we accept his scheme.

Coming to the scheme itself, Sir, I may point out that scheme was announced by my friend Sir Basil Blackett at the last budget time and we were all taken by surprise. We did not know anything about it. He never asked this Assembly about that scheme before he actually announced it. This Assembly was never given an opportunity to discuss the scheme on its merits. Thanks to the efforts of my friend Mr. Jamnadas Mehta this House had an opportunity only recently to discuss that scheme, and as a result of that discussion an informal committee was appointed which met with what results I do not know.

The Honourable Sir Basil Blackett: I desire to ask, Sir, whether it is really in order to refer to this informal committee? I regarded it myself as an informal committee the discussions of which were not for publication, and I think it is unfair that a partial statement should be made about the proceedings which took place there.

Mr. V. J. Patel: I do not at all want to make any reference to the proceedings of that Committee because I do not know them. All I say is that this House does not know what those proceedings are.

Mr. Jamnadas M. Mehta: May I say, Sir, that this House is entitled to know the proceedings of this informal committee. It was at the instance of this House that this committee was appointed and its proceedings cannot be concealed from this House.

Mr. President: It is advisable not to make a reference to the proceedings of a committee in this House unless they can be laid on the table. It has been ruled before now that informal discussions even in a Select Committee appointed by this House, unless they appear in the Select Committee's report, are not usually referred to in the debate. In this case I do not know what the Honourable Member was referring to. If it is a report of an informal committee which is not published, it would be wise not to refer to it.

Diwan Bahadur M. Ramachandra Rao: There is no report of the proceedings of the Committee.

Mr. V. J. Patel: There is no report and that is what I am saying. I do not know anything about the proceedings. When, as the result of deliberations in this House on the Resolution of my friend Mr. Jamnadas Mehta, an informal committee was appointed, this House is entitled to know, when discussing this question, what became of that committee? We have nothing before us and we attack the whole debt reduction scheme. Our idea is that this scheme should not be put into action until this House has had the fullest opportunity to go into the whole question in all its aspects and come to a definite conclusion. It is a serious matter; it is not a small matter that every year we are asked to provide 5 crores of rupees and more for a definite period. This House is entitled to a vote and a voice in the matter, and therefore, unless and until a full opportunity is given to this House to go into the whole question of the debt reduction scheme of my Honourable friend Sir Basil Blackett, we should not be asked to vote according to that scheme. Not that we do not want to make any provision, not that we do not want to pay towards the reduction of debt; but we want the whole matter threshed out and a definite scheme laid down. My friend Mr. Chetty has given notice of an amendment that Rs. 77,50,000 should be cut down from this year's provision of Rs. 5,01,00,000 on the ground, I understand, that so long as this House has not discussed that scheme, and so long as this House has not come to any definite conclusion on the whole scheme, we should stop, and go on paying, as we have paid hitherto, this 4 crores of rupees according to the Government of India Resolution. Rs. 77,50,000 is provided for excess over that from between March 1923 and March 1925, and my friend Mr. Chetty says, "Let us not make that provision, let us only pay 4 crores and stop that Rs. 77,50,000". I go further, Sir, and say that Rs. 35 lakhs which is going to be gained by exchange should not be given. Perhaps the Honourable Members may have noticed my amendment. That amendment, Sir, is:

"That the Demand under the head 'Interest on Ordinary Debt and Reduction or Avoidance of Debt' be reduced by Rs. 1,13,40,125,"

which, with your permission, I formally move. Honourable Members have already been told how I came to this figure. I take the figure of Rs. 77,50,000 which is in the amendment of my friend Mr. Chetty, and to that I add the amount of Rs. 35,95,125 which my friend Sir Basil Blackett wants on the basis of 1s. 4d. That comes to Rs. 1,13,40,125. That is how I come to this figure and I formally move this amendment. Not that I do not agree with my friend Mr. Jamnadas Mehta. I wholeheartedly accept the arguments put forward by him, but I see that some of our friends are nervous to delete the whole provision. It sounds as if there is obstruction: I want to make it perfectly clear that my friend Mr. Mehta has not moved his amendment for the omission of the whole grant on the ground of obstruction. It is purely based on merit. If more than Rs. 138 lakhs were votable, he should have certainly moved for the omission of that additional also because the merits of the case justify the omission of 152 lakhs, as pointed out by my friend Mr. Jamnadas Mehta, after deducting the amount as the result of the mistake pointed out by my friend Sir Basil Blackett. Rs. 150 lakhs on the merits should be deducted if the amount was votable, but the only amount votable is 138 lakhs, and that is the only amount we could touch, and therefore my friend Mr. Jamnadas Mehta has moved for the omission of the whole grant on the merits and not on the ground of obstruction. There is absolutely no reason why any of my friends should be nervous, but I do not wish that this motion should be lost, and therefore I propose this amendment which is based on the motion

[Mr. V. J. Patel.]

of my friend Mr. Chetty, which is for the deletion of the excess provided for this year, *plus* the gain by exchange, which makes up the amount which I have stated in my amendment.

Now, Sir, there is one point I have not been able to understand and it has taken me hours and hours to try and understand it. Perhaps my Honourable friend Sir Basil Blackett will explain it. He said that the amount of obligatory payments is 384.42 at page 19 of this memorandum, and then to that the excess provision of 77.50 of this year is to be added, and to that is to be added the amount of 24 lakhs on account of customs duty on railway capital stores. That makes 485 lakhs. I do not see either from his speech or from this Explanatory Memorandum or from any other papers that have been supplied to me hitherto how this amount of 501 lakhs has been come to. All that I could find is that he wants 97.21 lakhs for the 5 per cent. rupee loans, 173.64 lakhs for the capital portion of railway annuities, 48.55 lakhs for railway sinking funds, and 65.02 lakhs for the capital portion of annual payments in redemption of liabilities assumed in respect of the British War Loan (1929-47), which comes to 384.42 lakhs. And then he says that he wants 24 lakhs on account of customs duty on railway capital stores, 77.50 lakhs for subsequent borrowings after March 1923. That comes to 485 lakhs. I shall be very grateful to my Honourable friend Sir Basil Blackett and the gentleman who sits behind him if they will explain from these papers that they have given to us how they make up 501 lakhs, unless they have concealed some item as they are in the habit of doing.

I do not wish to go into the question raised by my Honourable friend Mr. Jamnadas Mehta about votable and non-votable items. I have very strong feelings on that question and I expressed those feelings in connection with another amendment I moved some time ago. I do feel that it is entirely wrong on the part of Government to show as non-votable items which under the Government of India Act are votable. What is the use of saying that the Governor General has given his sanction to making these items non-votable. When did the question arise? This is the first time the question has arisen, and the Government of India Act says unless the question has arisen you have no business to go to the Governor General and take his sanction.

The Honourable Sir Basil Blackett: The question arose because I raised it.

Mr. V. J. Patel: You cannot raise it.

The Honourable Sir Basil Blackett: I had considerable doubts.

Mr. V. J. Patel: If you had doubts that shows that the matter is not free from doubt.

The Honourable Sir Basil Blackett: My doubts were as to whether even this was votable.

Mr. V. J. Patel: However, the Legislative Assembly contends that these items are votable excepting one item known as the sinking fund item. All the rest of the 501 lakhs is votable—that is, 501 lakhs *minus* 48.55 lakhs railway sinking fund; and yet the whole thing is put down as non-votable. I am simply surprised. If my Honourable friend had any doubts whether these items were votable

The Honourable Sir Basil Blackett: Not these. I said I had doubts whether the items included were really votable.

Mr. A. Rangaswami Iyengar: Is it not the case that the Viceroy should make a declaration under the Act?

The Honourable Sir Basil Blackett: No, I do not think so.

Mr. A. Rangaswami Iyengar: You all decided it secretly and tell us you have decided so and so.

Mr. Jamnadas M. Mehta: I submit, Sir, that under section 25 (4) of the Government of India Act, 1919, it is compulsory that the decision should be made known and that too after a question has previously arisen in this House as to the votability or otherwise of any Demand for Grant.

Mr. V. J. Patel: However this is not the occasion for discussing that; as my Honourable friend, Mr. Jamnadas Mehta has very rightly pointed out, we need a committee with a majority of elected Members of this House to go into the whole question of the allocation between revenue and expenditure and also on the question as to what items should be votable and what should not be votable. I have repeatedly pointed out in this House that crores of rupees have been made non-votable, although they are as a matter of fact votable; and therefore it is absolutely necessary that this House should appoint a committee at an early date to go into both these questions and decide once and for all what should be votable and what should be non-votable, what should be charged to revenue and what should not be charged to revenue. My friend Sir Basil Blackett could not get any money for doing away with the cotton excise duty; but, as my Honourable friend Diwan Bahadur Rangachariar very well put it, he has irritated this Assembly not once but several times. Now that the fund is here, where is the difficulty about it? Here is 138 lakhs of rupees which you have been unnecessarily putting down in your scheme and which can very well be spared. You would not do it. There are 24 lakhs and there are several other items which you can very well utilise for the purpose of giving relief to the millowners of the Bombay Presidency. You would not do it. I know that where there is a will there is a way; but we are not discussing that question at all. We are discussing the question of what should be the provision really under this head; and while I entirely agree with Mr. Jamnadas Mehta that the whole provision which is votable should go, I limit my ambition to only 113 lakhs odd because I see that my friend Mr. Shanmukham Chetty has an amendment and I have no doubt that he will see the desirability of taking 35 lakhs more and adding it to his amount, so that the whole amount would be 113 lakhs. The votable portion is 117 lakhs according to my friend, Sir Basil Blackett; and we are only asking for a cut of 113 lakhs. I trust the Assembly will accept this small cut.

Sir Gordon Fraser (Madras: European): Sir, I do not claim to be an expert in high finance; but as a business man I would like to give my views in regard to this vexed question of debits to capital and revenue. It seems to me that if the money is spent on productive works and if those productive works are likely to show a sufficiently good return to give enough revenue to cover the interest on the debt and also provide sufficient money for a sinking fund in order to pay off that debt, within a reasonable length of time, then I consider that it would be perfectly justifiable to debit such charges to capital. In the case of unproductive works, such as money spent on

[Sir Gordon Fraser.]

buildings for administrative purposes, the conditions which I have just mentioned do not exist and under the circumstances the correct policy, I contend, and the only sound policy possible, would be to debit such expenditure to revenue. This, I understand, has been the policy in the past and it seems to me this policy must continue unless the House deliberately decides to give an unfair advantage to this and the next few years in comparison with the years to come. It is only possible to benefit the present year and the following eight years by this process, to the unfair detriment of the years after that. I have put the position as it appears to me in the form of a figure chart. I cannot very well put the chart before this House, but I shall try and explain the position as it appears to me. I think it has not been disputed that the expenditure on unproductive works has, generally speaking, and we will presume so for the sake of argument, been fairly level over a certain number of years. The Honourable the Finance Member has stated that in the case of abnormal expenditure, such as the building of New Delhi, it might be justifiable, or rather the expenditure might be spread over a certain number of years, although I gather from the way he referred to the subject that that procedure would not altogether receive his blessing. For the sake of my argument, I would like to take the figure of 100 as the basic figure for the expenditure annually over a period, say, of 10 years. Up to date, I understand that every year has borne its own burden of expenditure, that is to say, each year has been debited with this figure of 100. If we now decide that the expenditure on these buildings must only be written off to revenue, for the sake of argument we will say at 10 per cent. per annum, that is completely written off to revenue over a period of ten years, in my opinion we would be deliberately entering on a course of unsound finance. Take the past ten years. Each year, as I said before, has borne the burden of its own expenditure on these unproductive works, and each year has been debited with this basic figure of 100. Now if we take the next ten years, what is the position, if the new system advocated by my Honourable friends Mr. Rama Aiyangar and Sir Purshotamdas Thakurdas is adopted? The revenue of the first of these 10 years would only be debited with 10 per cent. of the actual expenditure of that year, and the remaining 90 per cent. of the basic figure of 100 would be passed on to the following year. The revenue of the second year would be debited with 10 per cent. of the expenditure of that year, plus 10 per cent. of the expenditure of the previous year, and 90 per cent. again of the expenditure of the second year would be passed on to succeeding years. The expenditure in each year of the 10 years would increase by 10 per cent. until when we arrive at the 10th year we will be back again to exactly the same position that we are in at present. We would be paying this basic figure of 100 every year for expenditure on unproductive works but with one difference, and that difference is a very very important one. Instead of paying this basic figure of 100 each year and clearing up our debt, we would be paying this figure of 100 and at the same time incurring a heavy debt with a constant interest charge on it. Unless we take each year on its own merits and pay off the unproductive debt of that year out of expenditure, we cannot avoid borrowing, and naturally if we borrow, we will have to pay the interest charges.

To sum up the position. A change in the present system, as proposed by my Honourable friend Mr. Rama Aiyangar, would result in the next nine years, in 1925-26 and in the following 8 years, being debited with sums less than justified. The first year, as I have mentioned just now, would only be

debited with a tenth of the normal expenditure on unproductive works; the second year would be debited with a fifth of the average annual expenditure on unproductive works, the third year would be debited with three-tenths and so on, up to the tenth year, when as I have already said we come back to identically the same position that we are in at present, but with a big debt and interest charges thereon instead of the unproductive debt being cleared off up to date. I consider that to try and benefit 1925-26 and the following 8 years at the expense of future years is a deliberate attempt—and one which I would deprecate and one which should be condemned—I consider it to be a deliberate attempt at window-dressing. Under whichever system you work, whether the system which has been in existence in the past or the system now advocated by my two Honourable friends, you cannot get away from the fact that at the end of the tenth year you are paying from revenue exactly the same figure for unproductive works as you are doing at present. I would strongly deprecate any attempt being made to carry these debits forward such as has been suggested. I gave my views the other day upon the dangers of this House interfering with the present arrangements in regard to the redemption of debt and in view of the very heavy borrowing and conversion programme ahead, so I do not propose to deal with that point again except to say that I hope the House will not interfere but will carry out the proposals that have already been made.

Mr. Jamnadas M. Mehta: Sir, I have heard what my Honourable friend Mr. Patel had to say about the nervousness of some friends. That is not however my only ground for accepting his suggestion. The sum that I proposed to deduct in addition to Mr. Patel's proposed reduction is 24 lakhs which represents the return to the Railway Capital Accounts of the customs duties collected on Railway capital stores. I am opposed to this return on principle which however I recognise might not be clear to the House within half an hour's debate and therefore some Honourable Members might not be convinced about the soundness of my view. Without surrendering the principle—that customs duties on Railway capital stores which are proposed to be returned are revenue and cannot therefore be returned—without surrendering this principle,—for the sake of the convenience of those who have not gone fully into the matter, I am willing to withdraw my amendment in favour of Mr. Patel's amendment which really means that I am not pressing for the customs question for the present.

The Honourable Sir Basil Blackett: Sir, I object to withdrawal.

Mr. A. Rangaswami Iyengar: He is not withdrawing, he is accepting Mr. Patel's amendment.

Mr. President: I was taking it the other way. If Mr. Jamnadas Mehta withdraws, I would ask Mr. Patel *pro forma* to move his amendment. Is it your pleasure that the amendment be withdrawn?

The Honourable Sir Alexander Muddiman: No.

Mr. V. J. Patel: What about my amendment?

Mr. President: Mr. Jamnadas Mehta has asked leave to withdraw and Government object to that.

Mr. Jamnadas M. Mehta: In the alternative, Sir, I may accept Mr. Patel's amendment.

Mr. President: No, it is too late for that. The Honourable Member has asked leave to withdraw and Government have objected. The motion for reduction must therefore be put forthwith.

The question is:

"That the Demand under the head 'Interest on Ordinary Debt and Reduction or Avoidance of Debt' be omitted."

Mr. Jamnadas M. Mehta: I should like to know, Sir, what would be the fate of Mr. Patel's amendment; supposing this proposition is defeated?

Mr. President: If the motion which the Honourable Member asked leave to withdraw and which I have just put from the Chair is defeated, the original motion is still before the House and Mr. Patel can move his reduction.

The motion was negatived.

Mr. V. J. Patel: Sir, I formally move:

"That the Demand under the head 'Interest on Ordinary Debt and Reduction or Avoidance of Debt' be reduced by Rs. 1,13,40,125."

I have already stated my reasons in support of this motion, and I do not wish to take up the time of the Assembly any longer.

Mr. P. R. Rau: Sir, my excuse for intervening in this debate is the invitation extended to me by Mr. Patel to explain some figures in the Memorandum. I am very sorry he has been put to trouble and has spent so much time in trying to get the figures right, in order, as he has stated, to appeal to all the people who are nervous about this motion being taken as a measure of obstruction. I am afraid I am going to add to the nervousness of his friends by pointing out that the figures he has given are not correct. I thought paragraph 43 of the Memorandum made it quite clear that the 24 lakhs on account of duty on Railway capital stores is not included in the 477-50 lakhs. If you add 24 lakhs to 477½ lakhs you get 501½ lakhs, which is the total provision for debt redemption. Mr. Jamnadas Mehta has apparently overlooked paragraph 43.

As regards the question of exchange, the Honourable Mr. Patel stated that the Honourable the Finance Member had no business to make payments in England at 1s. 4d. instead of at 1s. 6d.

Mr. V. J. Patel: May I intervene, Sir? The Honourable Member says that 24 lakhs have been included in 501½ lakhs.

Mr. P. R. Rau: Yes.

Mr. V. J. Patel: That is true. But I do not understand how he makes up 501½ lakhs. The total of obligatory payments is 384 lakhs and if you add 24 lakhs to that, and 77 lakhs on account of the excess provision, that would make 485 lakhs. How does the Honourable Member make up 501½ lakhs?

Mr. P. R. Rau: I shall explain that in a minute. This 501.5 lakhs is the result of adding 477½ lakhs, the total amount to be set apart for debt redemption under the Government scheme, and 24 lakhs. It has nothing to do with the obligatory payment of 384 lakhs.

Mr. V. J. Patel: Where does the difference between 384 lakhs and 4 crores go? For what do you provide that?

Mr. P. R. Rau: 477½ lakhs is the amount calculated according to the terms of the Government of India Resolution which prescribes the datum line of 4 crores which should be added $\frac{1}{40}$ th of the difference between the debt outstanding on the 31st March, 1925, and that on the 31st March, 1923.

Mr. V. J. Patel: You are begging the question. I want to know how you make up 5 crores. It consists of 384 obligatory payments, 24 for customs and 77 for the excess and the rest for what?

Mr. P. R. Rau: May I explain to the House that the 4 crores has really nothing to do with the exact amount of the obligatory payments. It is a figure the genesis of which will be explained to the Honourable Member if he reads the Honourable the Finance Member's budget speech of last year and the Resolution of December, 1924.

Mr. V. J. Patel: I have read everything.

Mr. Jamnadas M. Mehta: 15-58 lakhs cannot be traced to any specified head of debt. We want to know why you provide these 15-58 lakhs which have to be added to 384 to make up your 4 crores. To what particular creditors do you pay it?

Mr. P. R. Rau: May I explain that we do not pay it to anybody.

Mr. Jamnadas M. Mehta: That's it.

Mr. V. J. Patel: You keep it to yourself.

Mr. P. R. Rau: 501½ lakhs is supposed to be for reduction or avoidance of debt. Whatever is left after the obligatory payments have been made goes towards the reduction or avoidance of debt, as the title itself shows.

Mr. R. K. Shanmukham Chetty: Am I then to understand that the 4 crores is the arbitrary law of the financial Manu that we have got?

Mr. P. R. Rau: I have already explained how the 4 crores is arrived at. I can only refer Honourable Members to the speech of the Honourable the Finance Member of last year.

Now, coming to the other question, the question of making payments in England at 1s. 4d. instead of at 1s. 6d., let me explain at once that the provision made does not assume that payment will be made at 1s. 4d. The exact amount of the obligatory payments is as follows: The capital portion of Railway Annuities is £1,302,300, which, including exchange at 1s. 6d., is equivalent to 173-64 lakhs. For Railway Sinking Funds the total is £364,100, which including exchange at 1s. 6d. comes to 48-55 lakhs. The capital portion of the annual payments in redemption of liabilities assumed in respect of the British War Loan is £487,700, which including exchange at 1s. 6d. is 65-02 lakhs. The total is £2,154,100 and exchange on it at 1s. 6d. is Rs. 71,80 lakhs.

So that there is no amount of Rs. 35 lakhs which can be deducted from the total. The exact rupee amount has been calculated on the basis of 1s. 6d.

Mr. V. J. Patel: Does the Honourable Member mean that the amount of 384 lakhs is on the basis of 1s. 6d. and not on 1s. 4d.?

Mr. P. R. Rau: That is exactly what I mean.

Mr. V. J. Patel: I will invite your attention to paragraph 44 of the Explanatory Memorandum.

Mr. P. R. Rau: As regards paragraph 44 of the Explanatory Memorandum to which my Honourable friend Mr. Patel has just drawn my attention to, that refers to the calculation of the Rs. 477½ lakhs and not to the actual payments out of that provision. Rs. 477½ lakhs is based on taking the total external debt at 1s. 4d., but let me make this point clear to the House. As the Honourable the Finance Member has just told the House, if the total external debt outstanding on the 31st March 1923, is revalued at 1s. 6d. there would be a difference of about 50 crores. Similarly, a revaluation of the external debt outstanding on the 31st March 1925 would give a difference of about 56 crores. If you take the figures for the two years on the same basis the difference is only 6 crores, and one-eighth of it is Rs. 7½ lakhs. So that the exact method in which the calculation is made does not make an enormous difference, and the fact that exchange for the purpose of this Resolution is taken at 1s. 4d. does not, I am sure the House will realise, make so much difference as has been sought to be made.

Diwan Bahadur T. Rangachariar: I am sorry I do not follow the Honourable Member. Does the Honourable Member suggest that, if calculated at 1s. 6d., the amount of the indebtedness will be reduced to Rs. 400 crores in 1923? In that case what would be an ample provision for amortisation of that debt?

Mr. P. R. Rau: As I have already explained to the House, the Rs 4 crores was arrived at in a different manner which has been explained both in the Resolution and in the Honourable Finance Member's budget speech of last year. The point that I am on now is that the extra amount of Rs. 77.50 lakhs would not have been very much different if the debts at the end of 1923 and 1925 had been taken on the same basis of exchange.

Mr. Jamnadas M. Mehta: May I say, Sir, that the Honourable Member is misleading the House? The Resolution of the Government of India puts it down that they have calculated at 1s. 4d., and how can they argue at 1s. 6d.? (*Cries of "Order, order" and "Sit down"*.)

Pandit Motilal Nehru: May I rise to a point of order, Sir? What business has the Finance Member to say, "Sit down" to my friend Mr. Jamnadas Mehta? I appeal to the Chair. I resent such interference from anybody though he may be the Finance Member. After all, all Members of this House are equal and no Member has a right to shout to another Member "Sit down".

Mr. V. J. Patel: I protest against that remark. It is habitual. It is not through mere inadvertence.

Mr. Jamnadas M. Mehta: I forgive him.

Mr. President: I did not hear the remark. In any case shouts of "Order, order" when one Honourable Member rises another being in possession, are perfectly in order.

Pandit Motilal Nehru: I do not object to that shout, but the Honourable the Finance Member did distinctly shout "Sit down" to Mr. Jamnadas Mehta.

Mr. Jamnadas M. Mehta: Does he deny that?

Mr. President: I did not hear that: and, even if I had, I am not sure that I should have felt compelled to intervene.

Mr. P. R. Rau: If I may resume my speech, Sir, I would like to say again that the amount of Rs. 477½ lakhs has no reference to the obligatory payments. That is, Rs. 477½ lakhs is calculated at 1s. 4d. exchange, but the exact amount of the payments that are shown in paragraph 45 of the memorandum is calculated at 1s. 6d., and, as already stated in the Resolution, the fact that the exchange is higher will only aid in amortising the debt quicker. I was attempting to explain to the House that if instead of a 1s. 4d. basis, a 1s. 6d. basis had been taken for both years, the difference in the total would have been only about 7½ lakhs. The second point that I would venture to emphasise is that though the total amount of 478 lakhs, compares somewhat unfavourably with the amount that we have provided in the revised estimate of the current year, 1924-25 if it is compared with the amount taken in the original estimates for 1923-24, it does not appear to be very high at all. The provision in the original estimates of 1923-24 was 4.52 crores as the House knows, I am sure. I hope I have proved to the Honourable Mr. Patel and the Honourable Mr. Jamnadas Mehta . . .

Mr. Jamnadas M. Mehta: You have proved nothing.

Mr. P. R. Rau: I hope I have proved to the other Members of the House at least (*Mr. Jamnadas M. Mehta*: "That remains to be seen") that the figure shown here for the obligatory payments is calculated at an exchange rate of 1s. 6d. and not 1s. 4d., and that is all that I attempted to prove.

The Honourable Sir Basil Blackett: On a point of personal explanation: I should be sorry if it went abroad and the House remained under the impression that I shouted loudly "Sit down". What I did do was that I first shouted 'Order, order.' I was trying to explain to the Honourable Member who did not understand my cry of "Order, order," that he was standing while another Member was also standing up.

Pandit Motilal Nehru: Does the Honourable Member say that he did not shout "Sit down."

The Honourable Sir Basil Blackett: I apologise, Sir, if I shouted "Sit down." I shouted 'Order, order' because the Honourable Member was standing up while my Honourable friend behind was also standing. My Honourable friend Mr. Jamnadas Mehta misunderstood what I meant. It was not at all meant as a peremptory order, and I apologise if there has been any misunderstanding.

Sir Purshotamdas Thakurdas: The hour is late but the subject is so important that I must put before the House the point of view from which I regard this question. The Honourable the Finance Member has told us of a few ideals to which he would like this House to work up in connection with this head that is under discussion. He has told us that in the House of Commons a head of expenditure of this nature would not come up for discussion at all, and, if it did come up, it would not take anything like the time that we are taking over this. I fully agree with him and I hope that every Member in this House would aspire to the time when it would not be necessary for the executive to bring up for discussion before the Assembly

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this head, namely, debt reduction or sinking fund. But the Honourable the Finance Member overlooks that the House of Commons would fix the lines on which debt reduction would take place, and once that was fixed it would hardly be necessary for anybody to go into the question except perhaps to check the figures as my friend on my right is trying to do in connection with something else on this question. The whole position therefore is that this particular head is under very serious discussion to-day because the Honourable the Finance Member thought it fit to fix on his own scheme; he has now embodied that scheme in the Budget before us and this House, as I said on the other discussion on Mr. Jamnadas' Resolution, is very anxious not to take for granted a particular scheme which the Honourable the Finance Member has fixed in his own mind and this House wishes to have a substantial say in that scheme before it is finally approved of. I am sure that the Honourable the Finance Member at least cannot overlook that if the House of Commons in England do not raid sinking funds they also are very jealous of their powers and do not allow the Chancellor of the Exchequer to raid the tax-payers' surplus balances. Once he remembers that, he will realise how necessary it is for him not to raid the tax-payers' surpluses. I am sure that there will now be no difference of opinion between the two sides of the House. As a proof positive of this Assembly's determination not to be liable to any charge of the nature of raiding sinking funds I have only to mention to the Honourable the Finance Member that the Assembly did not raise a single voice in connection with the reservation for depreciation and the reserve fund amounts on the Railway Budget. We all

7 P.M. wanted a dividend from the Railway Department. We all wanted lowering of rates, etc., etc., but was there a single amendment on that score regarding the depreciation and reserve fund amounts to be set aside? Did anybody even refer to it in the course of the general discussion on the Railway Budget? Why was that so? Simply because the Honourable Sir Charles Innes for once at any rate saw the necessity and the wisdom of getting the Assembly to agree to a scheme of depreciation and reserve fund. The Honourable the Finance Member will do very well to follow in those footsteps and not insist on any figure that he may like to fix being passed by this House.

Now, Sir, let us see which are the items on which the whole discussion hangs. The first item, Sir, is with regard to the total amount that the Honourable the Finance Member has fixed. My Honourable friend Mr. Patel appears to have spent a good deal of midnight electric current in trying to find out how the 4 crores have been arrived at. But the Honourable Mr. Rau has admitted that it was a rough figure, a guess in fact. But with the caution that has been characteristic of the Finance Member it is almost bound to be on the right side for him and on the wrong side for the tax-payer, and this Assembly is not going to accept even a pie more than is due for the purposes of safe finance. The next point is the one-eightieth per cent. As I said on that previous discussion, that is a proportion that even the Finance Member wanted the House to approve of. Well, by that Finance Department Resolution which is now being quoted here, (and basing his opinion on which my Honourable friend Sir Gordon Fraser says that any change in the figure is to be deprecated,) the Honourable the Finance Member wants us to accept a further debit of 77 lakhs out of revenue without even asking or allowing this Assembly an opportunity of discussing or being convinced that our financial position is so precarious that if we do not agree

to it we would have to pay one half per cent. more in interest when we borrow next. In matters of finance nothing helps like conversation and conviction across the table, and if the Honourable the Finance Member is not prepared to have it, he must be prepared for long sittings like this and ultimate rejection too of his proposals by this House. The responsibility for that must lie with the Government Benches and not with this side of the House.

Regarding the question of exchange the Honourable Member over there says that the exchange that has been calculated in this is at 1s. 6d. per rupee. I personally am not sorry that the Honourable the Finance Member is rather doubtful about his 1s. 6d. lasting longer than a year, but that is another question about which we will talk another time. May I refer to this Government Resolution which says:

"If exchange stands above 1s. 4d. the amount of 4 crores proposed would help to amortise the debt at a more rapid pace."

Now that line, Sir, which I have read from the Government Resolution, gives a clear indication that exchange is to be taken in the calculation which is given on page 19 of the notes at 1s. 4d. And I think it is a very sound thing for this House to find out whether in arriving at the figure of Rs. 1,38,00,000 odd the exchange has been taken at 1s. 4d. If it has been taken where is the explanation for it? If the Honourable the Finance Member says it has been taken at 1s. 6d., I submit—I am now judging at rather a late hour and I am not very fresh—that what I have read from the Government Resolution is not operative as far as this Budget is concerned. Now, the Government of India, and I know especially the Finance Member, is very jealous about everything that he puts before this House being absolutely well set and being absolutely correct. Unless he therefore convinces the House that this is correct and is in keeping with 1s. 6d. which my Honourable friend from behind him has assured us is the case, the House must calculate the difference between exchange at 1s. 4d. and at 1s. 6d. in the item which the House wishes to reject. And, Sir, that item consists mainly of the extra 73 or 74 lakhs which the Honourable the Finance Member wishes to take over and above the four crores four lakhs which he took last year and which latter figure I at any rate am prepared that he should take this year. That extra 77 lakhs cannot possibly be allowed by this Assembly if they at all care for their self-respect and if they wish to be convinced before they vote that that amount is necessary. The question of the difference in exchange I still leave open in case the Honourable Finance Member can convince my friends over here and the House that exchange has been calculated at 1s. 6d.

Sir, the most serious item is the item of 24 lakhs, the amount that has been taken by the Finance Member in respect of extra customs receipt from stores imported on capital railway expenditure. A very important question of principle underlies this question, and it is this. You agreed to charge customs duty on Government stores when people here clamoured for local stores being purchased. What you now do is you put it on and then instead of taking it to revenue, you take it to a reserve, which still leaves the temptation for officers to buy from abroad; because they say that customs duty is after all going to the credit of Government fund. (*The Honourable Sir Basil Blackett*: "No.") It is no use the Honourable Member saying "No". I have heard of persons who have the placing of

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orders in their hands reason with some of my friends on those lines. It is no use the Government members saying "Yes" and "No". They are confined mostly to Delhi and Simla with flying visits here and there. Let the Finance Member take it from me definitely that these railway managers and others who have the placing of orders for machinery, etc., in their hands argue to themselves thus. They say: "We know that on paper your Indian material and imported material work out to the same, but the customs duty is going to our credit, somewhere in some Government fund and therefore the imported article is actually cheaper to the Government." The officers always take care to argue in the name of the Indian tax-payer. The officers say that the tax-payer is best benefited by buying from abroad. Here is a proof. There is 24 lakhs to be credited to debt redemption on account of customs duty that you receive on railway stores. Now, I do not quarrel with the Finance Member holding a particular view. He is welcome to have his view, and I dare say he will convince me. But why should he insist on the Assembly accepting his view without being convinced and without discussing it with a committee that that is the right thing? I therefore submit that there is no question in this debate of raiding anything. In fact, it does not lie in the mouths of Honourable Members to talk of raiding by the Assembly. Sir Charles Innes should be in a position to assure his colleague that this Assembly stand by its commitments absolutely and with great sacredness. Therefore it is a question of the manner in which the Assembly should be treated now. We have expressed our desire on my friend Mr. Jamnadas Mehta's Resolution. We wish to decide what should be the percentage, etc., etc. of what we want to set aside for debt redemption. The Finance Member had his chance of accepting that Resolution and convincing a Committee of this House if he wanted to do so. But he had not the time. Nothing is lost. Let us vote on this question according to our lights. We still stand by the 4 crores and 4 lakhs which he wanted last year. But I do not think that any Member of the Assembly would agree to vote anything more until the Finance Member convinces the Assembly through a Committee to be appointed from the Assembly that the scheme that he has put before us is the correct one. It is no use, Sir, frightening us away by saying "We will be doing the wrong thing, financially; the thing is suicidal, etc." There is no suicide about this. It is plain business. The Assembly want to lay down their own lines for debt redemption. Some of us hold that the lines that the Honourable the Finance Member has laid down are over-cautious. They may be wrong. We want to learn from him, we want to be convinced. If the Finance Member is not prepared to convince us, the result can only be that we will put on record what we think. He can act only according to the powers that are given to him.

Mr. A. Rangaswami Iyengar: I move that the question be now put.

The Honourable Sir Basil Blackett: Sir, it is a little difficult at this late hour of the evening to persuade people who do not want to be persuaded, especially when we have had the cat let out of the bag, out of the usual bag, by Mr. Patel that his object is to raid the sinking fund in order to get money for the cotton excise duty. I have already pointed out that that would be at the expense of the provinces in many ways. It would also be at the expense of provinces as I pointed out in that it would mean that they would have to pay additional interest on future borrowings. I am

sorry that my Honourable friend Mr. Rau was unable to convince some Honourable Members of the correctness of the figures. I am not sure that, if he had been less interrupted specially in view of the fact that it was practically his maiden speech, he might not have been more successful. (Hear, hear.)

Sir Purshotamdas Thakurdas has again raised the question about exchange. I cannot quite follow what his difficulty is. But I think I might perhaps make one more attempt to explain the position. There are certain charges which are obligatory charges which are set out in paragraph 45 of the Memorandum.

Sir Purshotamdas Thakurdas: I do not wish to interrupt the Honourable Member, but I did not raise the question of exchange to begin with, and secondly, I only wanted that the last sentence in the Finance Department Resolution may be reconciled with what Mr. Rau has said.

The Honourable Sir Basil Blackett: That is what I was laboriously trying to do. There are certain charges amounting to 3,84,42 lakhs set out in paragraph 45 of the Memorandum which represent in all cases except one—sterling charges. These charges are calculated on the basis of 1s. 6d. Their only connection with the total of the provision this year for redemption or avoidance of debt is that it is their rupee amount which determines how much is votable and how much is non-votable. That is their only connection. The amount that is provided in the Budget, votable and non-votable, consists of a figure of 4 crores, the additional figure representing 1/80th of the additional debt and the sum representing customs duty collected on railway capital. As regards the last point I would like to say at once that if Sir Purshotamdas Thakurdas could convince me that it is really the case that railway officers buy stores in England rather than in India in order to increase the sinking fund of the Finance Member, I should regard it as a very serious argument and it is an argument that I should like to look into very carefully. If that is the case, I should like to attempt to deal with this difficulty by some new means. I can say this however that it is not a new provision. It is only the continuance of a provision that was made last year. There is nothing new in it. The discussion has taken place largely because the Finance Department has brought the facts very clearly before the House. There is nothing new in this provision. At this time last year we passed an Act which made Government stores liable to duty. The immediate effect of that Act was to increase our customs revenue by quite an appreciable sum at the expense of our expenditure. It is obviously not desirable that you should be suspect of inflating your revenue at the expense of your capital. That is clearly what you were doing last year, if you take the position as it stood. You were able to increase the figure of your customs duty by quite a considerable amount although you had no intention in passing the Act to increase the customs revenue. In fact, its object is to try and get rather less customs revenue by purchasing material inside India rather than outside India. You were faced with the difficulty that you were inflating revenue at the expense of your capital. We included this item last year and it has been included again this year in order to avoid that result. I am quite prepared after the suggestion of Sir Purshotamdas Thakurdas to have the matter reconsidered in regard to a future year and see whether we can overcome the difficulty by some other method. But the fact remains that we are unduly inflating our revenue at the expense of our capital.

[Sir Basil Blackett.]

So much for that particular item. There remains the item of Rs. 4,77½ lakhs, made up of the 4 crores *plus* the 1/80th of the addition. The House has complained that it has had no opportunity of discussing this sinking fund scheme. It was not brought into effect a year ago, but it was carefully put before this House in the budget speech with the statement that it was hoped it would provoke criticism in order that, before the Government put it into effect, it would receive criticism. It did receive quite considerable examination in another place, but it was not much referred to in this House, though so far as I remember, such reference as was made to it was favourable. But it was considered at some length in another place and a favourable verdict was passed. Now Sir Purshotamdas has pointed out quite rightly that the position in the House of Commons and the position here in regard to the votable and non-votable items is different. Of course you cannot have an exact analogy between the two cases, and that is always a difficulty in making a comparison, but what invariably does happen in the House of Commons is that the executive government introduces a scheme for a sinking fund and carries it by its majority. It is never interfered with by detailed criticism and the examination of details by the House of Commons. They regard that as the function of the executive

Mr. Rangaswami Iyengar: You never even put it before us.

The Honourable Sir Basil Blackett: On the contrary, it was very carefully put before this House a year ago. I do claim that this is a function mainly of the executive; I do not say entirely, but I say mainly. It is moreover a subject which is very intimately concerned with the day to day operation of your ways and means dealings. It is a subject for which the executive must take responsibility almost entirely, and therefore I do think that the charge that the House has been given an insufficient opportunity to deal with this question is not one which is really justifiable. It is in a position now to understand what it did not apparently understand before, the exact amount of the provision in the year's Budget for reduction or avoidance of debt and the reasons for the inclusion of those provisions. Two years ago the amount that was included for reduction or avoidance of debt was 452 lakhs. This year the corresponding provision, leaving out the special item in respect of customs duty, which is a new item due to the passing of a new Act, is Rs. 4,78,00,000. That is an increase of only 26 lakhs as compared with two years ago. The reason that there was not this tremendous debate on the subject two years ago, when there was surely more reason than this year for objecting to the provision is perhaps two-fold. First, Mr. Patel was not here to raid the sinking fund for the purpose of the cotton excise duty, and secondly, the figures were not clearly before the House. The figures are now before the House because the Finance Department very carefully put them before the House

Mr. Rangaswami Iyengar: That gives the measure of the past.

The Honourable Sir Basil Blackett: That gives the measure of the amount we applied in the past and the amount we are applying to-day and shows that the increase is small. It is surely a large claim that the amount

should be reduced now when we are right up against the necessity for dealing with a large programme of maturing debt and heavy commitments for new borrowings. I do not think that the House really has much to complain of at an increase which amounts, as compared with the Budget of two years ago, to only 26 lakhs. The customs duty is quite separate because that is due to the passing of an Act last year. It may be discussed on its merits, but it is a separate issue, and it is the repetition of an item of last year. The House is therefore proposing, for various reasons, to reduce by a sum (I have forgotten the exact amount before us), but by a very large sum, the provision that is made in this estimate, a provision that is a very small increase on the amount provided two years ago. And I do put it to the House that its action in making such a raid cannot be for the good of India, and that it must necessarily be to the detriment both of the Central Government's finances and of the Provincial Government's finances and of the whole of our new attempts to develop the railways, the irrigation and the other capital requirements of India at the present time.

Several Honourable Members: I move that the question be now put.

Mr. President: The original question was:

"That a sum not exceeding Rs. 1,38,18,000 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, 1926, in respect of 'Interest on Ordinary Debt and Reduction or Avoidance of Debt'."

Since which a reduction has been moved:

"That the Demand be reduced by Rs. 1,13,40,125."

The question I have to put is that reduction be made.

The Assembly divided:

AYES—43.

Abdul Karim, Khwaja.	Misra, Pandit Shambhu Dayal.
Abhyankar, Mr. M. V.	Misra, Pandit Harkaran Nath.
Aiyangar, Mr. C. Duraiswami.	Murtuza Sahib Bahadur, Maulvi Syad.
Aiyangar, Mr. K. Rama.	Narain Das, Mr.
Ariff, Mr. Yacoob C.	Nehru, Dr. Kishenlal.
Belvi, Mr. D. V.	Nehru, Pandit Motilal.
Bhat, Mr. K. Sadasiva.	Nehru, Pandit Shamlal.
Chaman Lal. Mr.	Patel, Mr. V. J.
Chanda, Mr. Kamini Kumar.	Phookun, Mr. Tarun Ram.
Chetty, Mr. R. K. Shanmukham.	Purshotamdas Thakurdas, Sir.
Das, Mr. B.	Ranga Iyer, Mr. C. S.
Das, Pandit Nilakantha.	Ray, Mr. Kumar Sankar.
Duni Chand, Lala.	Samiullah Khan, Mr. M.
Dutt, Mr. Amar Nath.	Sarfraz Hussain Khan, Khan Bahadur.
Goswami, Mr. T. C.	Shafee, Maulvi Mohammad.
Hans Raj, Lala.	Singh, Mr. Gaya Prasad.
Iyengar, Mr. A. Rangaswami.	Sinha, Mr. Ambika Prasad.
Jeelani, Haji S. A. K.	Syamacharan, Mr.
Kasturbhai Lalbhai, Mr.	Tok Kyi, Maung.
Kazim Ali, Shaikh-e-Chatgam.	Yusuf Imam, Mr. M.
Maulvi Muhammad.	
Kelkar, Mr. N. C.	
Lohokare, Dr. K. G.	

NOES—47.

Abdul Mumin, Khan Bahadur Muhammad.	Innes, The Honourable Sir Charles.
Abdul Qaiyum, Nawab Sir Sahibzada.	Lindsay, Mr. Darcy.
Abul Kasem, Maulvi.	Lloyd, Mr. A. H.
Ahmad Ali Khan, Mr.	* Mahmood Schamnad Sahib Bahadur, Mr.
Ajab Khan, Captain.	Marr, Mr. A.
Akram Hussain, Prince A. M. M.	McCallum, Mr. J. L.
Alimuzzaman Chowdhry, Mr.	Mitra, The Honourable Sir Bhupendra Nath.
Ashworth, Mr. E. H.	Moir, Mr. T. E.
Bhore, Mr. J. W.	Muddiman, The Honourable Sir Alexander.
Blackett, The Honourable Sir Basil.	* Muhammad Ismail, Khan Bahadur Saiyid.
Bray, Mr. Denys.	* Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Burdon, Mr. E.	Rau, Mr. P. R.
Calvert, Mr. H.	Rhodes, Sir Campbell.
Clarke, Sir Geoffrey.	Rushbrook-Williams, Prof. L. F.
Cocke, Mr. H. G.	Sastri, Diwan Bahadur C. V. Visvanatha.
Cosgrave, Mr. W. A.	Singh, Rai Bahadur S. N.
Crawford, Colonel J. D.	Stanyon, Colonel Sir Henry.
Dalal, Sardar B. A.	Sykes, Mr. E. F.
Fleming, Mr. E. G.	Tonkinson, Mr. H.
Fraser, Sir Gordon.	Webb, Mr. M.
* Ghazanfar Ali Khan, Raja.	Willson, Mr. W. S. J.
Graham, Mr. L.	Wilson, Mr. K. A.
Hira Singh Brar, Sardar Bahadur Captain.	
Hudson, Mr. W. F.	
* Hyder, Dr. L. K.	

The motion was negatived.

Mr. R. Shanmukham Chetty: I would like to move my motion, Sir.

Mr. President: Does the Honourable Member propose to discuss the same subject?

Mr. R. Shanmukham Chetty: I do not propose to discuss it, but simply to move it.

Mr. President: There will be no debate on it.

Mr. R. Shanmukham Chetty: I formally move, Sir:

"That the Demand under the head 'Interest on Ordinary Debt and Reduction or Avoidance of Debt' be reduced by Rs. 77-50 lakhs."

How I have arrived at that figure has been explained by my Honourable friend Mr. Patel. I therefore move my amendment.

Mr. President: Reduction moved:

"That the Demand under the head 'Interest on Ordinary Debt and Reduction or Avoidance of Debt' be reduced by Rs. 77-50 lakhs."

(The motion was put and there were cries of Ayes and Noes from all sides of the House.)

Mr. President: Those who desire a division will rise in their places.

(A few members rose.)

Mr. President: The original question was:

"That a sum not exceeding Rs. 1,33,18,000 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, 1926, in respect of 'Interest on Ordinary Debt and Reduction or Avoidance of Debt'."

Since which an amendment has been moved:

"That the Demand under the head 'Interest on Ordinary Debt and Reduction or Avoidance of Debt' be reduced by Rs. 77.50 lakhs."

The question I have to put is that that reduction be made.

The Assembly divided:

AYES—14.

Aiyangar, Mr. K. Rama.
Aiyer, Sir P. S. Sivaswamy.
Ariff, Mr. Yacoob C.
Bhat, Mr. K. Sadasiva.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Ghazanfar Ali Khan, Raja.

Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kasturbhai Lalbhai, Mr.
Purshotamdas Thakurdas, Sr.
Rangachariar, Diwan Bahadur T.
Venkatapatiraju, Mr. B.
Yakub, Maulvi Muhammad.

NOES—46.

Abdul Mumin, Khan Bahadur
Muhammad.
Abdul Qaiyum, Nawab Sir Sabibzada
Abul Kasem, Maulvi.
Ahmad Ali Khan, Mr.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. N.
Almuzzaman Chowdhry, Mr.
Ashworth, Mr. E. H.
Blore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Clarke, Sir Geoffrey.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Fleming, Mr. E. G.
Fraser, Sir Gordon.
Graham, Mr. L.
Hira Singh Brar, Sardar Bahadur
Captain.
Hudson, Mr. W. F.
Hussanally, Khan Bahadur W. M.
Hyder, Dr. L. K.

Innes, The Honourable Sir Charles.
Lindsay, Mr. Darcy.
Lloyd, Mr. A. H.
Mahmood Schammad Sahib Bahadur,
Mr.
Marr, Mr. A.
McCallum, Mr. J. L.
Mitra, The Honourable Sir Bhupendra
Nath.
Moir, Mr. T. E.
Muddiman, The Honourable Sir
Alexander.
Muhammad Ismail, Khan Bahadur
Saiyid.
Rau, Mr. P. R.
Rhodes, Sir Campbell.
Rushbrook-Williams, Prof. L. F.
Sastri, Diwan Bahadur C. V.
Visvanatha.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Webb, Mr. M.
Willson, Mr. W. S. J.
Wilson, Mr. R. A.

The motion was negatived.

The Honourable Sir Alexander Muddiman: Sir, I move that the main question be now put.

The motion was adopted.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,33,18,000 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, 1926, in respect of 'Interest on Ordinary Debt and Reduction or Avoidance of Debt'."

The Assembly divided:

AYES—54.

Abdul Mumin, Khan Bahadur Muhammad.	Joshi, Mr. N. M.
Abdul Qaiyum, Nawab Sir Sahibzada.	Lindsay, Mr. Darcy.
Abul Kasem, Maulvi.	Lloyd, Mr. A. H.
Aiyer, Sir P. S. Sivaswamy.	Mahmood Schamnad Sahib Bahadur, Mr.
Ajab Khan, Captain.	Marr, Mr. A.
Akram Hussain, Prince A. M. M.	McCallum, Mr. J. L.
Alimuzzaman Chowdhry, Mr.	Mitra, The Honourable Sir Bhupendra Nath.
Ashworth, Mr. E. H.	Moir, Mr. T. E.
Bhore, Mr. J. W.	Muddiman, The Honourable Sir Alexander.
Blackett, The Honourable Sir Basil.	Muhammad Ismail, Khan Bahadur Saiyid.
Bray, Mr. Denys.	Mutalik, Sardar V. N.
Burdon, Mr. E.	Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Calvert, Mr. H.	Ramachandra Rao, Diwan Bahadur M.
Clarke, Sir Geoffrey.	Rangachariar, Diwan Bahadur T. Rau, Mr. P. R.
Cocke, Mr. H. G.	Rhodes, Sir Campbell.
Cosgrave, Mr. W. A.	Rushbrook-Williams, Prof. L. F.
Crawford, Colonel J. D.	Sastri, Diwan Bahadur C. V. Visvanatha.
Dalal, Sardar B., A.	Singh, Rai Bahadur S. N.
Das, Mr. B.	Stanyon, Colonel Sir Henry.
Datta, Dr. S. K.	Sykes, Mr. E. F.
Fleming, Mr. E. G.	Tonkinson, Mr. H.
Fraser, Sir Gordon.	Venkatapatiraju, Mr. B.
Graham, Mr. L.	Webb, Mr. M.
Hira Singh Brar, Sardar Bahadur Captain.	Willson, Mr. W. S. J.
Hudson, Mr. W. F.	Wilson, Mr. K. A.
Hussanally, Khan Bahadur W. M.	
Hyder, Dr. L. K.	
Innes, The Honourable Sir Charles.	

NOES—39.

Abdul Karim, Khwaja.	Murtuza Sahib Bahadur, Maulvi Sayad.
Abhyankar, Mr. M. V.	Narain Das, Mr.
Aiyangar, Mr. C. Duraiswami.	Nehru, Dr. Kishenlal.
Ariff, Mr. Yacoob C.	Nehru, Pandit Motilal.
Belvi, Mr. D. V.	Nehru, Pandit Shamlal.
Chaman Lall, Mr.	Patel, Mr. V. J.
Chanda, Mr. Kamini Kumar.	Phookun, Mr. Tarun Ram.
Das, Pandit Nilakantha.	Ranga Iyer, Mr. C. S.
Duni Chand, Lala.	Ray, Mr. Kumar Sankar.
Dutt, Mr. Amar Nath.	Samiullah Khan, Mr. M.
Goswami, Mr. T. C.	Sarfaraz Hussain Khan, Khan Bahadur.
Hans Raj, Lala.	Shafee, Maulvi Mohammad.
Iyengar, Mr. A. Rangaswami.	Singh, Mr. Gaya Prasad.
Jeelani, Haji S. A. K.	Sinha, Mr. Ambika Prasad.
Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.	Sinha, Mr. Devaki Prasad.
Kelkar, Mr. N. C.	Sinha, Kumar Ganganand.
Lohokare, Dr. K. G.	Syamacharan, Mr.
Mehta, Mr. Jamnadas M.	Tok Kyi, Maung.
Misra, Pandit Shambhu Dayal.	Yusuf Imam, Mr. M.
Misra, Pandit Harkaran Nath.	

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 14th March, 1925.

LEGISLATIVE ASSEMBLY.

Saturday, 14th March, 1925.

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

QUESTIONS AND ANSWERS.

LOSS ON STRATEGIC LINES.

1196. *Mr. E. F. Sykes: (a) Will the Government be pleased to give a rough estimate of the amount of reduction in the loss on Strategic Lines (Grant 14) which would result from crediting them with the net earnings by main lines from interchanged Traffic?

(b) Will the Government kindly say whether there would be any objection to such figures being given in future Budgets?

The Honourable Sir Charles Innes: (a) and (b). Government regret that they are unable to give any estimate, especially as it would be very difficult to ascertain now with any degree of accuracy what portion of the net earnings of commercial lines from traffic interchanged with strategic lines would in any case have accrued to commercial lines, had the strategic lines not been built.

EUROPEAN, ANGLO-INDIAN AND INDIAN STATION MASTERS AND ASSISTANT STATION MASTERS.

1197. *Khan Bahadur W. M. Hussanally: 1. Is it a fact that stations on some of the Railways in India are divided into 7 classes? If so, on what lines? If not, into how many classes are they divided?

2. Is it a fact that as a rule no Indian (apart from statutory Indians) is appointed as station master to stations of the first three classes? If so, why? If they are appointed, what is the pay, in the case of Europeans and Anglo-Indians and when they are Indians?

[NOTE:—If the above information cannot be supplied for all Railways, it may be supplied only for the North Western Railway.]

3. (a) Is it a fact that assistant station masters at these stations (first three classes) can either be an Indian, European or Anglo-Indian?

(b) If so, what is the pay allowed when he is an Indian, European or Anglo-Indian, respectively, on the North Western Railway?

(c) Is it a fact that the duties performed are the same in the case of all three and they have the same number of hours of duty and responsibilities?

(d) If there be difference of pay, what are the reasons for maintaining that difference?

(e) Do Government propose to order that all these differences be removed in future as vacancies occur; and that men of the three classes be appointed to such stations as station masters and assistant station masters on the same rates of pay, and that the only criterion be seniority combined with efficiency?

The Honourable Sir Charles Innes: I am sending the Honourable Member's question to the Agent of the North Western Railway for remarks.

THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

SECOND STAGE—*contd.*

Expenditure from Revenue—contd.

DEMAND NO. 28—EXECUTIVE COUNCIL

Mr. President: The Assembly will now resume consideration of Part II of the Budget. In accordance with the arrangement made yesterday: we come to Demand No. 28—"Executive Council."

The question is:

"That a sum not exceeding Rs. 62,000 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, 1926, in respect of the 'Executive Council'."

PRESENT POLITICAL SITUATION IN THE COUNTRY, ETC.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): I beg to move:

"That the Demand under the head 'Executive Council' be omitted."

One of the grounds on which my motion or rather leave to move the adjournment of the House was refused by you yesterday was that there will be an opportunity under this head as well as on another head to speak upon the very same subject. Now, Sir, this motion really is a very comprehensive one and covers the whole field of the administration. In fact, Sir, it is a motion of censure on the Government of India and as such it covers very large ground indeed. I shall therefore take the question which was the subject of my motion for adjournment later on at its proper place and deal with this motion as a whole. As I have already said this is a motion of censure on the Government of India, on the whole of that administration. I base my motion on the constitutional ground of refusal of supplies to a Government which has forfeited the confidence of the country. I know, Sir, that there is a difference of opinion on the point among Nationalists. So far as we Swarajists are concerned, we are perfectly sure in our own minds that this is the ground upon which to put this motion. It may be that in a certain section of the House this ground may not be approved but the fact remains that whether you call it obstruction, whether you call it refusal of supplies or whether you call it merely a protest against the action of the Government, the country is thoroughly dissatisfied with the present administration and the motion in its nature and scope remains a motion of censure. I can understand that we cannot, as we are constituted, give effect to this or for the matter of that to any other motion even if it is carried by the House, but I wish to make it clear that the circumstances

which have given rise to this motion are such that if we had the power to cut down all supplies we would have done so. If we cannot do it to-day it is not our fault. We cannot do it simply because you have disabled us from doing it. But the will is there to be enforced as soon as we possibly can and the Swaraj Party takes its stand upon this ground to declare and emphasise that will. It may be, Sir, that it is merely at present a mental attitude, but a mental attitude on a question like this is of the highest importance. It is not merely a protesting frame of mind: it goes much further. It goes to the extreme limit that is permissible under the constitution. Now, Sir, that being so, I do not think that any purpose will be served by my going at any length into the different view points from which this question is to be considered. Those who have the time and the inclination to do so may engage in the unprofitable task of weighing these different mental attitudes in golden scales if they like. So far as we are concerned, it is enough that the Government stands condemned to-day at the bar of public opinion. I wish therefore very briefly to lay certain facts before this House which will show that at this time of the day it is not possible for this House, if it is to do justice between the Government and the country, to refuse to pass this motion.

Now, Sir, I shall briefly sketch the events which have happened under the present régime. The history of the present Government begins in the year 1921, but the history of the trouble goes back a couple of years earlier. In 1919 there were a very large number of Indians who had been sentenced to various terms of imprisonment for political crimes. In December 1919 there was a Royal clemency, and early in January 1920 a large number of these were released. Then, Sir, came the Special Congress in Calcutta in September 1920. It is very well known that the non-co-operation resolution was for the first time passed at that Special Congress, and that resolution was confirmed in the following December at Nagpur. After that, we find that in the years 1921 and 1922 there was a complete lull so far as revolutionary crime was concerned. I do not wish to go again into the question as to what that lull was due to. It will be for the future historian to chronicle the real causes. Of course the Government give the credit to their repressive laws; we give the credit to the non-co-operation movement. In December 1922 came the Gaya Congress when there was a split among Congress men, and the Swaraj Party was founded in January 1923. In February 1923 the Swaraj Party gave out to the world its programme of entering the Councils in order either to mend or to end them. Well let me now very briefly review the events which followed. That declaration, as soon as it was made, received a reply from the Government. The reply was that in May 1923 and in the succeeding months a series of cases were instituted in Bengal beginning with the Konah murder case. I have no hesitation in again characterising the more important of these cases as entirely false. In fact the Konah murder case and the Alipore conspiracy case, to mention only two, were held by the courts which tried them to be false, and in the case as put by the prosecution no political element in the crime was made out. (*Mr. K. Ahmed*: "What has that got to do with the Executive Council?") (*A Voice*: "Everything.") (Turning to *Mr. K. Ahmed*) Who is responsible for it? Are you? Then, Sir, the Swarajists were busy with their own domestic quarrels up to the middle of September 1923, when the Special Congress at Delhi passed the Resolution permitting Council entry. What was the reply? In the latter half of September 1923, we find Regulation III of 1818 put into force in Bengal, and a number of persons, mostly

[Pandit Motilal Nehru.]

Swarajists, taken under that Regulation, including the editor of the proposed paper *Forward* and the editors and managers of other Swarajist vernacular papers. Then came the election manifesto of the Swarajist Party, dated 14th October 1923, offering open battle to the bureaucracy; and that was followed in January-February 1924 by the actual entry of the Swaraj Party into the various Councils and this Assembly. The first important measure which was passed by this Assembly on the 18th February 1924 was the well-known Resolution on self-government, which, as the House is aware, was passed by an overwhelming majority. In the course of the debate the Government disclosed their policy. It was decided by the Nationalist Party that the response so made was highly unsatisfactory, and then followed the treatment of the Budget in the manner with which the House is familiar and the throwing out of the Finance Bill. I have already referred to the lull which prevailed in the country in 1921 and 1922. As Lord Lytton put it in one of his speeches, it was because the revolutionaries were then content to stand by and watch the development of the non-co-operation movement. Now it seems that their patience was exhausted, and there was political crime in Bengal. Then we come to the Bengal Council deadlock. On the 24th March 1924 the Ministers' salaries were rejected and when they were put up again before the Council in August following, they were again rejected. Meanwhile the Reforms Inquiry Committee was constituted and the Government Communiqué was published, I think it was in May 1924. Well after the Ministers' salaries were rejected for the second time in the Bengal Council, namely, in August 1924, we come to the next important date, the 25th October, the date of the Ordinance. This Ordinance was passed soon after this House was adjourned on the close of the Simla Session. Over sixty Swarajists were taken and a regular reign of frightfulness inaugurated in the country. This Assembly had during the Simla session quietly proceeded with its labours. It had passed many important Resolutions. To mention only two of them, there was the Lee Commission and there was the Taxation Inquiry Committee, both of which came in for a full criticism by this House, and the House expressed its mind unequivocally by passing Resolutions condemning both by large majorities but to no effect. Then, Sir, we come to the present session. I am only hastily going through the events to show the connection of cause and effect. We had the Ordinance debate which is fresh in our minds. The next important thing was the Reforms Inquiry Committee report and as to that the House has been gagged. It was said that it was impossible to announce the provisional policy of the Government during the present session and therefore Government were not prepared to give a day for the discussion of this most important matter. But it was also alleged that before any final action was taken this House would have an opportunity of discussing the report of the Reforms Inquiry Committee. Well, Sir, the provisional policy must be based upon something and we know exactly upon what it is going to be based. We know that His Excellency the Governor General is going to England at the invitation of the India Office to consult with them on the situation in India. It is not merely a holiday trip, which no doubt His Excellency richly deserves, but it is a business trip. What will happen there? There will be consultations between His Excellency and the Secretary of State and I suppose also the other members of the British Cabinet, and in those consultations His Excellency and the Cabinet will not be unassisted by other expert help, if I may so call it, from India. I find that by a fortuitous coincidence a galaxy of Indian administra-

tors will be present at or about that time. We shall have Sir Harcourt Butler, Sir Henry Wheeler, Sir Frank Sly, Sir John Kerr (*Voices*: "No")—he has come back, I take it—but his absence will not matter much—Sir William Vincent, and last but not the least, my Honourable friend Sir Basil Blackett. (*An Honourable Member*: "And Mr. Hindley.") Mr. Hindley too. (*An Honourable Member*: "Sir Campbell Rhodes.") These will be the veteran experts in the special art of governing India, and those first named by me the stalwarts in the preservation of law and order in this country. My friend Sir Basil Blackett of course has not had directly to do with the preservation of law and order in the country, but he will go there smarting under the cuts which this Assembly has inflicted on him. (*The Honourable Sir Basil Blackett*: "Especially in the sinking fund.") Now, Sir, it is said the results of all these discussions will only be provisional, which means liable to change by the vote of this House. Is there any Member of this House who would believe in that? I can very well visualise what will happen at that round table conference. We asked for a round table conference and we have had it with a vengeance now. At that round table conference, Sir, what will happen will be this. I can see it as clearly as if I were present there. If any suggestion of a real solid advance is made, we shall find at once Governor after Governor repudiating all responsibility in the matter. He will say, "I cannot go so far; I shall not be responsible if these powers are to be given to the Legislatures in India." (*Diwan Bahadur T. Rangachariar*: "Who will make the suggestion?") Somebody will do it, either Lord Birkenhead or somebody else. My friend will allow me to remind him that there is enough suggestion of that kind in the minority report and that certainly will be before them. So, there is no lack of suggestion and I have not so entirely despaired of the British Cabinet, the British Parliament and British statesmanship generally as to think that there is not one man in England capable of suggesting a real advance in the Legislatures of this country. Well, that suggestion will be met by the threats I have mentioned. What can any Secretary of State or any Cabinet do when the man on the spot says, "I am not in a position to carry this out"? Well, the whole idea will be dropped. The meeting will break up in London, all the Governors will go back to their respective capitals and after all this the so-called provisional policy of the Government will be put before this House for discussion. Now, Sir, what impression would the vote of this House make upon that provisional policy? Not even the impression which the squeak of a rat makes on any Honourable Member on the Government benches when he hears it in his bed room. But I go further. This House is admittedly powerless but what can Parliament itself do? Is it or is it not true that the Conservative Government at this moment has an unprecedented majority in the House? Is it or is it not true that no Government in power can really be afraid that if a very important measure like this is once settled by the Cabinet it will be thrown out by Parliament? Parliament will simply refuse to go into the matter. It will be enough for them to know that those who are charged with affairs of this kind have come deliberately to certain conclusions. We all know what the amount of knowledge of Honourable Members of both Houses of Parliament is about India. They will be quite right. I do not blame them. The Cabinet has men in it who represent the party in power and not like here, gentlemen, very amiable and good but forced upon us against our consent. Well, I say that that provisional policy would be as final as any policy can be. In fact, it will be stereotyped for some years to come. And then what will happen in India? While these consultations and confabulations are going on there, what will happen

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here? That has been envisaged by my Honourable friend Sir Charles Innes. In India, Sir, a great battle will be fought on the field of Allahabad. His Excellency the Commander-in-Chief or his successor, if His Excellency goes away in the meanwhile, will lead all the land and air forces of His Majesty and meet my humble self with my 45 gallant Swarajists, all unarmed, and a great battle will be won to the eternal glory of British Arms. That is what will happen here. We are asked to wait and watch and it has been suggested by certain kind and well-meaning friends that there is nothing to prevent us from going to England and presenting our case there. Now, Sir, I for one disdain any eavesdropping at Downing Street. Unless we are asked to take an honourable part in any consultations, I do not think that any Member from this side of the House will ever dream of going to England simply for the sake of getting scraps of information here, there and everywhere and trying to convince the British public which, as I have already observed on several former occasions, is wholly unapproachable to us, as I know to my cost. Now, Sir, the Government may be so utterly devoid of imagination as to think that this fine distinction between "provisional policy" and "final policy" will deceive anybody. But we know what things are in reality. The most interested party will go wholly unrepresented and judgment will go against us by default. What will be said of us? Well, I can also picture that to my mind. "Look at these Swarajists," it will be said, "they are impossible men. They have no constructive policy of their own. They have not even taken part in the Reforms Inquiry Committee. The leader of the party in the House was asked to be a member of this committee and through sheer cussedness he declined. Then, throughout the proceedings of the Reforms Inquiry Committee not one Swarajist either appeared as a witness or submitted his memorandum or opinion in writing." This will be the impression created. A veil will be drawn on the real facts. Why is it that we did not take part? Our attitude has been fully justified by the reports both of the majority and the minority of the Reforms Committee. As the facts are not well known, I take the liberty to read the answer I gave to the invitation which I received from the Government to be a member of this Inquiry Committee. This is what I said on the 3rd of June. I read from a press cutting:

"I have carefully considered the terms of reference to the proposed Committee and have come to the conclusion that no inquiry within the limits, scope and extent prescribed can yield satisfactory results. It will no doubt be possible for the Committee to discover the difficulties arising from or defects inherent in the working of the Government of India Act and the rules thereunder and suggest remedies within the limitations laid down. But it is obvious that no such remedies can meet the requirements of the situation. A reference to the terms of the Resolution adopted by the Legislative Assembly on the 18th February 1924 will show that the action contemplated by the Resolution must necessarily go beyond the structure, policy and purpose of the Act, and that the object in view cannot be served by merely rectifying any administrative imperfections. The proposed inquiry would perhaps be justifiable if its real and avowed purpose were to collect evidence to be subsequently placed before a representative conference constituted in the manner described in the Resolution of the Assembly with unrestricted powers to propose such changes in the constitution as the circumstances required. But as I read the press communiqué it commits those who agree to serve on the committee to the structure, policy and purpose of the Act and gives no indication of any intention to hold a subsequent conference with wider powers or to take any action beyond that necessary to rectify administrative imperfections under the Act and the rules as they stand. For these reasons, while thanking the Governor General in Council for the invitation, I regret my inability to serve on a Committee constituted in the manner and for the purpose set out in the press communiqué."

Now, Sir, this Committee did meet and it came to certain conclusions and made its report. That report, I submit, has fully justified the position that I took. There is the majority report and there is the minority report. So far as the majority report is concerned, I thought that I was reading some administration report, something like what is issued year after year by the heads of the departments relating to their own departments. I see no indication in it of any attempt to reach the root of the question. Of course, there was the formula before the Committee—"not to go beyond the structure and the purpose of the Act"—and therefore any attempt in that direction was abandoned on the plea that it would not be within the scope of the inquiry. Then, when they came to discover defects and imperfections, they acted just like one who inspects an office and after going through the books and files recommends changes of procedure and transfers of certain routine items from one head to another head, and things of that kind. The only real recommendations of any substance did not go beyond the transfer of such things as the Indian Law Reports, Boilers and Gas and Forests where they are not already transferred and Excise in Assam where it is not a transferred subject. Now, the whole joke of it becomes quite apparent when you read that report in conjunction with the Resolution which was passed by this House and the debate which was held on that occasion showing the objects with which this Inquiry Committee was constituted. This Committee undoubtedly was a thing which the Government had done in response to that Resolution. Sir Malcolm Hailey from his place in this House made it clear twice—once in his opening remarks and then in his concluding speech—that all they were prepared to do was to explore possibilities. But the intention was to get at the bottom of the trouble and not merely to provide a sort of an eye-wash by adding something of no consequence or transferring one or two items of no importance and thus to throw another sop to the country and see if it can be satisfied. What Sir Malcolm Hailey said was that if it was found that no substantial advance could be made, which was desirable, within the structure and the scope of the Act, then he said "I give you no undertaking whatever. It will be a matter to be considered when the occasion arises." I quite admit that he did not commit himself to anything particular if it was found that nothing could be done within the scope of the Act itself. But surely the fact that nothing could be done within the scope of the Act could not have been a revelation to the Reforms Inquiry Committee or rather the majority. It did not require a prophet to tell us at the time that it will be so. We knew that nothing was possible and therefore, Sir, so far as the position we took is concerned, both the majority and the minority reports have fully justified it.

This is hardly an occasion when I should detain the House by going fully into the merits of the recommendations of the majority report, or those of the suggestions contained in the minority report. All I shall say for the present is this that the majority report is a mere camouflage and the minority does certainly contain things with much of which we agree and with much more of which we do not agree. At the end the only substantive conclusion arrived at is that it is a matter which must be gone into either by a Royal Commission, or through some other agency. We had ourselves suggested a more suitable agency and we are no wiser to-day than we were when the Reforms Resolution was passed by the House.

Now, Sir, there is one part of the majority and the minority reports which I must deal with as it very seriously affects the Swaraj Party, and

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in which I find that both of them have gone hopelessly wrong. I refer to the question of disqualification under the rules from membership of this House and the Councils on the ground of conviction for an offence involving a sentence of more than six months. Now, upon that point both the majority and the minority have, in a fit of generosity, extended the term of imprisonment which would be a disqualification to one year. That is to say, if a sentence is for more than one year, the disqualification remains, but when it is for a less period there will be no disqualification. Now, Sir, I am not at all surprised at the majority coming to that conclusion, but am greatly surprised at the minority, which consisted of most eminent lawyers like my friend Sir Tej Bahadur Sapru and my Honourable friend Mr. Jinnah, having agreed in that conclusion. They were perhaps caught napping and did not fully realise what they were agreeing to. It is no doubt a rule of English statute laws based on Parliamentary practice and precedent that the disqualification applies on conviction for certain offences involving a sentence of more than one year, but it was overlooked that that disqualification attached to the person while he was actually undergoing the sentence and not after he had suffered the sentence, or had been pardoned for the offence. It is a very elementary principle of criminal law that an offence is purged by undergoing the punishment for it, and it is on that principle that the English practice is based. Even convictions for high treason are treated in that way. That is to say, if the sentence imposed has still to run, you cannot elect the person who is undergoing that sentence. But once he has served out the sentence there is nothing to prevent his election because it is for the electorate to judge whether the man is fit to represent them or not. What is provided against is that the electorate must not put the Government in a false position. When the Government holds a person in jail and they elect him it would create difficulties, and to avoid that, that rule was framed. Now, Sir, the rule as it obtains in India came up for consideration before the Parliamentary Joint Committee. It was discussed from the 27th May 1924 to the 1st July 1924, and it was discussed at the recommendation of the Government of India, the recommendation being that the disqualification should be removed. That recommendation in its turn, Sir, I flatter myself to believe, was based upon a Resolution which was tabled in this House very early in the beginning of the 1924 session, but unfortunately has not yet been favoured by the ballot and come up for discussion in the House. However that may be, the recommendation of the Government of India was there, and on that recommendation discussions were held in the Joint Committee on various dates. Witnesses were examined, among whom Lord Meston was one, and I will only read what was resolved at the final sitting:

"Then, it was moved by Lord Clwyd that the Committee shall advise the Secretary of State for India to adopt the proposal of the Government of India to amend the rules made under the Government of India Act, 1919, so as to remove the disqualification for five years which the rules at present impose upon any person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for more than six months is subsisting."

—note that the motion was to remove it altogether.—

"On the question whether the proposed motion be agreed to the contents were 10 and the non-contents were 5."

In spite of that Resolution of the Joint Committee, which was based on the recommendation of the Government of India themselves, we find the

majority and the minority both falling into the error that I have mentioned. Now, Sir, it is an error which very deeply affects us. As is very well known, it is we, the Swarajists, who come under that disqualification, and not only ordinary Swarajists, but men like Gandhi who is disqualified, men like Lala Lajpat Rai and Pandit Jawahar Lal Nehru who are disqualified. There are numerous others who are disqualified but those I have named need no introduction in this House or outside it. And so far as that goes, in the early manifesto of October 1923, which I had the honour to issue, there was a challenge to the Government to withdraw the disqualification before the elections, and see the result. I now challenge the Government again to dissolve this Assembly, after withdrawing the disqualification. If this is done I promise this House will contain a vast majority of Swarajists.

These, Sir, are in brief the more important events which have happened during the present régime, and the whole policy of the Government may be summed up in a very few words. If you bear in mind the dates that I have given, you will find that the policy of the Government comes to this: they give full play to their repressive laws and inaugurate a reign of terror by making indiscriminate arrests throughout the country. When they are satisfied with their own terrorism and feel confident that they have crushed out the spirit of freedom, they obtain a Royal clemency and let off a number of persons in the hope that that spirit will not revive. But what do they find? They find to their utter discomfiture that the same spirit rises again in the more chastened form of non-violent non-co-operation. What happens then? They again begin pin-pricks of mild repression, which is followed up by more and more severe repression, until some unbalanced youths in Bengal go mad

Mr. Bipin Chandra Pal: Why not in the United Provinces?

Pandit Motilal Nehru: Because Bengal is more political than the United Provinces and Bengal is more sensitive, and more patriotic if you like. If you want that compliment I am willing to give it though I do not think it will be fair to the United Provinces. However in Bengal, when these unbalanced youths are driven to madness, some of them resort to crime, and the opportunity is at once taken of proclaiming to the world that there is a deep-seated conspiracy in Bengal. The Ordinance is passed, and what is done under the Ordinance? Out of 70 odd arrests made the first day, 60 of the prisoners happened to be Swarajists. In the whole round-up of Calcutta not a single bullet, not a single ounce of gunpowder, nor any material for the manufacture of bombs was found. But I need not go over the ground which was traversed in the discussion on the Ordinance. Then comes the Reform Committee's Report; but why it comes as a sort of solace to some, I do not know. There are friends in this House and outside who have great hopes at least from the fact that the minority has made certain suggestions which will perhaps be accepted by the Government at Home. As far as we are concerned, Sir, I have already submitted that we have no such hope. We shall wait and see; but what shall we do in the meanwhile? Well, I can only say that we shall go out into the country again to work among our people and to work as long as it is necessary unless of course His Excellency the Commander-in-Chief finds other occupation for us either in this world or the next. But that is the only thing that we have got to do. Now that is the whole of the policy of this Government. That is why you cannot do without repressive laws. That is why you dare not concede any substantial advance in self-government. You know all

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this but you forget your own traditions. You forget that the spirit of independence once born can never die, do what you like. Your repression will only recoil on yourselves. Go on trying it as long as you like. So far as we are concerned, we, I can assure you, shall never be tired of opposing that repression and of suffering whatever hardship it entails. Meanwhile all we can do is to speak out our minds clearly and fearlessly, and that is what I have attempted to do to-day. I ask the House now to take the view which I have placed before them, to accept that view and to support the motion and pass it with an overwhelming majority.

Mr. B. Das (Orissa: Non-Muhammadan): Sir, Pandit Motilal Nehru, the recognised leader of the House, spoke this morning as the leader of the Swaraj Party. I wish he had spoken as the leader of nationalist India instead. So far in this House in his speeches he has spoken as the leader of the people of India, but to-day he confined himself to his 45 followers and spoke on behalf of them. I am a humble fry in the Independent group of this House . . . (Pandit Motilal Nehru: "May I correct my Honourable friend? I did not speak only on behalf of the 45 Swarajists: I spoke on behalf of my country.") But, Sir, whatever party we may represent in this House, we also represent the people of India. There are 315 millions who are looking forward to our action in this House, and, although I am myself a humble member of the Independent group, the leader of which is Mr. Jinnah who sits on the opposite bench and who has the full support of our group and who will speak for us later on, Sir, I speak on behalf of nationalist India. (Applause.)

Sir, my Honourable friend Pandit Motilal Nehru characterised the Reform Committee's majority report as a camouflage. I say it is an eye-wash and as an eye-wash we must sweep it out. It was a pity that the two Indian members who signed that report forgot their nationality. They forgot themselves. Of course one of them, Mian Sir Muhammad Shafi has now changed his views and we find him to-day advocating a Royal Commission. I wish he had had the moral courage in that report to speak out like an Indian, in spite of his being a Government Member. Mr. Chuntal Mehta and Mr. Cowasji Jehangir are also Executive Members in the Government of Bombay, yet they had the moral courage to speak out like Indians of what India needs. But, Sir Muhammad Shafi is a lost soul. (Laughter.) There was a Raja in the olden days in India—his name was Trishanku—whose soul would not go to hell, would not go to heaven nor would it reside on the earth: it hung in the air. Similarly, Sir Muhammad Shafi is not to-day on the Government Benches, he is not with the people of India, nor do we find him as the Governor of any province. He is in short a lost soul. (Applause.) He wants to come back to us, to the people of India, and he says he wants a Royal Commission. Where was his moral courage when he signed that report? But who is to be blamed for these lost souls among Indians? It is the Treasury Bench, it is the Government of India that is to be blamed for such lost souls. In the Mahabharata there is a story. When Yudishtira was asked he said he did not want to be a Raja in Kali-yuga; but the Government of India create Maharajadhirajas, Their Exalted Highnesses, Their Serene Highnesses; and these Rajas and Maharajas will sign any report and give any support. I do not wonder at these lost souls in India; but I ask of this Government not to make of Indians, of real men, true sons of India, lost souls. (Applause.) They are men of

India, they feel as patriotically as we the Opposition in the House feel; but by dangling before them little Governorships and seats on Executive Councils you make them forget their duties to their motherland.

However, when I think of the minority report, I am proud that my leader Mr. Jinnah had the moral courage to have accepted the Government offer to sit on the Reforms Inquiry Committee. He did consult his friends in the Independent group and had our hearty support. Sir, we are here not to obstruct, not to non-co-operate or to go back to our constituencies and our homes. We have come definitely to this Legislative Assembly to do some constructive work for the constitution and the country. (*An Honourable Member*: "Can you do it?") If we cannot do it, at least we are trying our best to do it. But we have no alternative. You cannot non-co-operate in this Assembly. If you want to non-co-operate your place is not here, it is outside this House. (*An Honourable Member*: "Our place is everywhere!"). We follow reason and reasonableness. My leader joined the Reforms Inquiry Committee and collaborated with his colleagues Sir Sivaswamy Aiyer, Sir Tej Bahadur Sapru and Dr. Paranjpye in bringing out constructive suggestions and constructive proposals for fresh Reforms. That is what we want. I know we want Swaraj; we want complete self-government; yet under the limited scope of the inquiry they show us a way out. We admire their courage; we admire the way in which they have suggested a *via media*, so that the country, the Parliament and even His Excellency the Viceroy and our Finance Member during their discussions in England a month later will find their way to satisfy the aspirations of the people of India. (*Mr. K. Ahmed*: "Ask them to take your leader there.")

Sir, this morning I was reading the *Bombay Chronicle* of Thursday, the 12th instant; and in commenting upon the bravery and the courage of those two Indian Executive Members of the Bombay Government which I have already referred to, it quotes the views of those two members on party policy in the Councils as follows:

"The existence of parties on policies postulates the possession of full responsibility by the representatives of the people."

Well, Sir, much has been made by the Government about the existence of so many parties. The *Bombay Chronicle* comments thus:

"In India the Government sit tight and expect Indians to play at parties and neutralise their energies to the relief of Government."

It is a very pregnant remark to be addressed to the representatives of the people of India in this House. Are we here to play at being Swarajists, Independents, Moderates or Liberals, or are we here to work as Nationalists, as representatives of the people of India, to take united action against a bureaucratic Government that is not going to part with one inch of its power, with one inch of its vested interests? We must unite; we must not repeat what we exhibited last evening during the late hours that the Honourable the President allowed us to sit and vote against each other. We must unite and show this Government and the country, show to the world at large, that India wants Reforms, that India wants Swaraj and we must get it out of this Government. (Applause.)

Colonel J. D. Crawford (Bengal: European): Sir, it is with some diffidence that I rise to take part in the debate initiated by my friend Pandit Motilal Nehru; and I use that term "friend", Sir, not only in the formal courtesy

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which we extend to every Member of this House but because I and my colleagues feel that socially too Pandit Motilal Nehru has been our friend. Recently, only last week, we were the guests of the Honourable Pandit and of Mr. Jinnah at a dinner at the Western Hostel and on that occasion the courtesy extended to us as to other Members of the House was second to none. I allude to this point, Sir, because I am a believer in the building up of conventions. One Honourable Member at that dinner party—he was an Indian—alluded to the differences which exist in this country and in England; he said in England no matter how strong are the differences of your political opinion, you do not allow it to interfere with the courtesy dictated by society. Sir Campbell Rhodes in a very valuable analysis of the Muddiman Report which he has given to the Press has alluded to the fact that political progress in this country in his opinion can primarily be established by conventions, and I believe, Sir, that the Honourable Pandit and Mr. Jinnah have made a very valuable contribution to the political progress of this country when they decided that, no matter how strong may be the difference of political opinion in the House, hostility on those grounds shall not be allowed to extend to our social relationships or disturb the relationship which ought to exist normally between all communities.

I would like, Sir, to return to the fact that I said I rose to take part in this debate with diffidence. My diffidence arises from two points, one, that I belong to what is numerically a minority community and I have that feeling, due to the fierce campaign of racial bitterness in the Indian press, that minority communities at present lack confidence in the future of a government formed on any other basis than that which exists. (*Pandit Shamlal Nehru*: "What about your *Statesman*, *Englishman*, *Times of India* and others?") My second point is that we are always being accused of being "birds of passage" whose only interest in India is that of her exploitation. I vehemently repudiate that assertion and I do so on the grounds that the service which Britishers have given to India is second to none. If I may be allowed with due modesty to give a brief account of my own family connection with India, I would like to tell the House that my eldest brother, a member of the Indian Civil Service in the United Provinces, died serving India; and if you can judge anything from obituary notices, he was loved by all classes of Indians with whom he came in contact. In Southern India my sister died from cholera contracted in helping the poorer classes of India during a cholera epidemic. I myself, Sir, have taken my turn in defending India's frontiers. But that is a poor example of what very many British families have done for India. Sons of Great Britain have come out here and given of their best not only in a professional capacity or administrative capacity, but in assisting India to develop and exploit her own resources in the realms of trade and commerce. Our youths come to India in the heyday of their youth after receiving the very best training that the British Empire can give them; they give the best part of their lives, if not their lives themselves, to the service of India; and if they retire it is to a very short period of well-earned rest after an arduous service for India in this country. It is these conditions, Sir, apart from our stake in the country altogether, which I say entitles us to an opinion on the nature and the measure of constitutional progress in this country and which justifies that opinion receiving that consideration at the hands of the Government of India and at the hands of Indian politicians which it is certain to receive at the hands of the civilized world.

Pandit Motilal Nehru: May I interpose and say that we do not deny that my friend and his community have that right; in fact I may remind my friend that I invited him and his Association to a conference to consider these very things.

Colonel J. D. Crawford: If I may pass on to the question of the Muddiman Report, the Honourable Pandit proposed yesterday to move the adjournment of the House to consider the attitude of Government on this subject. Had he done so, I would have felt obliged to rise and oppose the adjournment, not that we want to burke discussion, but because we feel, recognising our responsibility as representatives of our electorates, that we could have made no valuable contribution other than that of our own personal views to the debate at the very short notice which had been allowed to us. This is an important question, Sir, and a very important one from the point of view of minorities; and it would not have been possible and we do not believe it is desirable to discuss this question until we have had an opportunity of consultation with the leading men of our community and with the organised bodies which we represent in this House. I therefore do not propose to examine in detail the recommendations of the Muddiman Report. I take it, Sir, that the motive underlying the Honourable Pandit's Resolution is the lack of responsibility of the Executive Council to this House. Might I remind the Honourable Member that we Members in this House also have a responsibility to our electorates, and if we take part in this discussion, it is because we believe that those electorates are not yet in a position to have any control over their representatives in this House. I may give the House

Pandit Motilal Nehru: You profess to know our electorates better than we do.

Colonel J. D. Crawford: I may give the House one or two instances. In an election to the Legislative Council in Bengal, quite a number of electors came up and said that they had received instructions to vote for the Lal Sahib, the usual practice of having coloured boxes having been adopted in that particular constituency. They were not aware of the name of the candidate standing in the red colour or of the candidate standing in the black. But they said

Mr. Devaki Prasad Sinha: May I remind the Honourable Member that at the last British elections, many voters came and voted against particular candidates merely because they were asked to vote against the red letter?

Colonel J. D. Crawford: They came and said that they had received instructions from the agent of the man who owned the house in which they lived that they were to vote for the Lal Sahib, and that if they did not do so, they would be turned out of the house. The process of secret balloting was explained to them, but their education was such that they could not bring themselves to believe that the Babu in the balloting office would not know how they had voted

Mr. Chaman Lall (West Punjab: Non-Muhammadian): May I know, Sir, what evidence the Honourable Member has in support of the statement he makes? Will he kindly produce the evidence?

Colonel J. D. Crawford: I have no written evidence, Sir.

Mr. Chaman Lall: May I then ask the Honourable Member not to make any statements in this House unless he has sufficient evidence to support them? It is misleading the House to make any such statement as the Honourable Member is making without evidence.

Colonel J. D. Crawford: Perhaps the Honourable Member will observe that rule himself in future.

Mr. Chaman Lall: May I remind the Honourable Member that I have never on a single occasion in this House made a statement which I am not fully prepared to support.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-official): Even if it is 10 years old?

Colonel J. D. Crawford: The other case was one which was related to me by a Muhammadan representative of this House. He said that there were 180 polling booths in his constituency

Pandit Motilal Nehru: May I be allowed to say one word? If the Honourable Member will refer to the reports of the cases tried under the Corrupt Practices Act in England, he will find worse examples than those he is citing now.

Colonel J. D. Crawford: I do not see, Sir, that because there are mistakes made in England, there is any reason why you should commit the same mistakes in India.

Pandit Motilal Nehru: That is training up the electorates.

Colonel J. D. Crawford: If the Honourable Member will allow me to go on, I shall mention the second instance. Now the Honourable Member whom I mentioned just now said that it was impossible to be present at 180 polling booths over large districts, and he said that, as a matter of fact, he did not think it had been necessary for him to address all his constituents because in most cases they voted in accordance with the wishes of the zamindars. I do not say it is wrong, Sir, but I allude to the fact of the very great power which may lie in the hands of one individual citizen until the electorates are educated to take to their own line.

Then the third case occurred in Bihar and Orissa where, I understand, a certain section of the municipality in a municipal district did not approve of the policy that was being carried out by the existing chairman, and in spite of the fact that there was a bye-election coming off, they did not realise the powers that lay in their hands and that they had the opportunity to express their opinion on the policy of the municipality by recording their votes at that particular bye-election. They, however, went to the Collector and asked him if he could not take some steps to have the chairman removed. That, to my mind, shows that we have a long distance yet to go before we can be certain that our electorates are capable of looking after themselves.

Mr. Devaki Prasad Sinha: That may apply to your constituency.

Colonel J. D. Crawford: I allude to this point, because it has often been pointed out by my Honourable friend Mr. Devaki Prasad Sinha in this House, that this House is capable of exploitation by big interests . . .

Mr. Devaki Prasad Sinha: Including the representatives of your community.

Colonel J. D. Crawford: And it is essential that we should make perfectly certain that the responsibility should be not so much to ourselves as to the peoples of India.

I would allude, Sir, to just another point that arises from the Honourable Pandit's motion. I observe always a merry twinkle in his eye, and he seems to say to himself, "Well, thank Heavens, I can get off my annual grievance on this occasion without any fear of anything happening", and he is thereby really building up a convention to which I do not believe this House desires to agree and to which my Honourable friend Mr. Bipin Chandra Pal only the other day referred.

Mr. V. J. Patel: I thought you were in favour of conventions.

Colonel J. D. Crawford: In the right direction. This convention that he is building up is to say that he approves of the retention of gubernatorial powers of restoration and certification, and I cannot believe that it is sound for us to build up such a convention. He is also, to my mind, building up another convention.

Pandit Motilal Nehru: My friend ought to know that it is by the law itself, and not mere convention, that the power of certification and veto is given.

Colonel J. D. Crawford: My friend is building up another convention, that the opportunity given to the representatives of the tax-payers to criticise the expenditure should be wasted in the annual voicing of our grievances. I am quite certain that it is not a sound policy. We have plenty of opportunities by Resolutions and by other means to put forward the points of view which we favour, and I cannot believe that it is desirable that we should establish a convention to put forward at this time those Resolutions rather than that we should examine with the very greatest care the expenditure and income which are placed before us on this occasion.

Finally, Sir, I would make an appeal to the House. I believe with Sir Campbell Rhodes that progress lies along the road of a proper establishment of proper conventions.

Mr. V. J. Patel: What are they? Dinners?

Colonel J. D. Crawford: A dinner is a useful one.

Mr. V. J. Patel: Mention some more.

Colonel J. D. Crawford: Firstly, that law and order is the primary duty of every Government, that minorities must be protected, Budgets must be balanced, and that the finances of the country must be sound. These are the lines (*A Voice*: "Lee Commission.") These are the lines, Sir, upon which political progress in this country can develop to the interests of India and of the Indian people. With these words, Sir, I beg to oppose my Honourable friend the Pandit's motion.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): I regret, Sir, as much as my gallant friend, Colonel Crawford, the painful necessity that has been imposed upon us of not discussing the expenditure and

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income of the Government of India when the Budget comes on. That necessity has been imposed upon us by the peculiarly painful political situation in the country. This is really the one occasion on which we can freely and fairly discuss the policy of the present Government. It has been one of the functions, I may remind my gallant friend, of the Legislative Assembly in India before the legislators were permitted to vote upon the Budget, to discuss general questions of public policy on the pretence of discussing the Budget. That was in the old Imperial Council. The figures in the Budget were more sacred than the sacred thread of the Brahmin to the pariah. So far as the old constitution went, we could not move any amendment on the Budget, all that we were given was to enjoy the sound of our own voice inside the august Chamber, criticising (within reasonable limits, of course, because the Viceroy was presiding) the action and the policy of the Government. But since the introduction of the new Government of India Act, this House has been given this privilege, this power of criticising the policy of the Government, the general policy of the Government, the acts and attitudes of the Executive in the country, in discussing the Budget. This year we have been allowed a certain amount of latitude in regard to this matter by a convention, which I understand, Sir, you and the Leader of the House between you two, have established or have commenced to establish, namely, you have given us this item No. 28, dealing with the Executive Council of the Government of India, to discuss general questions of public policy. This is our excuse. If you had given us full responsible Government, if we were made responsible when we threw out a Budget to carry on the administration according to our own lights, if we were permitted when we rejected a Budget to transfer ourselves from these impotent benches to the potentialities on the other side, and cast our own figures, carry on our own administration in the light of our own conscience and with a due sense of responsibility to our constituencies and to the country in general, then we would not have wasted your time and our time upon this fruitless discussion of general policy over these figures dealing with expenditure and revenue. Now, Sir, I am glad to be able to support the motion of my friend Pandit Motilal Nehru. (Hear, hear.) But, Sir, those cheers are a little too previous. (*Mr. Jamnadas M. Mehta*: "Make hay while the sun shines.") But, though I support his motion, I do not actually accept all the reasons upon which he has supported that motion. We are all agreed, Sir, whether we are Swarajists or non-Swarajists, whether we are extremists or moderates, whether we sit on this side or on the other side or elsewhere, we are all agreed, every Indian Nationalist and politician who is not a place-hunter and a flunkey, agrees with every other Indian Nationalist and politician, that we must have full complete real responsible Government and must have it as quickly as we can possibly have it. Upon that point there is absolutely no difference of opinion between my friend Pandit Motilal and his Swarajist iron-sides and my friend Mr. Jinnah and his poor following. (*Pandit Shamlal Nehru*: "What about yourself?") There is absolutely no difference. We have cried for it, we have worked for it according to our own lights—early establishment of Swaraj. Early establishment of Swaraj has been and is the one objective of all our struggles. And by early we have always understood, before the statutory period of the end of ten years after the institution of the Reforms, that

is, before 1929. At the Amritsar Congress, when in his unregenerate days my friend Pandit Motilal Nehru presided over us, we agreed that we should work the Reforms for whatever they might be worth with a view to secure the early establishment of responsible Government in the country and by the early establishment of responsible Government in the country we meant earlier than 1929. We are striving for the same thing. And if you read this report, you will find that the minority has also practically made it clear that they want as anyone of us who are not with them in other matters, everyone of them wants as early establishment of responsible Government as possible. (Mr. K. Ahmed: "So does the Government. Government have agreed.") Sir, when my friend Mr. Kabeerud-Din Ahmed becomes the Government, I shall take his word for the word of the Government. Now, we are all agreed upon that, and we want it. The only question is, how shall we get it? Our differences, whatever little differences there are, are differences not of ideal, not of objective but only of methods. My friend Pandit Motilal thinks that by throwing out the Budget, by an obstructive policy, by destroying Council Government he will have his Swaraj Government. That is what my friend Mr. Patel thinks. I do not know if Pandit Motilal thinks the same. (Pandit Motilal Nehru: "I don't know if Mr. Patel even thinks that.") Those were his words, Sir.

Pandit Motilal Nehru: He thinks he must try to demolish. But he does not mean to say that by simple demolishing these Councils he will get Swaraj. There is something more to be done.

Mr. V. J. Patel: I might explain, Sir, that there is no construction without destruction. We will construct after we have destroyed this system.

Mr. Bipin Chandra Pal: Yes, Sir, I am familiar with that excellent dictum—no construction without destruction. But my friend is still on the mechanical plane; he has yet to rise to the biological plane, where there is no destruction before construction. Destruction and construction go on hand in hand; there can be no construction in the biological sphere after destruction. My friend, Dr. Lohokare, cannot destroy me and the pathological tissues in me with a view to replacing them by healthier tissues. I must be kept and the Government must be kept. That is our position. The Government must be kept. The Government is our Government. Simply because for the time being those other gentlemen with a different colour from ourselves hold authority to steer the ship of State, the ship of State is not theirs. It is the Government of the Indian. It is our State and we claim to guide and control and shape the policy of that State instead of my friends opposite. That is all that we want. We do not want to destroy the machinery of Government. We do not want to destroy the State as State. We do not want to destroy the power of the State as a State, because upon the existence of that power depends whatever rights I enjoy and whatever rights I demand and whatever rights it is possible for me to ever enjoy as a member of a civilised society and State.

Pandit Shamlal Nehru: You only want to change the colour.

Mr. Bipin Chandra Pal: I do not want to change the colour, Sir, because I know the brown bureaucrat will be no better than the white bureaucrat (Laughter). I want not to change the colour but the character. That is what I want.

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Now, Sir, we do not want to obstruct. I support Pandit Motilal's motion but let it not be understood that when I give my vote and go with him to the lobby (Mr. K. Ahmed: "Not the same") I accept his policy of obstruction.

Pandit Motilal Nehru: I have made it quite clear myself.

Mr. Bipin Chandra Pal: What I want is to enter a protest. But it may be said that the other day I said that if we want to enter a protest, a 100 rupees cut would be as good as a lakh of rupees cut. I say that as a general statement that holds true. I do not assess these protests by their material measurements. A lakh does not carry more moral weight behind a protest than a hundred rupees. But, in this case, we stand upon a different footing. We know that His Excellency is going to England. I have not the legal poetic imagination of my friend Pandit Motilal to be able to visualize the flow of spirits and the feast of soul that will take place in London when Lord Reading and Lord Birkenhead and the others will meet there. I cannot visualize the picture which my friend has visualized, but I know this, Sir, that Lord Reading is going out to consult the authorities regarding the Indian situation. It is out in the papers—not in Indian papers but in the English papers—that His Excellency is going out to consult the Secretary of State and the British Cabinet in regard to the constitutional issue in India. That is an open secret. We do not want to make a small cut which His Excellency may refuse to restore. On this occasion we want to make as big a cut as we can, so that His Excellency will be forced to restore, and in being forced to restore, will have to place his reasons for the restoration on record and those reasons will be before the Secretary of State for India, before the British Cabinet and before others who may be invited to join that Conference. It is for that reason, Sir, to make the position of this House absolutely clear, that divided as we are in regard to our methods, we are united in our demand for the early establishment of full responsible government in this country, and we shall not cease from wrestling until we have our desire fulfilled. (Hear, hear.) That is what we want to make plain in the country and before the world. What are our demands? We want immediate establishment of full provincial responsibility. That is the first thing we want,—immediate establishment of full provincial responsibility, not a transference of the control of Assam Forests that might be profitable to me if I were the Conservator of Forests (*Pandit Shamlal Nehru*: "Or Fisheries") or the Member in charge of Forests or the control of Fisheries or the control of the publication of Law Reports or the control of other things. The days are gone by, Sir, when you can please us and satisfy us by these little toys. When we were children we thought as children and we played as children, but having arrived at man's stature, we demand the right of man to determine and carry on the business of our own household ourselves in the light of our reason and in the light of our own conscience. No, Sir, this transference will not do, and the minority report makes it absolutely plain and clear as clear could be that this will not do. Of course, they had to work within the limits of their reference. They could not go beyond the limits of their reference. But they make it absolutely plain that what they want is a change in the present constitution. I will read, Sir, just a little. . . I am not a good reader, but I will try to:

* The Indian Ministers and Members of the Executive Councils also, upon whom new opportunities of service were conferred, appear to us to have been within the

sphere of their Executive duties, equally eager to work the Constitution in the same spirit of reasonableness, and yet differing from the majority of our colleagues we have been forced to the conclusion that the present system has failed, and in our opinion it is incapable of yielding better results in future."

I am sure if my friend Pandit Motilal Nehru had been on this Committee he could not have put the case for us in stronger and clearer language than has been done in this sentence. What do they say again?

"To our mind the proper question to ask is not whether any *alternative transitional* system can be devised but whether the constitution should not be put on a permanent basis, with provisions for automatic progress in the future so as to secure stability in the government and willing co-operation of the people."

Those words represent the united voice of India. No tinkering, Sir, no transference of a few departments from the reserved to the transferred side, but what we want is a change in the constitution which will make automatically for future progress, which will ensure stability, a change in the constitution such as will not force my reasonable friend Pandit Motilal Nehru, a moderate of moderates as he has always been in his life, to change into a red Swarajist and going in for breaking while all his life he has been anxious to construct. We do not want this constitution. This constitution, this hybrid constitution, this wretched constitution unknown to political history and unknown to any political science, this dyarchy within monarchy and monarchy within dyarchy, this unity in duality and duality in unity, this one in *Ousia* and two in *Hypostatis*, this constitution unknown to anywhere except in mediæval scholastic theology, this, Sir, is not wanted by us. We never asked for it.

Mr. D. V. Belvi: Dyarchy is a political monster.

Mr. M. V. Abhyankar: You want to work it.

Mr. Bipin Chandra Pal: I am prepared to work a monster if the monster will serve my purpose and I am working with you to-day to serve my purpose. (Laughter.) That is our position. Why should I not want to work a monster if the monster will not eat me but I can control the monster? (Laughter.) That is the whole question. If you lack the skill and the courage and the strength to drive your motor car, your motor car will drive you into a ditch. But if you have the vision and the skill and the strength to drive it correctly, however powerful it may be, you will reach your goal thereon. That has been, Sir, our position. Now, Sir, we are not in love with this present constitution. We are not in love with what Sir Alexander Muddiman and his colleagues have given us. Even those who have signed the minority report have made it absolutely clear that they are not in love with their recommendations. They had to make certain recommendations; they have made them. One thing I find in the minority report is that they have simply said, "We agree with the majority here, we disagree with the majority there." They do not put forward any constructive proposal except in their concluding paragraph where they say that this will not do. They say "We want a constitution that will work for stability." The Governor of Bengal wants stability. He wants to have a Ministry that will work for stability. The Governor of the Central Provinces wants a Ministry that will work for stability. We want here a Government which will work for stability. What is that Government we want? As I said, give us full provincial autonomy, and give us some effective control over the executive in the Central Government in the transitional period. We do not say that

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we are fit according to the standard of my gallant friend Colonel Crawford to govern ourselves. If he will apply that measure to his own people in England he will be forced to admit, honest man that he is, that even they are not fit for enjoying full responsible government there. But what we want is to grow into this fitness and we shall never grow into this fitness unless you give us the power to exercise the rights of free citizenship in this country. It is by the exercise of real power and responsibility that the sense of responsibility grows. Give us responsibility and the sense of responsibility will grow. The sense of responsibility grows there among your brown colleagues because you give them responsibility. And the same sense of responsibility will grow even in these benches if you make them responsible for carrying on your work the moment they try to thwart you in the prosecution of your policy or throw out your measures.

Now, Sir, the situation, so far as we can see, is very critical. It is very critical in Bengal. We have got two Ministers, but it has yet to be seen how long this new Ministry will last in Bengal. Everywhere, almost in every province—in the Central Provinces the Reforms are practically stopped owing to the deadlock created by the Swarajists. In Bengal the Ministry is in a state of unstable equilibrium. It has been in a state of unstable equilibrium for the last 12 months and more, and it will continue to be so until better counsels prevail. (*Mr. V. J. Patel*: "Do you approve of that policy of obstruction?") No. I do not approve of obstruction. I believe in constitutional opposition. I do not believe in the obstruction of Government. (*A Voice*: "But you did.") I have answered that question and I will not take notice of it again. The situation is this. In Bengal we have got that situation, an unstable Ministry. In the Central Provinces we have got that situation. Here this time you are a little more comfortable because of the freedom of my Honourable friend Mr. Jinnah and his friends from the Swarajist trap. Last year they voted with them. They are not going to vote with them and you are trying to exploit that situation to-day. But it will only be for a little while. It cannot last long. The moment there is any vital issue before us as on this occasion we will not vote with Government. We have got a proverb in Bengali which says that the horn of the buffalo is bent, it is not straight, but when buffaloes fight their horns become straight. And when we fight all our horns become straight and you will find it to-day and on future occasions also if any serious problem arises. (*Pandit Motilal Nehru*: "You are again falling into the Swarajist trap.") No. I am driving the Swarajists into my trap. We shall see who goes into whose trap. We have seen it during the last year, who have been changing and who have not. Why should you give the Government Benches so much pleasure? They do not give you pleasure. The issue really is this. Are we to reach our goal by constitutional means or by other than constitutional means? That is the whole issue. (*An Honourable Member*: "No.") (*Another Honourable Member*: "By all available means.") The other day His Excellency the Commander-in-Chief gave us a bit of his mind. (*Mr. Devaki Prasad Sinha*: "Did he frighten you?") Well, well, do I look like it? Some friends have been looking very much afraid either through the Commander-in-Chief or through somebody else ever since they entered this House during this Assembly. I did not get frightened. I only enjoyed that. I thanked in my heart of hearts His Excellency the Commander-in-Chief for that frank statement when he said that India is not a nation and you cannot expect to have a national

army until you are a nation. That is the whole argument—until you are a nation you cannot have a national army. And my Honourable friend Sir Alexander Muddiman will rise up and say, "Until you have an army you cannot be a nation." Mr. Frederick Smith, before he was transferred to the Upper House, declared in the course of the debate over women franchise in England that "The old law was no representation, no taxation. The new law is no fighting, no vote." That was what Lord Birkenhead before he became a Lord declared in the House of Commons many years ago, and that is practically what my Honourable friend Sir Alexander Muddiman will say and what His Excellency will say. We are in a vicious circle—Pandit Motilal's vicious circle. He said when discussing the Resolution on the King's commission that we are in a vicious circle, "We cannot have self-government before we have a national army and we must have a national government before we can have a national army." You cannot have a national army before you have a national Government—that is really the meaning of His Excellency's dictum the other day. Now I do not like to take that as the only alternative before us. We want to proceed, as my Honourable friend Colonel Crawford said, from point to point, from convention to convention, from precedent to precedent, into our goal. We do not want a revolution. I do not think that even my Honourable friend Mr. Patel wants a revolution. (*Mr. V. J. Patel*: "Peaceful revolution.") Peaceful revolution! This reminds me, Sir, of a Sanskrit couplet which I am sure my Honourable friend, Mr. Patel knows. The couplet means: "When two goats fight they begin with a great show, and when a great saint dies there is a great show, but no food on the *sradh* occasion of a Rishi. When a man and his wife start quarrelling there is a great show, but all these end like a morning cloud, not in shower but in vapour." That is the kind of peaceful revolution that my Honourable friend Mr. Patel wants. A revolution is a revolution. I can understand a moral revolution. I can understand

Mr. V. J. Patel: My friend forgot 1920-21. That was a peaceful revolution.

Mr. Bipin Chandra Pal: I will not disturb the self-complacency of my friend Mr. Patel. I know, Sir, 1921, but where is 1921 in 1925? Where was 1921 in 1924? Three times before the cock crowed you denied your master and now you come and call upon us to remember 1921. Now the whole question is this: Are we going to have, Sir, constitutional advance or revolutionary advance? We are for constitutional advance but the country is getting impatient and it may be impossible even for the most moderate of my moderate friends to control the country or a section of the country from rushing into revolutionary ways unless this constitutional question is solved with wisdom, with statesmanlike farsight and solved betimes. With these words, Sir, I support the cut proposed or rather the rejection proposed by my friend Pandit Motilal Nehru.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): After the torrential diversions which we have had, I wish to draw the attention of the House to the plain issue which it has to face to-day. As I conceive it, the plain issue before us to-day is that by means of this vote we want to record the opinion of this country—I am speaking for the Indian population—that the Government as it is now carried on does not command the confidence of the people of this country. That is the plain meaning of the vote which I wish to record, not with an idea to obstruct, not with the idea of exercising our constitutional right of refusing supplies, not even with

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the idea of making any emphatic protest, but with the idea in my mind of making another attempt to see if the heart of the Government can be made to change. Sir, I say that the heart of the Government really requires a change. Speaking in the presence of my Indian friends who form part of the corporation called the Government of India which we condemn, I say unhesitatingly that, notwithstanding their presence, they have not by their presence contributed to a change of heart. They have become diluted themselves. They have been overpowered by the masterly elements which control the government of the country. Sir, at this time, especially when His Excellency the Viceroy is proceeding to England to discuss momentous issues which affect the well-being of the millions in this country, it is but right that His Excellency should convey to the responsible people there what the real feelings of the people here are. When His Excellency came to this country in 1921 and when we began the reformed constitution we met under the big long shadow of Amritsar and we, Sir, who were taught Milton and Shakespeare remember the great sayings in them. In one of Shakespeare's plays we read :

“ Wise men never sit and wail their woes, but presently prevent the ways to wail.”

Now, Sir, we came to this House in 1921 notwithstanding the upbraiding process of our non-co-operating countrymen, notwithstanding their attempt to deride us by letting loose dogs and asses with placards round their necks saying “ Vote for me ”. We, who came in here in 1921, offered our co-operation wholeheartedly to remove the evils which, as we conceived them, existed in the constitution of the government of this country. Sir, the Government were very unpopular in 1921. We tried to diagnose the causes of that unpopularity. We tried to help the Government to remedy those vital defects which made them unpopular. We recognised that the disease lay in the political atmosphere, lay in the sentimental side, lay in the economic disadvantages and burdens of this country. The political atmosphere of the country was then shrouded. We had then just emerged from the troubles in the Punjab; we had just then the grim memory of the Rowlatt Act and the agitation which swept the country. We were also under the repressive press laws. And we diagnosed that all these causes contributed to the unpopularity of the Government—the economic disadvantages which the country lay under the fiscal policy of the Government, the administration of the Railways and in connection with various other matters we found that there were radical defects to be cured. On the sentimental side, there was the political aspect also of the racial distinctions in procedure, and there were various other miscellaneous causes which went to make for the unpopularity of the Government. We found, Sir, that Indians were not generally adequately represented either in the civil service or in the military service of the country. Therefore, Sir, we set to work to help to re-frame the laws, to re-frame the constitution, to re-frame the machinery of the various other matters affecting the government of this country. Sir, the year 1921 was eventful in that respect. We had the Esher Committee on the Army, then the Committee of this Assembly which sat to consider the Esher Committee's Report which made recommendations under 14 or 15 heads to remedy vital defects in the administration of the Army and also to effect the Indianization of the Army. We pressed for a Committee to examine the press laws and the repressive laws and got the same appointed. We got a Committee appointed to

remove the racial distinctions and similar other defective procedure. And, Sir, where we found also plague-spots like the North-West Frontier Province, where the people were groaning under the disadvantages which surrounded them on account of their position and on account of their neighbours, we tried to influence the administration of this country; we tried to effect reforms by getting the procedure modified; and we also got Committees appointed on the economic side, as regards the fiscal policy of the Government and also in connection with various other matters, for example, the position of the Indian bar. Sir, all these were achievements of which we of the first Assembly were naturally proud notwithstanding their belittlement on the part of the public. We produced some impression, Sir, we know that we were flooded with applications from both the Princes and the people of India to redress wrongs as if we were mighty people who could work wonders in this Assembly and in the Council of State. But, Sir, when we come to realities, when we come to consider whether we had begun in effecting any real change of any substance, when we examine that position honestly, we recognize that we have failed, miserably failed. That is the conviction which has forced itself upon my mind and also upon the

1 P.M. minds of the thinking people of this country. There have been certain advances, certain improvements, in matters of detail, not in matters of substance. But where matters of substance come, the Government are tardy, niggardly, grudging, in the spirit in which they accept those proposals. Sir, take, for instance, the Army. We pressed for speedy Indianisation in the Army. We suggested various methods by which it can be effected. That was in 1921. We are still in the year of grace 1925, and what is it that His Excellency the Commander-in-Chief vouchsafed to us only the other day on the floor of this House? Sir, it was an insult to the people of this land. We take it as an insult to us to be told that it will take many many years before we can think of any substantial Indianisation of the Army. Sir, if that is so, where is this goal of responsible government you promised to us stage by stage, step by step? Did His Excellency the Commander-in-Chief speak with the authority of the Executive Council? If so, Sir, I have no hesitation in condemning that Executive Council by means of this vote. Sir, are the Indian Members in this Council content with the position which His Excellency the Commander-in-Chief put to us the other day? Do they recognise that the country will be content with such a position assigned to them? Many many years. There is the conflict of religions, there is the conflict of races, there is the conflict of languages, there is ignorance, there is illiteracy. Sir, it goes on to the end of time. Such arguments have been repeated times without number. Sir, if such arguments are to prevail with an intelligent Government with which we are face to face, I say, Sir, all hope must be lost. Still, Sir, I do not want to give up hope, because I still expect that better sense will prevail, that better political instinct will be brought to bear upon a consideration of these problems. Sir, what is it that has been done in the matter? Quite true, His Excellency the Commander-in-Chief had promised to Indianise 8 units, which will take about 30 years, if I am not mistaken, and they themselves confess that the process they have selected is not popular with Indians. They know it. Why is it not popular, Sir? Because you wish to create a pariah group in the Army itself. You want to seclude them, confine them, to units which are entirely Indian, instead of fusing them in all the units of the Army. You want to create separate units for the Indian Army and therefore the Indian officers feel that a second class or third class of officers is being created in that respect. And that is

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why, Sir, the thing is becoming unpopular. Sir, while we are thankful for the training college at Dehra Dun, which I had the privilege of seeing only the other day, where I was glad to see the magnificent results produced in the youths who are there, many more such institutions are needed in India. It is a misnomer to call it a college. It is a mere public school. What we do want are training colleges, like Sandhurst, for the creation of Indian officers. Sir, they may not be as efficient as European officers I quite admit. As you have to make the best of the material which you have got, it is no use trying to cry over the inefficiency question. If they are not efficient to-day, if they are not efficient in this generation by failures, they will become more and more efficient later on. That should not stand in the way. Sir, these difficulties require courageous statesmanship and confidence in the people to overcome. Unless you have got confidence in the people and unless that courage comes out of the confidence of the people, your attempts will be failures. You have to make attempts and serious attempts in that direction, and therefore, Sir, that is one respect in which there has been some improvement only in detail. There has been really no marked advance on which we can congratulate the Government. So also in the matter of the Indianization of the Civil Services. Sir, in this matter we cannot but feel with warmth—when we find the readiness of this Government to recognise the just grievances of the existing services which are mostly European and the tardiness which they exhibit in recognizing the just claims for Indianization is again a matter for deep regret. Well, Sir, we have been complaining for the last four years why the back benches behind the Treasury Bench are not manned by Indians. We want Indians to occupy all those places behind the Members of the Government. They, the one or two Indians now there, can give creditable account of their work here. We have been crying ourselves hoarse in that direction. I think since 1921 about two or three Indian officers have been taken in some of the departments. Can my Honourable friend Mr. Bray point to one or two Indian officers in the Political or Foreign Department who have been taken in responsible posts? (Mr. Denys Bray: "Yes.") Can he find Indians in responsible posts in his Department such as Under Secretaries, Deputy Secretaries, Joint Secretaries, Additional Joint Secretaries, Assistant Secretaries and Secretaries? Can my Honourable friend Mr. Burdon point to instances where he has taken Indians in the responsible posts which I have named? It is in that direction that we want Indianization. True, you are making a beginning. But, Sir, you have delayed it so long that we are not contented with these small beginnings. Having delayed it so long, the pace should be greater. That is our complaint. Take, again, Sir, the repressive laws. The Repressive Laws Committee, which was a responsible committee, made certain recommendations. You have removed the Rowlatt Act and certain other Acts. But the Committee also made certain recommendations as regards the Bengal Regulation III of 1918. That portion of the Committee's report you have ignored. That is where the people have been feeling the pinch of it and there the Government have stayed their hands. Now they are faced with my Honourable friend Mr. Patel's amendment for the wholesale abolition of those laws. The same is the case with regard to various other matters which I have mentioned, for instance, matters which are of economic advantage to the country. Take, for instance, the Mercantile Marine Committee. That, again, is a matter on which the Government have delayed, long long delayed, cruelly delayed the taking of steps to promote the growth

of an Indian Mercantile Marine in this country. Sir, that report has been in the hands of the Government for more than a year. Sir, the Lee Commission's report was considered with lightening rapidity and the Government were not faced with any financial difficulties. My Honourable friend the Finance Minister is not troubled about the finances of the country in regard to the Lee Commission's recommendations. But when it comes to the cotton excise duty, the plea of finances is raised. He says, "We have no doubt made a promise. We have done this and we have done that. but the finances do not permit." But, Sir, when it comes to voting more than a crore of rupees for the purpose of extending the privileges to the railway officers, to the army officers, and so on, financial considerations do not stand in the way. There is no tardiness; there is no sloth. There is, on the other hand, all expedition in giving effect to the recommendations of that Commission. What is it, Sir, that stands in the way of at once taking steps for training Indians in the mercantile marine service? You have delayed it so long especially when you appointed a responsible committee to make recommendations. It was a unanimous report so far as the training of Indians is concerned. Sir, there is nothing but delay. In these days of rapid communications when almost every day and every minute you are in communication with the Secretary of State, how is it that delay takes place in these matters?

Sir, there is another matter which I must also mention. My Honourable friend Sir Sivaswamy Aiyer moved a Resolution as regards the North-West Frontier Province. The people there were really groaning under various disadvantages. At the time that we moved there they thought heaven had sent them relief in the shape of this Committee. That was in 1922. If I mistake not, our report reached the Government in November 1922. Here we are in March 1925, and the Government have not yet passed orders on that report. We do not know yet what they have done. Is this the way to treat serious problems? When I compare and contrast the haste and hurry with which they carry out certain recommendations with their tardiness in these matters, to what am I to attribute this conduct of the Government, except that the heart is not sound there? That is why I wish to ask for a change of heart in these matters. Then again take the Deck Passengers' Committee. The deck passengers are suffering grievously. They are not travelling in comfort; they are huddled together. The cubic space given to them is so small in these passenger ships, and what is the Government doing in this matter? That Committee's report has been in the hands of the Government for more than three years, and we do not know what steps are being taken to relieve the trouble of these people.

Mr. Jamnadas M. Mehta: Did the Honourable Member support the third class passenger Resolution?

Diwan Bahadur T. Rangachariar: Sir, I am not here to answer my friend Mr. Jamnadas Mehta who is on the war path? Then again, as I said, their action is always tardy and grudging. Look at your attitude in the matter of the Reforms. While we took note of the diseases which affected the administration in order to improve them, we at the same time felt the new Government of India constitution was not good and required modification thoroughly. We began it in September 1921; we repeated our request in 1923 and again in 1924. What is it they do finally? First of all they say, "We will constitute a departmental committee in order to find out whether there are any defects in the working of the Act which

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can be remedied by rules. Then after that, under pressure from England, they enlarge it. They drop their departmental committee and appoint a committee with circumscribed references which prevent them from making recommendations which are suited to the occasion. The majority make certain sundry recommendations which absolutely are unconvincing. They had better not be made at all. What is the object of making those improvements? If you examine the recommendations of the majority, what are they worth? Are they going to satisfy the people? Are they going to put contentment in the hearts of the educated people? Is that the object? If that is the object, it will be a gross failure on your part if you think that will be the result of it. So that when you come to that, the position is not at all satisfactory. Take again the way they act when serious matters happen in the country. Take the fleeing of a whole section of the population of Kohat last September. They have not yet gone back to their homes. Look at the way they are dealt with. They are arrested and put in jail and are told: "Now you agree to a compromise and we release you. If you do not agree to a compromise we will re-arrest you and put you back". Is that the function of the Government? What is the function of Government? Should they not induce them to go back to their homes, affording them such unconditional protection as is necessary? Is that all that a Government will do when a whole population have to flee from a place out of fear. Would it not be the duty of Government to give them unconditional protection and ask them to remain there at all costs and have the question of their crimes investigated afterward? And then we find these people, Sir, begging in the streets of Rawalpindi, and people going about on their behalf begging all the way down to Madras. Is it creditable to any Government that a whole population should be wandering in the streets of Rawalpindi? What are we to think of a Government that do not pass restless, sleepless nights over an incident of that sort? Sir, people come to us with their grievances in various matters, but our powers are limited. As I said already, they come to us from Kohat, they come to us from Indian States, they come to us with various bundles of grievances. People come to us as if we had any power to redress their grievances. The other day Mr. Jinnah and other friends of mine had the misfortune to see a number of people who exhibited wounds on their bodies, scars on their bodies, saying that these were inflicted by some political administration or at the instance of some political administrator by the police. (*The Honourable Sir Alexander Muddiman*: "What political administrator?"). In the Nabha State. (*The Honourable Sir Alexander Muddiman*: "Was it Mr. Wilson-Johnstone?") No, no. What they said was they got those injuries when confined in the jails in Nabha State. Well, they come to us, but what is the power we have to deal with such cases? What are the Government doing in these matters? That is what I want to ask the Government? Did the Government investigate? Did the Government see these people? They are there in Rawalpindi. They are here in the streets of Delhi. Sir, they come all the way to Delhi showing the marks upon them. Are we not Indians? Would our hearts not be moved when we see such sights? What is it we ought to do when they complain of all sorts of grievances which we have no power to redress? My Honourable friend Pandit Madan Mohan Malaviya communicated the matter to His Excellency the Viceroy and there it has to be left. We are not able to bring it up here. This is one of the disadvantages

under which we labour under the present constitution. We are not able to take official notice of such things, and therefore we complain that the constitution is thoroughly unsound. It requires radical change in various other matters also, and that is why we say with reference to all this there should be a radical change in the constitution. Sir, it is quite true that law and order is perhaps better maintained now in 1925 than it was in 1921. But are we to be content with that? Sir, many Governors who were unpopular, many Kings and Emperors who were historically unpopular, maintained law and order. But, Sir, what is a greater ideal of government is to see a contented and prosperous people over whom God has placed them in charge. Sir, it is that ideal they should aspire to. Law and order are nothing compared with contentment and prosperity. Sir, can it be said that there is any contentment and prosperity among the people of India or rather that people are contented with the present situation in India? That is why we lodge our protests by means of these votes; we record our want of confidence in the Government because they are not really responsible to the representations of the people. As I said before, the Government are unresponsive to the people. No doubt they are irresponsible under the law to the people; but they are also unresponsive to the demands of the people, and that is why we wish to lodge this protest.

The Assembly then adjourned for Lunch till Twenty-Five Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes Past Two of the Clock, Mr. President in the Chair.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I rise to support the motion which is before the House. The motion is of an extraordinary character, and therefore it is necessary that we should not record our votes without giving reasons in support of it. My Honourable friend Pandit Motilal Nehru has already stated at length the reasons which have urged him to put forward this motion. In addition to those reasons and in emphasising them I wish to make it clear that the necessity for this motion arises from the very peculiar situation in which the country is placed. We have for a long time past asked that the constitution of the government of this country should be modified. We have succeeded but very partially. Before the war we agitated for a real constitutional government being established here. After the war also we agitated, and we know that the fruits of that agitation have been very small. The system of government which has been introduced has in our estimation been found to be very inadequate and very unsatisfactory. The system has had its trial; it had its trial before this present Assembly came into existence—during the first Assembly; and we find now that there is greater unanimity among Indians than there was at any time previous to this, that the system is inadequate and unsatisfactory and that it requires a real and radical change. The motion before the House wants to challenge, to arrest attention to the necessity for this change. How do we find ourselves situated at present? Dyarchy has been established in the provinces; dyarchy has been pronounced to be a failure by the Minority of the Reforms Committee which was appointed by the Government last year. The reasons in support of that view have been so well summarised in the minority report of that Committee, that it is hardly necessary for me to go into them. They have also pointed out that there

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is a necessity for the introduction of responsibility in the Central Government. The reasons which they have given briefly in support of this view are already known to Members. And I submit that the time has come when the question should be very closely and carefully examined. Under the old system the Governor General occupied a position different from the one which he occupies now. What is our grievance against the present system of the Executive Council of the Government of India? Our grievance is that it is a hybrid system, that it is a system which is neither a clear despotism nor an approach to anything like a democratic constitutional government. The Governor General has some powers, which powers are especial to him. He exercises them as the Governor General, and he exercises other powers as the Governor General in Council, and over him is placed the Secretary of State. These three entities constitute the Government of India, which is the agent of the British Parliament. Now, the Governor General exercises a great deal of power which is not exercised in any country where civilization has reached the stage which India has reached, where a regular system of government prevails such as has prevailed in India for a hundred years and more. The Governor General ought not to have all those powers which he enjoys at present. The question requires to be examined, and it is not right that it should be left any more without being fully examined. In the constitution of the Government of India, as the Executive Council, the Governor General is in charge of the Foreign Department. There is no Member for Foreign Affairs, and the Governor General discharges those functions. We think that this is a very unsatisfactory arrangement. The Governor General has a great deal to do, and the foreign and political affairs of the Indian States demand that there should be a separate Member in charge of these affairs who could deal with them in the first instance, so that they may be dealt with later on by the Executive Council as a whole. We feel that this power should not continue to remain in the hands of the Governor General, and we think that this is also a change which has become overdue. We find that under the existing arrangements, the Governor General having charge of the Political Department, matters are not always satisfactorily arranged. We find, for instance, that the Governor General exercises a great deal of power so far as the Indian Princes are concerned, and yet we do not know that there is any body of people on the face of the earth who require to have matters which concern them more carefully looked into than the Ruling Princes of India. We feel that there ought to be a separate Member in charge of foreign and political affairs so that they may receive more attention. We have seen in the case of one of these Indian States that when we tried to raise a question regarding its administration in this House it was disallowed. It is inconceivable that in the supreme Legislative Assembly of India it should be prohibited by rules and regulations, and that any question or Resolution relating to such a State should be disallowed. I tried last year to have a discussion raised in connection with the occurrences at Jaito. The Honourable the Home Member raised an objection to my doing so. I tried it a second time: I was again opposed. Recently I gave notice of some questions relating to what was reported to have happened in Jaito, and those questions were ruled out by the President of the Assembly under the existing rules. I do not complain that he has acted wrongly. As the rules stand, I think the President was entitled to say that it was doubtful whether my questions could be allowed.

I say doubtful, because it was admitted last year by the Honourable the Home Member that the Government of India were in charge of the Nabha administration through the Administrator whom they have appointed, and I venture to submit, without any disrespect to the Chair, that the Government of India being directly in charge of the administration of Nabha—it has been so for the last eighteen months—it is nothing more than doubtful whether the rules would or would not justify the asking of questions relating to that administration in this House. But as the rules stand, I do not complain of the President's ruling. I draw attention to this merely to show the need for revising the constitution. It is an anomaly that while a question can be raised in this Assembly relating to any subject of His Majesty in any part of the British Empire, we cannot ask any question relating to what has happened or what is happening in an Indian State of which the Government are in charge. We hear stories of what has happened which are very disquieting, which are alarming. We have heard recently that there has been a great deal of complaint of ill-treatment of prisoners in the jails in the Nabha territory. We have tried to have the facts ascertained. Some of us asked for permission to visit Nabha and to see things for ourselves. The Government did not see their way to acceding to our request. We have tried to raise the question by questions in this House and we have been defeated. I submit, Sir, and I hope everybody will agree, including the Home Member, that this is a very unsatisfactory state of things, when we cannot raise a question regarding the ill-treatment of His Majesty's subjects in a territory which is being administered by a British officer directly under the Government of India. I therefore, think, Sir, that that also shows the necessity for the revision of the constitution of the Executive Council of India.

I might also mention another matter to which the Honourable Mr. Rangachariar referred, namely, to the report of the Committee which was appointed relating to the North-West Frontier Province. There were two reports submitted by that Committee, a majority report and a minority report. Several years have passed. The people of the North-West Frontier Province desired that there should be a change introduced. I understand that they would like some change to be introduced, whether it was in the direction recommended by the majority, or whether it was in the direction recommended by the minority. But they do want that some action should be taken and they complain that no action has been taken. When the Government appoint a committee and then shelve its report indefinitely, when they do not carry out any of the recommendations of either the majority or the minority of the committee, it shows that the Executive Council of the Government of India is not quite as efficient a body as it should be.

There is another matter to which also Mr. Rangachariar drew attention, and that is the regrettable happenings at Kohat. Now, this is not the time to go into the details of what happened, but there are certain facts which cannot be overlooked. The facts to which my Honourable friend Mr. Rangachariar drew attention are important enough to call for an inquiry. It was in September last that these disturbances took place in Kohat. Thirty-five hundred of His Majesty's subjects left the place in utter fear of what they were exposed to. From that time up to this the Government have not been able to take these men back to Kohat, not been able to establish such conditions that they should be able to go back in confidence to Kohat to live there. These men have lived for these six months in

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Rawalpindi on the charity of their co-religionists. The Government cannot say that this is a state of things which is creditable to them. We think that there should have been an inquiry. The House will remember that shortly after the occurrence took place, several Members of this Assembly, both Hindu and Muhammadan, agreed to recommend that there should be an inquiry instituted by the Government. The Government did not see their way to institute such an inquiry. They appointed a junior Magistrate of four years' standing to investigate and to make a report. The Magistrate made an inadequate and unsatisfactory report. Upon that report the Chief Commissioner based his review, and upon that review and the report the Government of India based their conclusions. Men who were most deeply and directly interested were not given sufficient and fair opportunity of presenting their case. There was no regular inquiry. I am aware that His Excellency the Governor General was pleased to ask the Foreign Secretary to visit Kohat. I am also aware that the Honourable Sir Charles Innes visited Peshawar and Kohat in that connection; but what we submit is that where according to official admissions a large number of men were killed and a much larger number were wounded, where the entire Hindu population had to leave Kohat in the most distressing circumstances, where extensive incendiarism and a number of deaths had taken place, the matter called for an open and independent inquiry. If such an inquiry were made, I do not care who was found to blame, if the Hindus were to blame they should have been censured and punished for it, and if the Muhammadans were to blame they should have been censured and punished for it. But the inquiry was not made. My complaint is that the matter demanded such an inquiry and my regret is that Government did not see the need for it. The result has been that there is a widespread feeling that the Government has shown callousness in regard to the suffering of the thirty-five hundred odd Hindus who were in Rawalpindi. Many of us feel that the procedure adopted by the Government has been extremely unsatisfactory. Whoever may have been to blame in the first instance for what happened, that the outrages were of a diabolical character nobody can dispute, and yet, the action taken, or rather the inaction, the omission to take action by the local officers, constitutes a very sad chapter in the incidents. My own belief is that if an inquiry were made, it would probably be found, as the Hindus alleged, that the local officers were responsible to a large extent, by reason of their inaction or failure to act in the right way and at the right time, for three-fourths of the sufferings which the people were exposed to. When definite charges like that have been made in the public press and in the memorials addressed by Hindus to the Government, the matter did call for an inquiry. But such an inquiry was not made. On the other hand, the Government caught hold of leading Hindus and put them into jail. The most prominent Hindu of Kohat was put into jail and he was kept in jail for several months. Other prominent Hindus were caught hold of and kept in jail. They were kept there long, and they were let out on bail only on the condition that they should go out and try to bring about a reconciliation between Mussalmans and Hindus. When they failed to bring about a reconciliation they were again put into jail and finally released only when an agreement between Hindus and Mussalmans was brought about. I submit that that was an outrage upon the outrage which had already been committed upon them.

Mr. K. Ahmed: How do you know?

Pandit Madan Mohan Malaviya: I know it for a fact. I have made inquiries. I have got the facts with me. I submit, Sir, that the whole affair called for an open and independent inquiry by a committee on which Hindus and Muhammadans and Europeans should be represented. We did not want that there should have been a one-sided inquiry. We wanted an inquiry by a committee on which Hindus and Mussalmans and some Europeans would be represented, so that the truth may be found out and the facts established.

The questions that arise in this connection now are, what is to be done in regard to these people who are at Rawalpindi? Have the conditions which are necessary to restore a sense of security among them been established? If they have not been established so far, who is to blame for it? What is needed to be done? What steps have the Government taken to restore a sense of security? If the steps that the Government have taken are sufficient they should be explained. If they are not sufficient, they should be added to. The object is not to attack the Government for the pleasure of attacking them. There is no pleasure in attacking the Government. We want to know what has been done and we want to know what more it is proposed to do. An inquiry may yet be found necessary, to find out upon whom to lay the blame for the large scale incendiarism and loot which took place. I am told that nearly 475 houses and shops were burnt, and that the people were made to lose their property of enormous value. The question will then arise, it does arise, whether there should be any compensation given to them. If the Government officers were not seriously to blame, the matter will stand on one footing. But it will stand on a different footing if the inquiry shows that the Government officers who were on the spot did not do their duty properly. It is urged that as there was a cantonment adjoining the Kohat city, troops could be called in five minutes' time and the whole of the trouble could be nipped in the bud. Troops were called for a time, but they were withdrawn and placed outside the walls of the city to guard them and the frontier constabulary was left within the city itself with the police. That arrangement did not give the people the protection that they wanted. If when the disturbances broke out sufficient troops had been called and distributed in different parts of the city to strike a sense of security among the inhabitants, and also to strike a sense of terror in the minds of the wrong doers, probably the greatest part of the evil which was wrought in Kohat would have been averted.

Mr. W. S. J. Willson: What would have been your complaint if they had fired?

Pandit Madan Mohan Malaviya: If there was justification for firing, I would not have complained, but if they had fired without justification, I should have said that they deserved condemnation. It was not a question of firing. My conviction is that if the troops had been distributed in a proper manner in the different parts of the city, the trouble would have been nipped in the bud.

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): Do you think that the committee you propose would come to a unanimous decision?

Pandit Madan Mohan Malaviya: Supposing you and I and two other Members, Hindus and Muhammadans, and two Europeans of this Assembly sit and inquire, why should we not be able to come to a unanimous conclusion?

Khan Bahadur W. M. Hussanally: We have had committees so far in which we have got a majority report and a minority report. What action is the Assembly to take in that case?

Pandit Madan Mohan Malaviya: That is a matter for the future. I expect we shall agree, as honest men should agree about the facts and the inferences about which we may disagree, we can discuss here.

Khan Bahadur W. M. Hussanally: Then those who do not agree are not honest?

Pandit Madan Mohan Malaviya: I do not think that is a proper inference to be drawn from what I have said. The facts are clear. We want an inquiry, an honest, impartial inquiry by a committee of Hindus, Mussalmans and Europeans in order to find out what the facts are, and if the facts show that while we must condemn the action of those who indulged in incendiarism and in loot, we must also find out what part of the outrages and the evils that took place was due to the omission on the part of the authorities to take such action as they could have taken. That is an aspect of the case to which it is necessary to draw the attention of the House. I submit that if there was a proper committee to inquire into the matter, we should know what action the local officers took and how far they were responsible for what had happened. From all I have learnt from the Kohatese,—and I myself had been to Kohat, I have seen places of worship desecrated and the bazar burnt practically from one end to the other, nearly the whole of it—I have seen numerous houses burnt, and I have heard with my own ears the tales of woe and sorrow from men, women and boys who repeated them to me at Rawalpindi. These are facts which require to be gone into, and I do not think it will be difficult to arrive at a unanimous conclusion regarding them. But the point I was dwelling upon was this, let us assume that it was found after an inquiry that the local officials had not taken the steps that they should have taken, that the higher officers also had not taken the steps which they . . .

The Honourable Sir Alexander Muddiman: Does the Honourable Member make that charge or not?

Pandit Madan Mohan Malaviya: I do make that charge that the local officials who were on the spot did not do their duty, and I regret to make that charge against the local officers, the Deputy Commissioner, and the Chief Commissioner, whose callousness in this matter I deplore. I also make the charge that the Government of India have not dealt with the question in the manner they should have done. I am very sorry to make this charge, but I make it, and I am ready to substantiate every bit of it if a committee is appointed.

Mr. Mahmood Schamnad Sahib Bahadur (West Coast and Nilgiris: Muhammadan): Don't you want a committee to inquire also into the causes of the Malabar rebellion?

Pandit Madan Mohan Malaviya: When you take up that question I will express my opinion on it. I never opposed any inquiry into the Malabar rebellion. I have never said a word opposing it.

Mr. Mahmood Schammad Sahib Bahadur: Don't you ask for it?

Pandit Madan Mohan Malaviya: I am not at present asking for it, but when you ask for it I will express my opinion thereon.

Mr. K. Ahmed: Your opinion is not shared by the majority. (A Voice: "You are not the majority.")

Pandit Madan Mohan Malaviya: I beg Members of this House not to import any unnecessary heat into this matter. Let us discuss it calmly. It is not a matter in which we ought to take a partisan attitude. Let us consider the question calmly. If we disagree let us agree to disagree. What I am submitting is this. If it is shown that the authorities failed to do their duty, that the authorities, while they had troops available in the cantonment, did not call out or use the troops as they should have done, and allowed the disturbances to assume the proportions they did, and that for days together houses were burnt and looted and all the properties of the Hindus were taken away—if those facts were established, then it will be for the Assembly to consider what help, if any, should be given from the public revenues to the men who have suffered the losses. I wish to make it clear that my point is that the local authorities failed to do their duty by the people who were exposed to those outrages at the hands of their townsmen. Those who committed those outrages ought to be condemned: they deserve condemnation. But I submit with regret that their part almost shades into the background in the presence of the callousness and neglect which the local authorities, and later on, the higher authorities, have shown in this matter. Therefore what I want to know is what action Government have taken in this matter? To what extent have Government decided to help the sufferers? Is there any hope of a complete rehabilitation of Hindus and if so to what extent have the proposals towards that end gone?

Khan Bahadur W. M. Hussanally: On a point of order, Sir. Are we discussing the motion of the Honourable Pandit Motilal Nehru in regard to the reduction of the Demand or are we discussing Kohat affairs?

Mr. President: Does the Honourable Member suggest that Government are not constitutionally responsible for Kohat?

Khan Bahadur W. M. Hussanally: Supposing the constitution is changed, and the Assembly was invested with full powers, would the Assembly from here direct the affairs in Kohat so many miles away?

Mr. President: That would depend on the discretion of the Assembly. Meanwhile, the North-West Frontier Province is under the charge of the Governor General in Council.

Mr. K. Ahmed: There was a Resolution before the Assembly and a date was fixed but unfortunately it was not reached. Let the same matter come before the Assembly again and the Assembly will consider it first and I think that unless it is decided the Honourable Pandit has got no *locus standi* to refer to the matter.

Mr. President: The subject is before the Assembly and the Pandit is quite in order in discussing it.

Pandit Madan Mohan Malaviya: I thank you, Sir. I submit that the Government should make a clear statement as to the steps which have been taken so far to restore these 3,500 Hindus to their homes in Kohat. I submit that the Government should give this House an opportunity to express its opinion regarding the adequacy or the inadequacy of the proposals which

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they may have on hand. I feel I must say, without any disrespect to any individual Member of the Government, that there should be a portfolio in the charge of a Foreign Member, so that he may be responsible directly to the Executive Council and to the Legislative Assembly for the administration of the affairs in a province which is not yet a regular administration like the Punjab and other parts of the country, and that is one of the reasons why I complain of the present constitution of the Executive Council.

I come, Sir, next to the office of the Commander-in-Chief. He administers the Army. The constitution of the Council in that respect also requires to be changed. The other day we have heard His Excellency's views regarding the reduction of the Army. While the Assembly is anxious further to reduce the expenditure on the Army, His Excellency told us that he would not agree, while he remained Commander-in-Chief. He would not agree to reduce the army any further. That is directly in opposition to the recommendation of the Brussels Conference which recommended that not more than 20 per cent. of the revenue of a country should be spent on the defence of the country.

Mr. E. Burdon: May I interrupt the Honourable Member? His Excellency the Commander-in-Chief said that he would not consent to a further reduction of fighting troops—which is a very different thing.

Pandit Madan Mohan Malaviya: Thank you. I do not think that the expenditure can be reduced sufficiently without reducing the strength of the fighting troops. However we would not complain of it, so far as it will go, but I go further . . .

Mr. E. Burdon: May I interrupt once more? His Excellency the Commander-in-Chief promised that he would look into this particular possibility.

Pandit Madan Mohan Malaviya: I am thankful to the Honourable the Army Secretary for reminding me of it. I hope His Excellency will look into it. But I submit that during the time that has elapsed since the Retrenchment Committee reported the reduction in Army Expenditure should have been greater; it should have been nearer 50 crores than it is to-day, and while I acknowledge gratefully all that His Excellency the Commander-in-Chief has done for improving the Indian army and also in the matter of the reductions, I complain that enough has not been done, and that enough will not be done so long as the Executive Council will continue to be constituted as it is. It is necessary that there should be in the Executive Council of the Government of India a member for national defence, and that that member should be an Indian who should have the responsibility of presenting the Army Budget to this Assembly. The Commander-in-Chief should command the Army. All matters relating to the command should be directly under his charge, but the presentation of the Budget, the responsibility of laying the Budget before the Assembly, and of explaining to the country why the expenditure asked for is needed for the defence of the country, should be laid on the shoulders of an Indian member. An opportunity should thus be given to Indians to prepare Indians to defend their own country. His Excellency's remarks on the question of a Military College make us feel, Sir, that the constitution of the Executive Council requires improving. His Excellency the Commander-in-Chief should be the administrative head of the army, but not

to be a member of the Executive Council. There should be a member for national defence, and especially an Indian member, who should be in charge of the responsibility of presenting the Budget and of asking for the Army expenditure.

I draw attention next, Sir, to the Home Member's office. The Home Member under the present arrangement is also unsatisfactory (Laughter). I do not mean anything personal; I am not going to say anything personal of any Member of the Government. I hope my Honourable friends will accept the assurance from me that in the remarks I am making, there is nothing personal to any of them, and I hope they will not take it as personal. What I mean, Sir, is that while the Home Member is at present called the Home Member—I suppose "home" there means India—he has no responsibility to the representatives of the people of India for the administration which he carries on. I do not know whether the Home Member feels comfortable in that anomalous position. But we do feel the discomfort of it. We find that he has no power to respond to the wishes of the home people in the matters which are under his administration. This Assembly passes a Resolution, but the Home Member seems to be powerless to give effect to the Resolution. Last year there was a desire for a great constitutional change. The Home Member did help to create the Reforms Inquiry Committee, but he was not able to satisfy the desire of this House for a larger Committee, for a round table conference or for an inquiry on a larger scale. I do not blame him individually for it. I blame the system for it. There are other important Resolutions of this Assembly which have been disregarded. The Resolutions of this Assembly on many other subjects have been disregarded. I do not think, therefore, Sir, that the office of Home Member should continue as it is at present when the Member in charge is not responsible to the Legislature, and does not feel that it is his duty to respond to or carry out the wishes of this Assembly as expressed by its Resolutions. Let me remind the House of one or two other Resolutions. There was a Resolution passed by this House on the 26th February last which urged that the Governor General in Council should be pleased to appoint a Committee to inquire into the grievances of the Sikhs. I will not go into those grievances prior to the date on which that Resolution was passed. A whole year has passed since that Resolution was adopted by this House, and I regret to find that Government have not taken any action on it. The House will remember the details of the grievances of the Sikhs which were narrated in this House. Not only has no Committee been appointed since that time to inquire into them, but what is worse, the grievances of the Sikhs have become more acute. It was proposed by Sir Gordon Fraser last year after hearing the debate, that a committee of three High Court Judges should be appointed to inquire into the grievances of the Sikhs. But instead of appointing three High Court Judges to make a full inquiry, the Government of India appointed a junior Magistrate to try some of the men of the Jatbas who complained that they or their fellows had been unjustly fired on. The Government of India was content with his Report. Such a Committee as was recommended was not appointed to inquire into the grievances. At one time it was reported that the Government had appointed General Sir William Birdwood as President of a Committee which was going to investigate the matter. We had hoped that the Committee would meet, but the Committee never met because, it was said, the Government and the Sikhs could not agree in certain preliminary negotiations. The Sikhs

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complained that the Government, after having agreed to certain terms, went back upon their agreement, but the Government have not yet published the reasons why these negotiations failed, why they broke up. The Government ought to publish the papers in order that the public may know the truth. We are not accusing the Government of not doing any particular thing or of doing another thing; we want to know why the Government have not done anything? If they have done anything, we want to know what they have done so that the country may know what the situation actually is? The failure of the Birdwood Committee at a time when it was expected that the grievances of the Sikhs would be soon settled, has given great pain to the country. The prosecution of the Sikhs has continued. When His Excellency Sir Malcolm Hailey assumed charge of the Government of the Punjab, it was hoped that the grievances of the Sikhs would be inquired into and settled. Unfortunately this has not been so. I am sorry to say that His Excellency has adopted an attitude of partisanship towards what are called Sudhar Committees, or Sikh Sudhar Committees, which have sprung up since His Excellency went to the Punjab. He has encouraged the formation of such Committees in numerous districts of the Punjab, and these Committees have been put forward as rivals to the Shiromani Gurdwara Prabandhak Committee. The Sikhs complain that their prosecution has gone on and that they have been unjustly dealt with. I submit, Sir, that this is an extremely unsatisfactory state of things.

3 P.M.

Now, who are these Sikhs? These Sikhs are men who have in time past rendered a great service to the Government. Writing about the siege of Delhi during the days of the Mutiny Charles John Griffiths said:

"Our Empire in Hindustan—during the month of May especially—trembled in the balance. There was infinite cause for alarm for months afterwards even to the fall of Delhi; but at no time were we in such strait as that period when the loyalty or defection of the Sikh regiments and people was an open question.

The genius of Sir John Lawrence, the Chief Commissioner of the Punjab, warded off the danger. That eminent man, the saviour of India, issued a proclamation calling on the Sikhs to aid us in our trouble. They came at once in hundreds—nay, thousands, to enlist on our side. Veterans of Ranjit Singh's Khalsa Army, the men who had withstood us on equal terms in many sanguinary battles, enrolled themselves in the ranks of the British Army, and fought faithfully for us to the end of the war. Their help was our safety; without these soldiers, and the assistance rendered by their chieftains, Delhi could never have been taken; while, on the other hand, had they risen and cast in their lot with the mutinous sepoys, no power on earth could have saved our Empire from total annihilation."

Speaking many years afterwards in 1892, the then Lieutenant-Governor of the Punjab, Sir James Lyall, said:

"The British Government owed the Sikhs a debt of gratitude for their large share of the credit for victories won by Punjabi regiments in Hindustan and in China, and afterwards in Abyssinia and Afghanistan."

In the last war, the Sikhs won one-third of the distinctions which the province of the Punjab earned and they contributed a very large number to the fighting force of the Army. The history of the war published by the *Times* gives an account of the services rendered by the Sikhs and it praises them for the continued support, for the steadfast loyalty and bravery which they have displayed in the service of the King-Emperor. I regret to say that it is a large number of these men who have been subjected during the last four years to a series of prosecutions. I will not relate the

whole story which was related last year in this House of the grievances of the Sikhs up to the 26th February last. But I wish to draw attention to a most pathetic description of the situation which was given by a Subadar Major, who had won distinctions in the Army, in the written statement in which he put the case of the Sikh military pensioners, who had gone in a Jatha to the Guru-ka-Bagh. I will read a portion of it to the House to give an idea of how they feel:

"We avail of this opportunity," (*said the Subadar*) "to make it clear to the Government how the Sikh mind feels in regard to the Gurdwara Reform Movement generally and the Guru-ka-Bagh affair especially. The members of this Jatha are glad that they rendered services to the Crown of which no loyal heart need feel ashamed. We fought on the battle-fields of Tirah, Chitral, Afghanistan, Burma, China, East Africa, the Soudan, Egypt, Persia, Mesopotamia, Palestine, Gallipoli, Russia, France, and innumerable other fields less worthy of note. This service was done in the extremes of climate. While in France thousands of Sikh soldiers stood entrenched for days together in icy water. They also saw service at Rumadee, in Mesopotamia, where the thermometer stood at 135 degrees and there were no fewer than 190 deaths from thirst in one single day. The world seriously doubts if the onrushing tide of victorious German hordes could have been stemmed but for the hand to hand bayonet fight by the Sikhs at Neu Chapelle and Ypres. At Kut-ul-Amara we held out when all chances of help became entirely remote; when all communications were cut off and we had no provisions save the flesh of horses and mules to feed on. Twenty-four of us were wounded in action, and, having been incapacitated for further military service, retired on pension, while one lost his leg and two got their eyesight injured by gas. Almost all of us possess medals of one distinction or another, in addition to two I. O. M.'s, one D. S. M. and one M. S. M. Most of us belong to families whose blood has seen continuous military service since the unhappy times of the Indian Mutiny when the British flag stood tottering on the soil of India. We did nothing more than what our duty to the Crown demanded, and that we did to the utmost of our ability and strength. But since the Gurdwara Reform Movement began the official attitude towards it has given rise to painful misgivings in our mind which, as the days passed, have acted severely on our feelings. We have witnessed the Nankana Sahib massacre, the official sympathy for the aggrieved party. We have seen the Government's solicitude for the inviolability of their solemn pledges not to interfere in the religious liberties of their subjects, in the matter of Kirpan, black turbans and the Golden Temple keys affairs. All this we have seen, heard and felt; felt like Sikhs, felt like a friend rudely disillusioned from his loving and blind faith in the honesty of others."

Then he went on to speak of the Guru-ka-Bagh trouble. Sir, it is a thousand pities that these troubles have not yet been put an end to completely, that peace has not been restored to the Sikh community, and that their prosecution is still going on. The Gurdwara Bill is yet not before the country. I am told that five Sikh Members of the Legislative Council of the Punjab and two members of Government have prepared a Bill. At the request of several Members, Sikh and Hindu, of the Punjab Council I myself prepared a Gurdwara Bill which was sent to the Government of the Punjab some months ago. I do not know what decision the Government have arrived at. It is high time that the Government gave the Sikhs a really good Gurdwara Bill by means of which they should be able to control their temples in the right way. It is also high time that the persecution of prominent men of a community which has rendered such splendid service to the Crown during the last 75 years—service such as no other community has rendered—should be stopped and their services properly recognised. It is of course in the power of any man, not to speak of a Governor of a province it is in the power of even a District Magistrate to harass a number of His Majesty's subjects to a large extent. I do not mean to say that Sir Malcolm Hailey is harassing the Sikhs, but His Excellency and an important member of his Council, namely, Sir John Maynard have openly encouraged the formation of Sikh Sudhar Committees.

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These committees have been formed in various districts of the Punjab to oppose the Shiromani Gurdwara Prabandhak Committee. While this has been going on, the Sikhs complain that a number of their men have been prosecuted and punished, and a large amount of fine has been imposed upon them. I submit that the case calls for the appointment of a Committee. The Sikhs have a claim upon the Government of India and they have a claim upon this Assembly that it should recommend to the Government of India that the problem relating to the Sikhs should not be left to be dealt with by the Government of the Punjab. This problem should be dealt with by a committee which should be appointed by the Government of India and which should consist of men who will command public confidence, so that the whole question may be properly gone into. I do not desire, Sir,—no man who is a well-wisher of the Sikhs would desire—that the relations between the Sikhs and the Government should continue to be strained. It is desirable therefore that a committee should be appointed which should inquire into the whole matter. The Sikhs complain that while their relations with the Government had come to be merely normal in June 1923, when they began to agitate in connection with the so-called abdication by His Highness the Maharaja of Nabha, the Government adopted an adverse attitude towards them. They challenged the statement made by the Government of India in their communiqué which was referred to in this House that the Maharaja of Nabha had voluntarily abdicated his *Gadi*. They challenged the correctness of that statement. They requested the Government of India to publish the facts relating to the matter so that the agitation might subside. But the Government of India did not do so. On the contrary, they began to prosecute the leaders of the Shiromani Gurdwara Prabandhak Committee. A case has been going on now for the last 17 months against a number of the leaders of the Sikh community who are in jail. It is not too much to expect that there ought to be some member in the Executive Council of the Government of India who should have the heart to feel what it is due to the Sikh community from the Government and who should have the courage to take action which will put an end to the grievances of a body whose loyalty has been surpassed by any other community in India. I hope the Government will recognise the necessity for such action and take such action at an early date.

Time will not permit me, Sir, to dwell at greater length upon this case. But I want very briefly to refer to one other matter before I close. That is with regard to the position of the Finance Member of this Government. I submit, Sir, that it is high time that we had an Indian as a Finance Member of the Executive Council of the Government. Without any disrespect to the Honourable the Finance Member, I feel that this question requires to be investigated. The management of Indian finance during the last 50 years has not always been happy. I think, Sir, the Honourable the Finance Member will be the first to admit that the finances of India have not been managed as well as they could have been managed, and we have complained for a long time of many things in connection therewith. We have complained that the currency of this country has not been put on a sound footing; we have complained that the question of exchange has not been properly solved; we have complained that a State Bank has not been set up; we have complained that the finances of the country have not been so managed as to secure the largest measure of advantage to the people of India out of the revenues of the people of India. We have asked that the Gold Standard Reserve and the Paper Currency

Reserve should be brought to India, and we have asked that the amount of that fund should be made available to trade and industry in this country. But what has happened? While in India merchants and tradesmen have found it difficult to obtain money at 6 and 7 per cent., and even at 8 and 9 per cent., of interest, money held in the Gold Standard Reserve in England has been loaned out to merchants for a return of only $2\frac{1}{4}$ per cent. or about that. I submit this wrong has lasted too long now and it ought to be ended. We feel that, while we may have sometimes very clever Finance Members from England, they come here only for a short time. In the first place they have to look about and undo the wrongs and mistakes committed by their predecessors. When they have done so, they sometimes feel so alarmed at the situation, that they wish to place Indian finances on a scientifically sound footing, and in that effort they become, probably unconsciously, somewhat callous to the sufferings of the people. They may be concerned, as the Finance Member has been concerned, to put the system on a sound footing, as he believes it, but they may care less for reducing taxation and relieving the sufferings of the people. I feel, I may be wrong; if I am wrong I shall be very sorry to know it, but at present I feel that the finances could be better managed, better administered than they have been, that the high taxation imposed for many years ought to have been reduced, that the surpluses we have received ought to have led the Honourable the Finance Member to reduce taxation. The disposal of the surplus of last year and of the surplus of this year would show that the Finance Member does not feel as deep a sympathy with the people as he ought to. I am very sorry to say so, and if I am wrong I will most sincerely apologise to him, but I must say what I honestly feel, and I feel that with these surpluses there should have been greater relief brought to the people than has been done. In the circumstances it seems to me that we Indians should have a chance now. Ever since the English Government took up the administration of this country, we have always had an Englishman or Britisher as a Finance Member. May I ask that the Government of India should now seriously think of finding from among the many Indians who are capable men and who can deal with Indian finance, a successor to Sir Basil Blackett, so that this long-standing complaint may be removed? Of course I hope, that before the Honourable Sir Basil Blackett leaves his present office, he will have done a great deal more than he has done to satisfy the reasonable, the legitimate claims of the people. I feel a great deal more can be done, and I earnestly hope that he will do so before he lays down the reins of his office. Even in the present year there is much room for improvement. My Honourable friend Mr. Willson wants me to mention where it is; I will mention it at once. I think that when the Honourable Finance Member presented the Budget last year to this Assembly, he must either have known that there would be a surplus in the military Budget or he should have known it. Either his Department informed him when he presented his Budget last year in this Assembly that he should expect a surplus of about $3\frac{1}{2}$ crores or 3 crores, or they did not inform him or he did not test the figures given him. If he did not do so, it would be regrettable. If he had the information, I cannot understand why he should not have informed this House that this surplus would be available. He knows the revised estimates of army expenditure have been nearly uniform for the last three years, and the revised estimates of last year were presented just a little before the Budget was presented. He could certainly at the end of February have obtained information regarding the expenditure which had been

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incurred for 11 months. And when there was only one month of the year left he might have left 50 crores as a margin to adjust any differences that might arise during the month; but he certainly should have known that there would be a surplus of about 3 crores last year. If that surplus had been indicated to this Assembly last year, if it had been availed of by the Finance Member last year, the reduction in the provincial contributions proposed this year should have been proposed last year and the sufferings of the people should have been remedied to that extent. (Mr. W. S. J. Willson: "Who threw them out last year?") We threw them out because it was a hopeless case. We wanted to show how disgusted we felt. Having pleaded, asked, remonstrated, we found that nothing availed and we thought we should tell the Government that the responsibility was theirs; they must carry the Finance Bill by certification. (The Honourable Sir Basil Blackett: "You did not want to take the responsibility of choosing between salt and provincial contributions.") I beg your pardon; we did not shirk the responsibility of choosing between salt and provincial contributions. The matter is very simple. I have heard some Honourable Members say that what was done last year was a mistake. With due deference to them they have not understood our position. We felt that we were left with no option but to adopt the course we did because for years together we pleaded, and pleaded in vain, to have a voice in reducing the expenditure of Government. What the Government wanted us to do was that while Government should make the dispositions of the revenues which are collected, we should vote the taxes. The Assembly will remember in how many instances the Government refused to accede to the request of the Assembly in the matter of the reduction of expenditure. When we found that the Government were adamant, were immovable, we felt that it was only right that we should throw the responsibility of raising the taxes on the Government which had the power to spend the taxes. That was the reason why we threw out the Finance Bill. Now I submit the Finance Member should certainly have known that there was to be a surplus of 3 crores last year. And I take it that he knows there will be a larger surplus this year than he has budgeted for. In a way he has said so. He has told us in his speech that he expects confidently a reduction next year in the military Budget. I thought when I read that passage in his speech that he had a further surplus at his disposal. The military estimates were going to be reduced and the Honourable Sir Basil Blackett knew they were going to be reduced. My complaint is that he did not put together all these items and with the whole real surplus, which was available give more to the provinces, wipe off the cotton excise duty, and reduce the postal rates. (Mr. W. S. J. Willson: "And third-class fares?") My Honourable friend Mr. Willson says "And reduce third-class fares." I am surprised that a shrewd, calm, business man like him should throw out a twit like that. My Honourable friend knows we agreed that there should be money kept in the railway reserve on the distinct promise made by the Honourable the Commerce Member in the presence of all of us that the money so reserved would be spent according to the wishes of this Assembly. I still hope that reserve will be used for reducing third-class fares. I hope in this matter the Government will follow the wishes of the Assembly. (Mr. K. Ahmed: "What about opium?") I will leave it to my Honourable friend to discuss opium.

I think, Sir, that for all these reasons, without any personal disrespect to the Honourable the Finance Member, the time has come when an Indian Member should be placed in the responsible position of managing

the finances of India, that that duty should be placed on the shoulders of an Indian member; and I submit, Sir, that for that object among others we ought to have a thorough revision of the constitution under the Government of India Act, so that these matters may be provided for by Statute, so that the Executive Council of India may become responsible to this Assembly, more capable of promoting the good of the people of this country and more capable of preventing wrongs being done to the people of this country than the present Executive Council is. Without any personal disrespect to the present Members of the Council, I submit that these are some of the reasons which induce me to support this motion that the Demand for the Executive Council should be omitted. It will be asked why do we suggest its omission when a Rs. 100 cut would suffice? Ordinarily a Rs. 100 cut would suffice or a cut of Re. 1. And even without a cut of Re. 1 the opinions we express might be considered by Government. But we have found by experience that unfortunately they do not. It is not a matter of any ordinary grievance against the existing constitution. The matter relates to a complaint against the present constitution of the Executive Council. We know that we have before us the report of the majority of the Reforms Inquiry Committee over which my friend, the Honourable Sir Alexander Muddiman, presided; we know that the English press and a portion of the press in India is supporting it; we know also that the Indian press is entirely opposed to it or mostly opposed to it; and there is a vast body of opinion in this House which is opposed to the recommendations of the majority. We also know that there is a very large body of opinion, if not a perfect unanimity of opinion, in support of the recommendations of the minority. We know that His Excellency the Viceroy is going to England; and at this juncture we feel that it is the duty of this Assembly to make it plain in the clearest possible terms to the Cabinet in England and to all statesmen there and to the members of Parliament that this Assembly is thoroughly dissatisfied with the present constitution of the Government of India; that this Assembly feels that it is a wrong to the people of India to continue the present constitution as it is; that this Assembly feels that the time has come when Englishmen, if they will rise to a sense of their duty to the people of this country, their own fellow-subjects, ought to stand up and demand a revision of the Statute of 1919 with a view to give Indians a fair voice in the administration of their own country's affairs and a fair chance of serving their fellow-men and their King-Emperor also. We feel that this is the time when our voice should be heard, and it is in order that this voice should be heard that we have proposed this motion. I hope the House will carry it without any dissentient voice in order that the Government in England may feel that even the official Members of the House felt that the occasion was so solemn, that the matters raised were so important (Laughter) that they felt that, if they could not join their voices to the voices of the rest of us who are pleading for right, for justice and for freedom, they did not raise their voices against us.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province: Nominated Non-official): Sir, I wish I had the command of language like the Honourable Pundit, who has just spoken, to explain my object more clearly; but unfortunately I am handicapped in my power of exposition. Further when the affairs of the Frontier Province come into this House for debate, I am sorry to say it is only like the mention of the conduct of a bad child. It never comes in for anything better. My friends Diwan Bahadur Rangachariar and Pandit Madan Mohan Malaviya have both referred to the

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Kohat affair in the North-West Frontier Province. I really regret that those incidents should have happened; we had been leading a very quiet and happy life and it was very unfortunate that a case like that should happen in the North-West Frontier Province. But I think it was inevitable from the way in which the Sangathan movement was started in that province and the great bulk of down-country literature was imported there. When the Mahasabha or Hindu Sabha was held in Kohat for the purpose it was inevitable (Mr. K. Ahmed: "And who is the originator of Sangathan and the Hindu Sabha?") that things like that should happen and that the feelings of the people should be stirred up. I wish the well-wishers of the Hindu community of Kohat had thought of the results of these things going on there. When they are reminded that the frontier is full of explosive material and it is not a good thing to play with it, they will never believe it. But I hope that this one unfortunate incident that has taken place will suffice to assure them that that is a part of the country where these ordinary playthings of publications and holding of Sabhas and marshalling of school boys and Sangathans and *tanzims* will not be of much use towards preserving the tranquillity and peace of the country. The people in the Frontier Province, Sir, have already got enough of martial spirit in them, and as the Persian proverb says, "to remind a mad man of music makes him dance more", any movement of that sort will in that country only result in the people being exasperated more and more. But I would rather like to congratulate those who wanted to start those movements in the Frontier province on the early fruits of their labours. Why should they be ashamed of the early success of their movement in that country? The crop has borne very early fruit, and I think those who wanted to start those movements ought to be proud of their achievements. (*A Voice*: "Have you in any way contributed to it?") But what really surprised me was that when similar cases were happening all over India and when people were in some cases burnt alive and in other cases ransacked and whole districts were depopulated, so far as I know, no question was ever raised in this House by the leaders of the communities, who now ask for an inquiry. I do not believe

Pandit Madan Mohan Malaviya: May I interrupt the Honourable Member for a moment, Sir? That was because in those cases the Government had started prosecutions against the men who had been guilty of outrages and a very large number of men were sentenced to long-term imprisonments. If the same thing had been done in Kohat, probably it would not have been necessary to raise our voice here.

Nawab Sir Sahibzada Abdul Qaiyum: The Pandit Sahib is quite correct in what he says, but I wish he had allowed the local authorities to make an inquiry into the matter and issue a report, before he had suggested the setting up of an inquiry into this matter. I think it was on the third day of the occurrence, or at the most on the fourth day of the occurrence, that Hindu representatives from Kohat were found in the Assembly Chamber approaching some of the leaders, holding meetings with them in the Chamber rooms and discussing the affairs. Our friends in this House, who suggested a Resolution; did not give any opportunity to the local authorities to inquire into the matter and to take proper action. Could not they refer their visitors to the local authorities? If I remember rightly, I saw most of them closetted in one of the Chamber rooms, discussing the affairs with the leaders of

their community in this House, and before I came to know what had happened, I heard that the Foreign Secretary was running up to Kohat like an arrow from the bow, with the force of the whole Assembly behind him. Perhaps he only went there to bring early and authentic information of what was happening in Kohat, to satisfy the Honourable Members here. But I have got my own suspicions and doubts, and I think that the only object of his visit to Kohat, before the thing was inquired into, was to produce some effect on the local officers. At least those officers must have guessed from his visit that there was a very strong force somewhere behind and that the Government were very anxious to get early news of the affairs. Perhaps he simply went there as I say to get early news. But it was not only that: he was followed by another Member of the Executive Council, I heard to help the Chief Commissioner. I do not know what sort of help was rendered to the poor Chief Commissioner. He is quite an old and experienced man holding charge of a province and I do not know what kind of help he wanted. So far as I know he never asked for any assistance from any Member of the Council to help him. And the third person who happened to be going there was the Commander-in-Chief. And then our Honourable friend the Finance Member happened to be there and he also visited Kohat and quite by chance the Viceroy was passing Rawalpindi on his way to Kashmir, and he sent for the poor Chief Commissioner to talk to him on this very point, Sir. Do I understand that these visits were all by way of formality and only by chance, or were these visits, discussions and interviews to have an effect on the action of the Local Government? I should think that the Assembly had in this case usurped the power of the executive through the heads of the departments here. That is, the Assembly were using the officers to go and express their point of view to the local authorities and it can never be believed that those constant visits of these high dignitaries had no effect on the inquiry of the local authorities and on the subsequent report of these people. (*Pandit Shamal Nehru*: "Does my Honourable friend mean, Sir, that the report was not quite what it ought to have been?") I am coming to that. I think the report which we have seen in the press has not given the full facts and the real facts of the case in the way in which they should have been given, inasmuch as the iniquity of the starters of those riots has been minimised to a very great extent by these visits and the threats of the introduction of Resolutions in the Assembly. (*An Honourable Member*: "That is a good case of inquiry.") I will come to that too. I am not in the habit of speaking in public and so these little interruptions do disturb me, but I should like, as I suggested in one of my amendments, that a permanent inquiry committee should be set up in this House, consisting of an equal number of members of the two communities, with one impartial judge, if we can get an impartial judge here, because the rival community, before seeing the report, had already condemned the administration, which shows that they do not look upon any person in the present administration of that province or even in the higher classes up here, as impartial, and I do not know whether we should get an impartial man from New Zealand or from America or where from. But what I will suggest is that an impartial man, with an equal number of Hindus and Mussalmans, should constitute a permanent committee in this House like the permanent Standing Finance Committee to inquire into such cases in future. Whenever any occurrence takes place in any part of the country, and one of the communities wishes that it should be inquired into, that Committee must

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start at once and arrogate the powers of the executive on the spot. That seems to me the only solution, or else, I do not know what you can do. If the leaders of the community here had only waited until that report had been published and then criticised it, I should not have been in a position to raise any strong objection. But what I really object to is this, that the threat of the introduction of Resolutions made not only the officers of the local administration but also the higher officers here, nervous and they have bent to the wishes of the majority here to a great extent. If an inquiry is necessary, I think that can be the only way of starting an inquiry. But I do not think any committee will come to any unanimous verdict. From my little experience of this Assembly and the Committees here, I have not come across any unanimous report. In every committee, there is always a majority report and a minority report. Even in very small matters I have noticed that. Perhaps the same thing will happen in this case also. Even yesterday, on the question of Devanagari script, there was a split in this House. But if there were any committee of inquiry the Pandit Sahib should have been one of its members. I happened to be with the Pandit Sahib at Kohat. We both made our inquiries on the spot and perhaps we were good enough Members of this House, not very much lacking in intelligence at least, and we might have come to a unanimous verdict. When we were parting, the Pandit Sahib will remember, I told him that though we could not come to any unanimous finding, at least the facts should not be contradicted by us when speaking on the floor of the House, and we should not be contradicting one another on the facts, by which I really meant that if there were any doubts in his mind that the principal facts are not as stated by the leaders of my community here, I was prepared then to convince him of the real facts. (Mr. K. Ahmed: "Misrepresentation".) I gave him every opportunity to cross-examine the people whom I had collected for his reception. We had collected several thousands and he gave a long speech to them. Then we had a mid-day discussion over the affair for two or three hours, and when parting, we could not come to any decision although the people had assured us that they would abide by our decision—but I thought I was able to convince the Pandit Sahib that the two principal facts were undoubted and incontrovertible, namely, that the immediate cause of the disturbance was the publication of the pamphlet and that the firing was begun by the Hindus. I thought those two facts were undeniable.

Pandit Madan Mohan Malaviya: My Honourable friend will excuse my interrupting him. My Honourable friend will remember that I carefully avoided stating any controversial points such as those mentioned by him.

Nawab Sir Sahibzada Abdul Qaiyum: Because there was an opportunity of contradicting them.

Pandit Madan Mohan Malaviya: I am not afraid of any contradiction, but because I still want that there should be an inquiry that I did not go into the question on which my Honourable friend and I differ. I still want a committee. If there be an inquiry by a committee of this House I should be quite willing that those disputed points should be inquired into and then both my Honourable friend and myself can speak on it.

Mr. K. Ahmed: Then there was suppression of true facts and only a sidelight was shown.

Nawab Sir Sahibzada Abdul Qaiyum: I do not know that at that time there was anything else to be done except to see how the trouble started, how the actual rioting began. Supposing for the sake of argument that the troubles which one community suffered were greater than those suffered by the other, I do not think that that can be a measure of the guilt of the parties. If you take the number of houses and shops burnt, as I have already informed the Pandit Sahib in private, the number of Mussalman shops burnt is not less than that of the Hindus. On the other hand, I am prepared to admit that perhaps the Hindu shops had more property than the Mussalman shops and that some of the shops owned by the Mussalmans had been rented by Hindus and they had their property there. Perhaps there may be some such difference, but when you come to blows you do not measure the weight of your blow at the time of the fight, and perhaps some excesses may have happened. There is no doubt, however, that on the first day all the casualties were among Mussalmans and Mussalman children, and though all the eloquence of this House may be employed to prove to the contrary, I shall not be convinced in my mind that I am wrong and that this firing was not started by the Hindus.

Now, Sir, I hold no brief for the Government, and I honestly tell you that I do not admire Government for their too much leniency and regard for the feelings of a number of politicians here. If they show such weakness over there, perhaps there may be some other assembly higher up in the hills of Tirah, who will pass a resolution and send it down to Government, saying "You have not treated us well, we must have an inquiry". They will suggest the names of the Mullah of Karbogha and Mullah Saiyid Akbar, and perhaps the Pandit Sahib will have to meet those members. They being near the spot might possibly have better proof of what they say than the majority of Members in this House who have not been to the spot at all. I do not want to go into the details of this affair. I have a memorandum but it was not for this debate and as a matter of fact I was not prepared for the subject of Kohat on this motion. I submit that if the Government did not take any extraordinary measures—and I can say there is no proof of that—perhaps they did a wise thing. They have saved a lot of trouble which would otherwise have been more ruinous and more wrecking to the people who blame them now for it. They had their difficulties and a good many other reasons too. I need not go into the details of the whole affair, but one thing I will say and that is that this mischief was started by the publication of the pamphlet and the firing was started by the Hindus. Why should the whole law be kept in abeyance for the sake of a few: why? I have nothing to do with the question as to why it was done and why so much regard was paid to the usual cry—it is the Government's look out, but I shall certainly ask my friends here to advise the Kohat Hindus—such of them as are still at Rawalpindi—to give up their self-imposed exile and return to their houses which are still standing almost intact, and assure them that they will receive on their return the same protection as their co-religionists are now enjoying in the tribal territory and in the isolated villages of the settled Districts, at the hands of the Government, and their Muslim brethren.

Mr. Denys Bray (Foreign Secretary): Like my Honourable friend Sir Abdul Qaiyum, I did not come prepared to discuss Kohat on this motion. And I confess, Sir, that I think it a thousand pities, if only for the sake of those co-religionists of the Honourable Pandit who are now gradually finding their way back to their homes, who are gradually rebuilding their

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shops and houses which have been destroyed, and who are endeavouring to encourage others still in Rawalpindi to pluck up their courage and return to the homes they have loved so well, that he has dragged this matter forward. I think the Honourable Pandit's speech has done a great dis-service both to his co-religionists of Kohat and to the country at large.

I propose, Sir, to speak with great brevity. The subject that the Pandit has raised would take me a very long time to discuss in full; but I feel very strongly that this is not the occasion. Indeed I should refrain from speaking altogether, were it not that he has made violent attacks on men who were not here present to defend themselves, and I should hold my manhood cheap if I remained silent.

The Honourable Pandit professes to be anxious for an impartial inquiry by impartial men drawn from every sect in the country. I know enough about this most unhappy case to be able to say, and to say with sincerity and certitude, that there would be as many findings as there would be sects represented on that inquiry. Does my Honourable friend the Pandit really live such a cloistered and fugitive life that he does not know the white-heat intensity of communal feeling which this Kohat tragedy has stirred? It is not confined to the North-West Frontier nor even to the northern Punjab. Does he really live so sheltered from the communal miasma that hangs heavy over India that he should wish such a committee of inquiry to go abroad?

He asks what we have done. We have, Sir, set out the facts of this ghastly tragedy in the pitiless light of truth. We have brought about a settlement, a compromise, not an ideal—for Hindus have complained against it and Moslems have complained against it—but a settlement leading to a reconciliation. My Honourable friend Mr. Rangachariar, who permitted himself, if he will allow me to say so, to indulge in a travesty of what our local officers had done, said that we ought to have insisted that these unfortunate Hindus should return to Kohat with unconditional guarantees or securities. He used some such phrase. . . . (*Diwan Bahadur T. Rangachariar: "Unconditional protection."*) My Honourable friend has been to Kohat and must have picked up some little knowledge of the conditions. How much wiser was Mr. Gandhi . . .

Diwan Bahadur T. Rangachariar: What I mean is that British arms are so powerful that I do expect them to give protection to a community which is forced to flee from their homes.

Mr. Denys Bray: I still ask Mr. Rangachariar to listen to the wiser words of Mr. Gandhi:

"The Hindus are to-day" (*Mr. Gandhi was writing some months ago*) "refugees at Rawalpindi and are in fear of their very existence in Kohat should they return without a full guarantee from the Mussalman residents." (*There is no question here of the British arms*) "I count no assurance that might be given by the Government as of any consequence if the Mussalmans are unwilling to receive the Hindus as their friends. They are in an overwhelming majority, with Mussalman tribes within a stone's throw."

(*Diwan Bahadur T. Rangachariar: "Where is the Pax Britannica then?"*) Those are the facts. The Pax Britannica is built up on the top of those facts. Sir, what else have we done?

Pandit Madan Mohan Malaviya: I am sorry, Sir. . . .

Mr. Denys Bray: I listened with great reluctance to the Honourable Pandit. I beg that he will listen with a similar reluctance to me.

Pandit Madan Mohan Malaviya: May I ask, Sir

(On the Foreign Secretary refusing to give way.)

Mr. President: Order, order. The Honourable Member knows that the customary rule of debate is that when an Honourable Member has been called to speak and anyone wishes to interrupt him, unless the original Member gives way, he has no right to interrupt him.

Mr. Denys Bray: We have endeavoured, so far as it lay in our power, to provide in a safe manner that which my Honourable friend Mr. Rangachariar is really seeking after. 30 per cent. of the Police in the Kohat city and cantonments are now Hindu or Sikh. The two sub-inspectors are Hindus. We have endeavoured further, as was foreshadowed at the end of the Resolution, to make the return of the refugees more easy by providing loans. Five lakhs have so far been sanctioned, of which one lakh is without interest. (*An Honourable Member:* "Why not all without interest?") Because we are endeavouring to help those also who, though they are not actually destitute or indigent, are very much in need of temporary assistance. But that is not all, Sir. In passing these orders we made it perfectly plain that if further money were really needed and a case made out, further money would be forthcoming.

Now, who have done all this? Those local officers whom the Pandit has impugned in this House. He referred specifically to Mr. Bolton, the Chief Commissioner—one of the kindest-hearted men who ever served on the frontier, respected from one end of the frontier to another, by Hindu, Mussalman and the rest (Hear, hear). And he referred to the Deputy Commissioner, whose courage (*A Voice:* "Inaction") and action he impugned—Major Reilly, an officer, Sir, on whom fell the task of controlling a very difficult and dangerous situation in Chitral during the Afghan War, for which he was awarded, civilian officer as he was, that high military distinction for valour, the Distinguished Service Order. That is not the sort of man to impugn for inaction or whose courage can be called into account. And what are the charges which the Honourable Pandit dared to level? I am not able, Sir, to retail them all. But this at least I noted down, so monstrous was it. The Honourable Pandit referred to the horrible happenings in Kohat, the horrible deeds, the firing on innocent boys, the terrible arson, the ghastly murders, and the rest of the crimes perpetuated in this awful tragedy by citizens of Kohat. And then he proceeded to say that *their* crimes fade into the background beside the callousness of the Government officers. Sir, in the face of a statement so monstrous, are any more words of mine needed?

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): After the excitement, Sir, over this unfortunate question of Kohat, I wish to take the House back to something different. Sir, if we were to discuss the various actions on the part of the Government in the various departments, if we were to write a history of their wrongs and if we were to write a story of our grievances, it might take us months and months. This is not the place for that purpose, but, Sir, I wish to point out to this House to start with that here we are entering our protest against and our condemnation of the constitution in the first instance; in the second place, we are condemning the policy of the Government of India generally.

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It may be that this vote is going to be recorded on the Executive Council grant. That is purely a question of procedure and nothing else. Therefore, we on the floor of this House to-day for the purpose of this debate must make out a case against the Government of India. It does not matter what are the component parts, whether it is the Governor General who has got some power, whether the Executive Council has got some other powers or the Secretary of State or the three combined together, or on the top of it whether you put the Parliament of Great Britain or not. We are concerned with the Government of India as such and. Sir. I shall confine myself to the major heads of the policy of the Government of India which deserve censure.

Now, Sir, to take first of all our protest against the present constitution, it was said—I think it was Colonel Crawford, who sometimes even tries to understand constitutional question, I think he said after the prompting which came from the commercial magnate of Bengal and after that prompting he said—it introduces a convention of certification. I think I took him down correctly. Now, Sir, let us examine this position. Under the Parliamentary procedure what will happen? If you are going to move a vote of censure on a policy of the Government, you discuss the policy of the Government generally and if that vote is recorded against the Government, what follows? The Government goes, it is defeated. Sir, is this Government going to be defeated by our vote? (*Honourable Members*: "Never, never.") After we have carried this motion, which I have no doubt this House will carry, the very next moment Honourable Members will be sitting there and continuing in their office as Ministers of the Crown. Then, what is the substitute that you can find under this anomalous, extraordinary, constitution, for which there is no parallel

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in the history of the world? My friend Mr. Bipin Chandra Pal in his happy way tried to describe this constitution and the House I think enjoyed the description because it was so true. Now, Sir, what is the nearest thing that we can get to? The nearest thing that we can get to is this that the only way in which we can record not only before the people of this country but before the world that this Government stand defeated is to compel the Viceroy to certify. Otherwise there is an alternative procedure, a cut of Rs. 100. My friend will say, that is all right, why not follow that? Because that will not necessarily, I feel, constitute a clear and unequivocal defeat of the Government. It leaves a doubt and we do not in this case propose to leave any room for doubt. You will find, Sir, that this is not the only country which resorts to a procedure of that kind. Now, Sir, let us see whether we have a real case of protest against this constitution. And for that purpose, Sir, I see that my Honourable friend the Home Member agrees with me because he says "Yes". Now, Sir, you will find that in Australia as far back as 8th April 1851:

"the Legislative Council of New South Wales under the leadership of Mr. W. C. Wentworth, adopted a report of its Select Committee which protested against the new constitution Act on the grounds that it did not place the control of all revenue and taxation entirely in the hands of the Colonial Legislature; that all officers of trust and emoluments should be filled by the Governor and Executive Council unfettered by instructions from the Secretary of State for the Colonies; and that plenary powers of legislation should be conferred on the Colonial Legislature. It concluded by solemnly protesting against these wrongs and declaring and insisting on these our undoubted rights. We leave the redress of the one and the assertion of the other to the people whom we represent and the Legislature which shall follow us."

Sir, I may remind the gallant Colonel (Colonel Crawford) that we are not taking an unusual or an unheard of course. Now, Sir, let us get to our protest. Colonel Crawford represents the European community and he talked about his interests. He was very pleased that a recent convention was established at the Kaisina Western Hostel, namely, the dinner. Then he said that we may establish a few more conventions of that character and he thought we might happily go on as we were going on. Why? Because there is the commercial interest at stake. There is a civil service. They have got a right to express their opinion. Therefore he wants stability and the continuance of this constitution. And for how long? When will that commercial European community cease to have its interest in this country? When will it disappear in order to give us a further constitution? Does Colonel Crawford guarantee that? Sir, I am really surprised that an argument of this kind, which is futile and puerile, should be advanced by a responsible representative in this Assembly. Sir, everybody knows in this House—and I do not wish to enter into ancient history—what the issue is. I ask the Honourable Members in this House if there is a single Honourable Member of this House who does not understand what the issue is. The issue is this. Is this constitution to be revised now at once, or are we to wait until 1929? Is not that the issue? Now, why should it not be revised at once? Are we absolutely committed to 1929? Can any Honourable Member say that to me? No. The predecessors of my friend the Honourable the Home Member, Sir William Vincent and Sir Malcolm Hailey, themselves agreed to a formula which was adopted by this very Assembly in 1921 admitting that the examination and the revision of the constitution should be undertaken before 1929. Now, Sir, why should it not be undertaken at once? We were told that really we must examine the working of this Reform Act of 1919; we must thoroughly go into this matter as to what are the defects and difficulties that have come to light in the working of the Government of India Act of 1919. My friend Pandit Motilal Nehru said that we all knew it was a foregone conclusion; we did not want any further information. Well, Sir, it may be that he was right. I can tell him that it was my own opinion also, and I had said it more than once publicly. Other people have said so, that it was not possible to work this constitution with any real fruitful results, any real advantage, but said the Government, the Government must proceed systematically, the Government must proceed on certain definite principles and certain lines. Then what happened? We came last year with a definite demand that this constitution must be revised. I am not concerned, Sir, at the present moment with what should be the agency through which this constitution should be revised. But what was the answer? The answer was, as we all know, the terms of reference and a statement on behalf of His Majesty's Government made in the House here by Sir Malcolm Hailey representing the Government of India. What did he say? He said if our inquiry shows that advance is not possible within the structure and policy of this Act, then the question whether the constitution should be amended or not is a separate issue upon which the Government are not at present committed. Now, Sir, it was therefore part and parcel of the terms of reference to this Committee. This Committee had to answer whether our inquiry showed that the constitution should be amended or not, and we were bound to give an answer to that question. If we had not done so, we would not have done our duty. That answer is given by

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the minority. The majority feel that they are not called upon to go into those questions having regard to the terms of reference. Now I ask this House, are the Government justified in delaying any further in giving us, on the floor of this House, their declaration that they are prepared to revise this constitution? I see the Home Member sitting there silently, not moving a single muscle of his body.

An Honourable Member: He is not rude enough to interrupt?

Mr. M. A. Jinnah: No, I did not want him to interrupt, I wanted him to move a little, but he is adamant. Not only that, but we asked him to give us a day to enable us to place our humble views before him and present him with our verdict on the Mukdanan Report in this House. No, says the Honourable the Home Member, we have taken no decisions on the policy and we have not formulated any proposals; we cannot yet discuss the report—the debate will be infructuous and useless. And yet he was driven to this position when he was asked, then what is the use of His Excellency the Viceroy going to London? Why is it that he is called there to confer with the Secretary of State for India, Lord Birkenhead? He had to admit it and undoubtedly this will be one of the outstanding questions. Now, Sir, I do think this. Of course I know what the Honourable Member will say. He will say, "How can we take up this question when we have not made up our minds as to what we should say". But I really have a grievance. It seems the Treasury Bench, Sir, when it suits them treat this House as if it was a full-fledged Parliament, but when it does not suit them they say, "Oh no, the responsibility is ours; you are merely here to influence the Government". Now I would really ask the Treasury Bench once for all please make up your mind whether you will treat us as if we were a full-fledged Parliament. Mind you, I should not be flattered by that, because I know we are not a full-fledged Parliament and it is no use assuming something that you are not. But do tell this Assembly what it is really; at any rate, let us have it quite clear. Of course really this Assembly is an advisory body (*Mr. D. V. Belvi*: "It is a debating club!") It is a little more than that. Now, Sir, I say therefore it was really due to this Assembly; and remember the promise was given to us, that this report will be placed before this Assembly and this Assembly will be given the opportunity to discuss and express its opinion on the report. I therefore submit that it was due to this Assembly that the Government ought to have said "Before we even proceed with any serious discussion of this report, before even we come to any provisional conclusions, we would like to have the assistance of your verdict as to this Reforms Inquiry Committee's Report". I say that is a serious grievance we have.

Now, Sir, the next question that we want to place before this House is this. In the course of this one year we have worked and we naturally at this time, although the Finance Member comes before us with this Budget full of figures and the total amount of expenditure and the revenue he is going to recover and how he is going to spend it and so on, we on this side of the House besides examining his figures and his Budget have also got to do something else, and that is to prepare our annual balance sheet. Our annual balance sheet and stock-taking is this, that we have to see what during the whole year has been the policy of the Government apart from

finance on all important questions. Well, Sir, I have already talked about the constitutional position and what we feel about it. I really feel this and I do assure you, Sir, and the Treasury Bench, that you will be making the greatest possible mistake if you do not decide upon amending and revising this constitution at once. I am not committing myself as to the agency but I do ask the Government to declare their policy and decision and the sooner they declare it the better for the peace and good government of this country. Declare it without hesitation that you are prepared to revise the constitution at once.

Now, Sir, the next important thing, a most vital thing to which I attach no less importance than to the question of constitutional advance, is the military policy of the Government of India. I do not wish to take up the time of the House on this question, as we have had two debates recently this session. Unfortunately, Sir, owing to other items being discussed this year, I am deprived of the opportunity of raising a debate on the military policy on the notice which I had already given to discuss the grant of the Army Department. But I again repeat what I said on that debate on the motion of the Honourable Mr. Venkatapatiraju, which asked the Government to take steps to establish an Indian Sandhurst. Sir, I regret the tone and the language and the announcement which was made by His Excellency the Commander-in-Chief during the course of the general discussion on the Budget. But I did not mind the tone so much, I did not mind the language so much; I looked to the substance and the substance was more disappointing and objectionable than anything else. I dare say that Lord Rawlinson means well; I dare say he has made some efforts and I recognise that he has made certain efforts; but there again the issue, as I conceive it, is not that you have tried to create eight units; the issue is not that you are trying to send ten boys to England to qualify for King's Commissions; the issue is not that you have got a college at Dehra Dun and you will probably put up some other institution for training boys. That is not the real issue and you know it. It is no use saying, as the Commander-in-Chief said, that we are not a nation, that we are not a homogeneous people, that there are great difficulties and that you are trying to weld India together and it will take a long time before India is fit for her defence. Now, Sir, that is not an answer really to my proposal. If there were no difficulties, if India did not require welding together, if India was not ill-organised, I venture to say that the Commander-in-Chief would not be standing there at all and talking to us as he did the other day. On the contrary I would have been standing there and ordering the Commander-in-Chief to obey my orders. What is the good of putting forward this argument? Of course India has difficulties. Of course India requires welding; otherwise I do ask my Honourable friends on the Treasury Bench, do you think that three hundred thousand men of your race could rule this country for a moment even with all your machine guns? Therefore, what is the good of meeting a straightforward and reasonable proposal with this kind of argument? What is my proposal? What did I say? I shall repeat it. I recognise the difficulties; but I say, do you mean in spite of these difficulties really to help India? Do you want to show your honest intentions? Give us an opportunity to examine this question thoroughly. Did you consult us when you started the Indianisation of eight units? You now say that Indian officers do not care to serve in those units and that they prefer others where they have got British officers. Did you consult us? No. Did you consult us when you decided upon sending ten boys? No. Did you consult us when you laid down your method of securing those ten

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boys? You have laid down a method which I assure you will never give you the right kind of boys. Did you get any responsible men in this country and say to them "Come along; we are determined, we are anxious to see that Indians are enabled to take up the defence of their own country within a reasonable time; we will sit with you; let us examine the whole situation thoroughly." You have appointed so many committees on trifling matters, on petty matters. Have you appointed a single committee composed of men as I suggested in my proposal a few days ago—your Commander-in-Chief, your military experts, your politicians, your Civil Service and Sir Campbell Rhodes? Why not? Of course for he has a stake here and we must remove his nervousness. The Honourable the Home Member moved an amendment in the course of the last debate. I was not allowed an opportunity to speak; somehow I was not fortunate enough to catch your eye, though I merely wanted to explain why that amendment was not acceptable; and really that amendment was not acceptable to us because, as I say, the crux of the entire military policy of the Government of India is this. First of all, determine what is the number of men that you are prepared to recruit every year from amongst the Indian people. You cannot fix that number unless you make a thorough inquiry. When you fix that number, then the question arises, how are you going to provide the requisite facilities for their training and education? You may have to start an Indian Sandhurst, or you may not have to start one. Well, all that is really putting the cart before the horse. The first and foremost question, to my mind, is this. Have a committee with terms of reference to find out what is the total number of men that you are prepared to recruit every year from amongst the people of India to rapidly Indianise the army and whether the requisite number would be available or forthcoming. The other questions as to machinery or methods to secure requisite facilities for their training and education will have to be considered in the light of the answer to the main question.

"Then, Sir, I come to the next point. Again I say that I do not wish to go into minute details. The next question is with reference to your educational policy. Sir, a well known American came to India some years ago, a man called Mr. Bryant,—I think he contested the Presidency of the United States of America,—and a very able Englishman, for whom I have the greatest respect, was trying in my presence to persuade Mr. Bryant to uphold British rule in India and told him: "What can we do here? What reforms can we give to the people? Look at the state of these people in this country; hardly 5 or 6 per cent. of the population can read and write." So Mr. Bryant turned round and asked him the question, "How long have you been in this country? Who is responsible for the fact that only 5 or 6 per cent. of the population can read or write?" Well, Sir, this happened 15 or 20 years ago. But what is the condition to-day? Since then we have had reformed Governments, the Act of 1909-1910, and we have got an Education Member sitting here under the Act of 1919, the present constitution. What have you done? I say it is the greatest stigma on the Government of any country in the world to show that after your 150 years of rule, as is the case in this country, you have not given knowledge and light, nay even the three R's to more than 6 or 7 per cent. of the population of this country. Is that going to be your policy? Is that the way you are going to advance India constitutionally and make her fit for self-government and for self-defence?

Then, Sir, I come to your commercial policy. Sir, I must confess at once that I am not in a position to speak with any authority on this question. But there again vital differences exist as to the policy of the Government of India. There is the question of currency, there is the question of exchange and the excise duty and protection to home industries. There are very vital differences on these questions. My Honourable friend Sir Purshotamdas Thakurdas on this side, Sir, is our Finance Member; he is our Financial Adviser. (*A Voice*: "Mr. Jamnadas M. Mehta.") Well, I am not at present prepared to accept him as such, but he might in course of time rise to that position. Now Sir, these questions of currency and exchange are really matters on which some of my friends on this side can speak with greater authority than I can do.

And last, but not the least, is the policy of the Government of India which I shall characterise for want of any better name as the repressive policy. Now, Sir, we have had debates on the Ordinance. We have had debates on Mr. Patel's Bill to repeal certain regulations and I do not want to weary this House and repeat anything more. I only say this that that Ordinance has done an enormous amount of harm and if you wish to justify that policy of yours and if you really think that and want to convince the people that your real object was to maintain law and order but at the same time you are prepared to come forward to advance India—mind you, before it is too late—come forward and say so to the people and do it without delay. Actions are the only and real proof and test of your intentions and policy. Remember that the action of these young men who have taken to bombs is due, it seems to me, Sir, to a question of degree of patience. I have a certain amount of patience. Perhaps my friend across there, Pandit Motilal Nehru, has a smaller degree of patience than I have. (*Pandit Motilal Nehru*: "I have no patience: I am very impatient.") Pandit Motilal says that he has got no patience. Well, Sir, I do not agree with him. I am going to express my opinion. The man who throws the bomb has got still less patience than Pandit Motilal Nehru—I think he will admit that. (*Pandit Motilal Nehru*: "If it can be less.") Quite. Now, Sir, it has not reached the limit yet when you have got to the bomb thrower, because it may go further than that even. I want the Government to appreciate that. And I hope that you will not only reverse your policy but you will satisfy the people of this country and justify your pledges and promises which you have repeatedly given and not exasperate the people of India to resort to something which will be disastrous both for you and for the people of this country.

The Honourable Sir Alexander Muddiman (Home Member): Sir, the demand before the House is Demand No. 28 which deals with one of the most important of the Demands, the tour expenses of the Governor General's Council. That, Sir, has been made, certainly with the connivance, if not with the consent, of Government, the ground for the general examination of the policy of Government. I have been told that the vote that has been moved by my Honourable friend, Pandit Motilal Nehru, is a vote of censure on the Government and that it has been taken up as such on all sides of the House. The House has arraigned at its bar, under the name of the travelling expenses of the Governor General's Council, the general policy of that body. Sir, I should like to make one point as a preliminary, not in connection with the actual vote which the House may pass, which I will deal with later, but in regard to the constitution of the

[Sir Alexander Muddiman.]

Government of India. The Government of India is neither the Governor General nor the Council of the Governor General. It is the Governor General in Council. And I make that remark with reference to certain observations that have been directed at my Indian colleagues. I wish to deal with the matter at once in the very inception of my remarks. It has been suggested that, when an Indian joins the Government as a Member of the Executive Council he forfeits all his self-respect; he ceases to operate as a free individual and is, to put it quite straightly, a bought man. If any Englishman, Sir, had stood up in this House and ventured such a suggestion, the whole of India would have rung with it. The other day the Commander-in-Chief said something about India not being a nation, that has been distorted into an insult to India, but what is that in comparison with the derogatory remark I am dealing with? I trust the whole of India will repudiate this baseless insinuation. I have worked with my Indian colleagues and I am well aware that they are as open-minded, as firm and as determined in expressing their opinion and endeavouring to have their own way as any other Member of the Governor General's Council.

Mr. V. J. Patel: That is why they gave sanction to the Bengal Ordinance.

The Honourable Sir Alexander Muddiman: If they thought it was their duty to do so, they were right in doing so. Does my Honourable friend think that they did it against their conscience?

Mr. V. J. Patel: Certainly.

The Honourable Sir Alexander Muddiman: My Honourable friend is probably singular in that view in this House.

Mr. V. J. Patel: From the Indian point of view.

The Honourable Sir Alexander Muddiman: If the House is not prepared to repudiate this groundless attack on its own people, its own race, all I can say is that I am greatly surprised. At any rate, I have done my duty in repudiating what I regard as a gross charge that should not have been made, and which should have been repudiated at once.

Pandit Motilal Nehru: We make no distinctions of race.

Mr. Jamnadas M. Mehta: We are not guided by racial considerations.

The Honourable Sir Alexander Muddiman: I have spoken with some heat on this point, because of the support and help I have always received from my Indian colleagues in the short space of time I have been in the Council, and because I feel they have been most unjustifiably attacked.

I will now pass on to matters which I hope will generate less heat. My Honourable friend Pandit Motilal Nehru in his observations referred to certain matters which I must take up very briefly. He referred to the Bengal Ordinance and he again repeated, though not in very definite terms, a charge in respect of the Kona case. It has been a matter of some comment that I did not repudiate the suggestion of the Honourable Pandit regarding this case in his speech on the Bengal Ordinance. Sir, it is impossible for any member of the Government to be absolutely aware of the whole of the record of a trial which occurred some time ago. I have now however obtained a copy of the charge to the jury in regard

to this matter. It was suggested that the approver in the case was proved to be a liar because he was unable to drive a motor car. I will read to the House what the judge said in his charge to the jury. I wish to be perfectly fair with the House. They will see that it was a matter on which the jury took a certain view, but it was by no means suggested to them by the judge that the allegation that the approver could not drive a car was correct.

Pandit Motilal Nehru: May I remind my Honourable friend that it was the jury who requested the judge,—it may be after the charge, I do not know,—to go and put the approver to a practical test in driving, and he failed.

The Honourable Sir Alexander Muddiman: My Honourable friend will find, when I read the extract which I hold in my hand, that the trial of driving a car was made before the charge to the jury. This is what the judge said:

“A question has arisen as to whether the approver could really drive a car. At the request of the jury, the approver was asked to drive the car No. T 979 within the court compound. This he did on the 1st February, 1924, with the result that the car collided with a tree and was damaged. The jury were present and saw the incident. They should remember, however, that the approver had been in custody since the 7th August, 1923, that is for more than five months before the demonstration with the car. On the other hand, after the Kona case, he obtained a driver's licence dated the 21st June, 1923.”

He was a qualified driver, because you cannot get a licence in Calcutta unless you pass the test. (*A Voice*: “Question”) I do not desire to waste the time of the Assembly at great length on this point. But it has been put to me that some contradiction ought to be given of the bold assertion that was made on the previous occasion, and I therefore desire to give it.

Pandit Motilal Nehru: For what it is worth.

The Honourable Sir Alexander Muddiman: For what it is worth. To me it seems to be worth a good deal; apparently not so to my Honourable friend.

Sir, the next point that was taken up was in connection with the Reforms Inquiry Report. On this matter I am obviously in a very difficult position. I was Chairman of the Reforms Inquiry Committee and I am also now speaking as a Member of Government. I have already informed the House that Government are not ready with their conclusions on the report and therefore it is not open to me to discuss the conclusions reached in that report. But I do feel as Chairman of that Committee that I should say a few words to defend my colleagues both of the majority and the minority reports against the charges that have been made against them. In the first place, let me make it perfectly clear to the House that no one desires to sit on a committee of this kind. In the case of non-officials, especially those who are professional men, it means loss of much time, and time to them is money. In the case of those who are not required to earn their own living—I mean the wealthier Indians—it meant the loss of ease and sacrifice of well-earned rest after a period of long service under the Crown. In the case of the officials, after all, it is one more burden on their already overburdened shoulders and I will say nothing about that. The House I know has little sympathy to spare for them. But I will say this that when a committee of this kind takes up an investigation it should not be charged against its members that they are necessarily

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either incompetent or dishonest because they come to conclusions which do not chime with those of persons who attack them. I think, Sir, that the non-official part of the Committee deserve great praise for their self-sacrifice in taking part in the inquiry, and I desire to say here quite openly that the Government, whatever their conclusions may be on the report, acknowledge with gratitude the assistance they have received from the Maharaja of Burdwan, Sir Tej Bahadur Sapru, Mr. Jinnah and the other non-official members of the Committee. Now, I will not conceal from the House that I had very much hoped that it would have been possible to discuss the conclusions of this Committee during the current session. I sympathise with the feeling of the House in that respect. That it is not possible has arisen from facts, from occurrences which were quite unexpected and over which we have no control, and the best answer why we are not in a position to discuss this report has been supplied by my Honourable friend the Pandit himself. He drew the attention of the House to the fact that His Excellency the Viceroy is visiting England. He pointed out, as indeed might have been gathered from the statement I made in the House myself, that one of the matters that must necessarily come under consideration of the Secretary of State during His Excellency the Viceroy's visit, would be the report of the Reforms Inquiry Committee which is obviously one of the more important outstanding matters with the Government of India. I ought to make it quite clear, as I think I have stated it a little inaccurately, that His Excellency the Viceroy is visiting England at the request of the Secretary of State. I may have slipped into an inaccuracy in stating that earlier, but I desire to make the position in this respect very clear to the House. As I have said, that obviously changes the position. The Government of India is the Governor General in Council, not the Governor General nor the Council. The conclusion is obvious and I do not wish to pursue that point any further. (*Mr. A. Rangaswami Iyengar*: "It is very cryptic.") I have no doubt that the Honourable Member will be able to disentangle it.

Now, there have been a large number of points raised in the course of this debate. It is obvious that in the time remaining I cannot deal with them all or indeed go at great length into any of them. Various charges have been brought against the Government. It has been said that we have gagged the House by not giving a day for discussion of the report of the Reforms Inquiry Committee. I have shown that that is not so. The House has attempted to discuss it freely, but the debate which has taken place to-day shows how very infructuous a discussion must be if the Government are not in a position to take part in it.

Mr. V. J. Patel: Because the report is actually worthless.

The Honourable Sir Alexander Muddiman: I was waiting for that remark of my Honourable friend. A long time before the report was published and before he could have received it my Honourable friend said that it was a whitewashing report. I had a very lively suspicion that as soon as my Honourable friend knew of the date of publication of the report he went to his stationer to order a new waste paper basket.

Mr. V. J. Patel: That is the place for it.

The Honourable Sir Alexander Muddiman: That I expected from my Honourable friend. That I thoroughly expected. I am glad to have it

from the Honourable Member. There is one other matter in connection with my friend the Pandit's speech to which I should like to refer. When he discussed the Bengal Ordinance there was no suggestion whatsoever that the Ordinance had been employed against Swarajists *qua* Swarajists. The Honourable Member did not make that suggestion in his speech and I in my reply particularly commented on his not doing so. To-day there seemed to be a slight suggestion of such a charge in that among the persons arrested there were said to be 60 Swarajists. My friend did not make that charge and I trust he disavows it.

Pandit Motilal Nehru: If my friend will permit me, I will say that that was a well known fact. It was published in the press that the Bengal Ordinance was directed mainly, if not wholly, against the Swarajists and I think that point was made in this House in the course of the debate.

The Honourable Sir Alexander Muddiman: Does my friend claim that the Ordinance was directed against the Swarajists as such. I should like to be clear on that point. If my Honourable friend does not make that charge, it is unnecessary for me to repudiate it.

Pandit Motilal Nehru: I do most solemnly make that charge.

The Honourable Sir Alexander Muddiman: It is a curious thing that I should not have been interrupted when I was speaking on the last occasion on the 5th February. I then made this observation:

"There is, however, one point which I wish to mention and it is this, that I did not hear my Honourable friend Pandit Motilal Nehru suggest—and I am very glad that I did not hear him suggest—that this Ordinance was made and promulgated for the purpose of suppressing any political party. I do not think that it is part of his argument."

(Cries of "No, no.")

Then I have been under a misapprehension.

Mr. Chaman Lal: There were numerous interruptions then which have not been taken down by the reporter.

Pandit Motilal Nehru: I do not think that, if I heard those remarks, I should have allowed them to pass unnoticed and unchallenged. I was in a back seat then. It is only by the courtesy of my friend Mr. Hans Raj that I am sitting here, so that I can follow the Honourable Member better.

The Honourable Sir Alexander Muddiman: Very well, Sir. Then I shall not touch on that any more. This is what Sir Hugh Stephenson said in the Bengal Council. . . .

Mr. Devaki Prasad Sinha: We have read it.

The Honourable Sir Alexander Muddiman: I cannot trace it at the moment. It is familiar to the House. The purport of the speech was this. The Honourable Sir Hugh Stephenson there pointed out that the 60 men who were arrested under the Ordinance had previously been convicted or interned. Therefore he pointed out that they had been in trouble before they became Swarajists. I need not pursue that point any further. I think the House is against my Honourable friend. Then, Sir, I next

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notice that my Honourable friend, I am glad to say, takes a more favourable view of the British Cabinet than he has been doing for some time. He recognised that if there is nobody on these bureaucratic and sun-dried benches who could take a broad view, the members of the British Cabinet might. Well, Sir, there is hope in that and I am glad my Honourable friend is not altogether adamant to his idea that the British Government, as they have done in the past, may take a statesmanlike view of any situation that may arise. Sir, I now come to the main argument raised by my Honourable friend's speech. The indictment of the policy of the Government of India which he has made out is not such, in my judgment, as to justify this House in cutting even the tour allowances of its members. In the course of the future debate the question of Kohat has been raised. That has been dealt with very thoroughly by my Honourable friend Mr. Bray and I am glad to see that the House showed no sign of pursuing it further. I take it that the answer that was given by my Honourable friend has been accepted as satisfactory. (*A Voice*: "Not necessarily.") Then, Sir, it was a pity that the subject should not have been discussed more fully if the Honourable Members felt that the action of the Government ought to be challenged in connection with this affair.

Diwan Bahadur T. Rangachariar: Unfortunately the Governor General does not allot more days.

The Honourable Sir Alexander Muddiman: My Honourable friend knows perfectly well that he could have discussed this question if he had wanted to much earlier in the session. I suggest that he did not do so because he knew that the state of communal tension was so high that, if he had done so, he would have provoked more trouble. Now is not that the fact? (*Voices*: "No, no.") Then, Sir, I should like, since the House has not been convinced, to associate myself with the observations which have been made by Mr. Bray in connection with the action of the officers in Kohat. They have been charged with lack of courage, they have been charged with failing in their duty. All I can say is that I have seen the papers: and I am surprised that anyone who knows the circumstances can charge them with lack of courage, whatever you can charge them with.

Pandit Madan Mohan Malaviya: Why not have an independent inquiry and settle the matter?

The Honourable Sir Alexander Muddiman: Now if the Honourable Member really thinks that that would be in the interests of Indians generally or Kohat in particular, I really feel very great doubt whether he is in as close a touch with the present situation in India as he ought to be. I do not think there is anybody in this House who really believes that to re-open the sore which at any rate for the present has been temporarily healed would be in the best interests either of Kohat or of the general peace of India. I only trust that the general peace may not be disturbed even by the discussion we have had in this House on the subject.

Now, Sir, the next point that was raised was in connection with the Sikhs and my Honourable friend, Pandit Madan Mohan Malaviya, referred to the great services the Sikhs have rendered to the British nation—and

I may add to his own nation, Sir. I yield to no man in admiration for the courage of the race which has supplied India with soldiers who have helped to keep the frontiers intact; who under British leadership have distinguished themselves on every battlefield in India and even in Europe; and whose deeds of bravery are commemorated not only in history but in monuments. Those who have seen the memorial at Saraghari know what the Sikhs can do and have done for the Empire. Sir, when the Government have recognized that, is it likely that we should desire to live in anger, to live in a struggle, with people to whom we recognize we owe a debt of gratitude, people who have eaten our salt. No, Sir, and the hand of friendship which has been offered on many occasions is still the hand of friendship. (Hear, hear.) Let them come forward and show the way, and they will not find the British Government reluctant in dealing with the situation. But at the same time I must emphatically repudiate the suggestion that His Excellency Sir Malcolm Hailey, who is carrying on with his well known ability the administration of the Punjab under circumstances of the greatest difficulty, is to be attacked for rallying round him those loyal elements of the community who desire to keep and maintain peace, who recognize that peace is a need of the countryside and who hope not for a triumph that would not bring peace but to attain it by mutual concession and conciliation. Nor is it to be supposed that the Government or the Government of the Punjab will be intimidated into any surrender of the rights of others, will be intimidated into anything that is not fair and just to other communities, that is not right in the interests of peace and justice. Let me make that clear; but let me at the same time emphasise the point that we recognize as much as my Honourable friend Pandit Madan Mohan Malaviya does that the claims of this particular class of British subjects are great, and we desire most earnestly to live in peace and amity with them, as we have done in the past, and as I hope we shall do in the future.

Now, Sir, the Pandit referred to the desirability of having more Indian Members and he particularly drew attention to the desirability of an Indian Finance Member. Well, Sir, when Sir Basil Blackett leaves the shores of this country on a well-earned holiday, a holiday to which I should think after last night's discussion he is anxiously looking forward, his place will be filled at least temporarily by one who is an Indian and the first Indian to hold that appointment. I take this opportunity of expressing my gratification that we have as our colleague one who I know is proud of the fact that he has risen through the ranks to one of the highest posts in India. Sir, there is some justification, I think, for my contention that the Government of India, bureaucratic, hopeless as it may be, does give a career to Indians which may lead to the highest appointments it has in its gift. You may ask what is one man among 320 millions. What are 7 posts among 320 millions? (*Diwan Bahadur T. Rangachariar*: "What about Governorships?") It reminds me of a story. I will not vouch for its veracity. A General, after the war, came to the War Office and said "Is there nothing for me? I also have served in the war." The reply was "Though the parrots are many, the perches are few." And that I think is the answer to my Honourable friend.

There is one observation I intended to make in connection with the Reforms Inquiry Report. I think I ought to mention it. I notice that there is a great tendency to describe whatever opinions are set forward in a report not absolutely in consonance with the opinions of those who read

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it by various opprobrious terms. I myself have been amused by the range of epithets applied to the Majority Report. Perhaps the range is not so wide in connection with the Minority Report. I see on the one hand the Majority Report is described as a collection of bootless platitudes, while on the other hand it is described as one more step down the road of destruction of Government. Sir, it is some consolation to me to find that so varying views may be held on the document.

Now, Sir, another point that was raised was in connection with the Army. That was raised by my Honourable friend Diwan Bahadur Rangachariar and again by my friend Mr. Jinnah. Sir, I quite agree that one of the problems we have to solve in this country is the question of the Army and I sympathise very greatly when I hear Members on the other side pressing their views on Government. They are bound to do it and I hope they will continue (Diwan Bahadur T. Rangachariar: "But not for eternity.") Still, before you get an army you have got to get the material for the Army, you have got to find out the right men. You have got to see what sources you can draw on. I understand that one of the charges that is always brought against Government in this respect is that we do not try and get hold of people but if we really did try we could get men who would make suitable material for recruitment as officers. In that connection I should like to say that the Government are quite prepared to carry out the offer which I made on behalf of the Government in the recent debate on the Indian Sandhurst question. I do not know whether the House intended to reject it or not, but I do not think they accepted it. The Government of India consider that the time has come when we could with advantage appoint a Committee to consider the means of attracting Indian youths of good educational qualifications to a military career as King's commissioned officers and to consider also the best means of giving them military education. Now, that, Sir, appears to me an offer which is an earnest of the good faith on the part of Government in dealing with this very important question; a question on the solution of which, I quite agree, the future of India largely and necessarily depends. That, Sir, I hope the House at any rate will regard as some satisfaction on the point that is raised in connection with the Army.

There are many other points I should like to have dealt with but the clock is moving on. Now, Sir, where have we got to on this motion? What is the House going to do? The actual motion before the House is to reduce the tour expenses of the Governor General's Council. That is what you will actually vote on. But what the House desires to vote on is something quite different. It desires to record a vote of censure on the Government of India. At least it desired to do so before I spoke—I have no doubt it has now changed its views. (Laughter.) I am one of those who really very much desire that the House should follow correct procedure. Let me say at once that by rejecting a demand of this kind for Rs. 66,000 you are really forcing the Governor General to restore it. That sort of a thing you have done before. If you use the big club every time, you corrupt both parties. You will get used to forcing the Governor General to restore by rejecting votes wholesale for reasons not connected with the votes and certification will be regarded as a normal and necessary procedure. The skin on both sides, if I may use the expression, will become hard—will become indurated—surely this is the last position that the House

should desire to create. Well, Sir, supposing, on the other hand, the Governor General does not restore this vote. That is a very attractive proposition to me for two reasons. The first is that I dislike railway journey exceedingly and the second is that it may lead to some curious situations. Supposing there is the chronic ailment in Bombay regarding the rupee or the coal trouble in Bengal became a little acute and the various communities concerned desire the immediate presence of the learned doctors of those diseases, my Honourable friend Sir Basil Blackett and my Honourable friend Sir Charles Innes. The interested persons wire up "Come over to Macedonia and help us". The reply might come back "Please send travelling expenses". (Laughter.) That, Sir, I think will be a pity. Another point that drives me to the view that the Governor General should not certify this demand is this. We shall be shortly having to go to Simla and to me it would be a great pleasure if it is done by a walking tour. (Laughter.) We have recently had much sedentary work in this House and I cannot but believe that it would be good for the health of my Honourable colleagues and myself if we took our staves in our hands and like pilgrims started on a walk up the hills. Of course, some of my colleagues are men of a certain age broken by long service. Therefore you would not expect us to go very fast. We should have the joys of the open road in the early mornings and in the noon day heat we should rest by some shady well. Possibly we might walk a mile or two in the evenings (Mr. M. A. Jinnah: "It might do you good.") As Mr. Jinnah says, there would be many advantages. We shall get into touch with the country and we should be able to recruit our health. But still I do recognize that in an age like our own, however attractive those methods may be, they are a little slow. And as we shall not be able to walk very fast, perhaps the Government business might suffer. Well, Sir, I am therefore

5 P.M. compelled to reject the view that at any rate I can advise the Governor General not to restore. I am forced almost to the position that I shall have to advise His Excellency to restore it. If that is so we are creating a position that really I honestly think this House should try to avoid. This debate stands on the book: it is here. What do you gain by forcing the Governor General to restore? I really ask you to consider that. I have never really been able to see the point. I dare say it is extremely stupid of me, but I cannot see it. If you content yourselves with a hundred rupee cut, which has been advised on several occasions by my Honourable friends Mr. Bipin Chandra Pal and Mr. Jinnah, that seems to be the correct constitutional procedure

An Honourable Member: It has no effect.

(It being Five of the Clock, Mr. President proceeded to put the questions.)

The President: The original question was:

"That a sum not exceeding Rs. 62,000 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, 1926, in respect of the 'Executive Council'."

Since which an amendment has been moved:

"That the Demand under the head 'Executive Council' be omitted."

The question I have to put is that that Demand be omitted.

The Assembly divided:

AYES—65.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Ahmad Ali Khan, Mr.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Ariff, Mr. Yacoob C.
 Belvi, Mr. D. V.
 Bhat, Mr. K. Sadasiva.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shaumukhan.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Dr. T. K.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Ghazanfar Ali Khan, Raja.
 Ghose, Mr. S. C.
 Goswami, Mr. T. C.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kasturbhai Lalbhai, Mr.
 Kazim Ali, Shaikh-e-Chatgam
 Maulvi Muhammad.
 Kelkar, Mr. N. C.
 Lohckare, Dr. K. G.
 Malaviya, Pandit Madan Mohan.
 Mchta, Mr. Jamnadas M.

Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Nambiyar, Mr. K. K.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Pal, Mr. Bipin Chandra.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Purshotamdas Thakurdas, Sir.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Reddi, Mr. K. Venkataramana.
 Roy, Mr. Bhabendra Chandra.
 Samiullah Khan, Mr. M.
 Sarda, Rai Sahib M. Harbilas.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Sinha, Kumar Ganganand.
 Syamacharan, Mr.
 Tok Kyi, Maung.
 Yusuf Imam, Mr. M.
 Venkatapatiraju, Mr. B.
 Yakub, Maulvi Muhammad.

NOES—48.

Abdul Mumin, Khan Bahadur
 Muhammad.
 Abdul Qaiyum, Nawab Sir
 Sahibzada.
 Abul Kasem, Maulvi.
 Ahmed, Mr. K.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Alimuzzaman Chowdhry, Mr.
 Ashworth, Mr. E. H.
 Badi-uz-Zaman, Maulvi.
 Bhoze, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Clarke, Sir Geoffrey.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Fleming, Mr. E. G.
 Fraser, Sir Gordon.
 Ghulam Bari, Khan Bahadur.
 Graham, Mr. L.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Hudson, Mr. W. F.
 Innes, The Honourable Sir Charles.

Lindsay, Mr. Darcy.
 Lloyd, Mr. A. H.
 Makan, Mr. M. E.
 Marr, Mr. A.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir
 Bhupendra Nath.
 Moir, Mr. T. E.
 Muddiman, The Honourable
 Sir Alexander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Naidu, Mr. M. C.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Raj Narain, Rai Bahadur.
 Rau, Mr. P. R.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V.
 Visvanatha.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.

The motion was adopted.

Mr. V. J. Patel: I rise to a point of order. Are Members who are pecuniarily interested in the division entitled to vote? I want a ruling because another motion is coming.

Mr. President: Does the Honourable Member suggest that any Member is more interested than he is himself!

Mr. V. J. Patel: My point is that those who have a *pecuniary* interest in the result of the vote should not be entitled to vote.

Mr. President: In the technical sense, "pecuniary interest" does not here arise. On the broader issue of the advisability of interested Members voting on such an issue, I think I may appeal from Mr. Patel, M.L.A., to Mr. Patel, Chairman of the Bombay Corporation. (Hear, hear, and Laughter.)

DEMAND NO. 26—INTEREST ON MISCELLANEOUS OBLIGATIONS.

Mr. President: The question is:

"That a sum not exceeding Rs. 22,33,000 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, 1926, in respect of 'Interest on Miscellaneous Obligations'."

The motion was adopted.

DEMAND NO. 27—STAFF, HOUSEHOLD AND ALLOWANCES OF THE GOVERNOR GENERAL.

Mr. President: The question is:

"That a sum not exceeding Rs. 10,63,000 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, 1926, in respect of the 'Staff, Household and Allowances of the Governor General'."

The Assembly divided:

AYES—65.

Abdul Mumin, Khan Bahadur Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 • Abul Kasem, Maulvi.
 • Ahmad Ali Khan, Mr.
 • Ahmed, Mr. K.
 Aiyer, Sir P. S. Sivaswamy.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 • Alimuzzaman Chowdhry, Mr.
 Ashworth, Mr. E. H.
 • Badi-uz-Zaman, Maulvi.
 Blore, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burton, Mr. E.
 Calvert, Mr. H.
 Clarke, Sir Geoffrey.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Dalal, Sardar B. A.
 Fleming, Mr. E. G.
 Fraser, Sir Gordon.
 Ghazanfar Ali Khan, Raja.
 • Ghose, Mr. S. C.
 • Ghulam Bari, Khan Bahadur.
 • Graham, Mr. L.
 Hira Singh Brar, Sardar Bahadur Captain.
 Hudson, Mr. W. F.
 • Hussainally, Khan Bahadur W. M.
 • Hyder, Dr. L. K.
 Innes, The Honourable Sir Charles.
 • Jinnah, Mr. M. A.
 Lindsay, Mr. Darcy.

Lloyd, Mr. A. H.
 • Mahmood Schammad Sahib Bahadur, Mr.
 • Makan, Mr. M. E.
 Marr, Mr. A.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir Bhupendra Nath.
 Moir, Mr. T. E.
 Muddiman, The Honourable Sir Alexander.
 • Muhammad Ismail, Khan Bahadur Saiyid.
 • Mutalik, Sardar V. N.
 Naidu, Mr. M. C.
 • Pal, Mr. Bipin Chandra.
 • Purshotamdas Thakurdas, Sir.
 • Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
 • Ramachandra Rao, Diwan Bahadur M.
 • Rangachariar, Diwan Bahadur T.
 Rau, Mr. P. R.
 • Reddi, Mr. K. Venkataramana.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 • Sarda, Rai Sahib M. Harbilas.
 Sastri, Diwan Bahadur C. V. Vignantha
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 • Venkatapatiraju, Mr. B.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.
 • Yakub, Maulvi Muhammad.

NOES—51.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Ariff, Mr. Yacoub C.
 Belvi, Mr. D. V.
 Bhat, Mr. K. Sadasiva.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Goswami, Mr. T. C.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Kasturbhai Lalbhai, Mr.
 Kazim Ali, Shaikh-e-Chatgam
 Maulvi Muhammad.
 Kelkar, Mr. N. C.
 Lohokare, Dr. K. G.
 Malaviya, Pandit Madan Mohan.

Mehta, Mr. Jamnadas M.
 Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Nambiyar, Mr. K. K.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Roy, Mr. Bhabendra Chandra.
 Samiullah Khan, Mr. M.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Sinha, Kumar Ganganand.
 Syamacharan, Mr.
 Tok Kyi, Maung.
 Yusuf Imam, Mr. M.

The motion was adopted.

DEMAND NO. 29—LEGISLATIVE BODIES.

Mr. President: The question is:

"That a sum not exceeding Rs. 6,39,000 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, 1926, in respect of the 'Legislative Bodies'."

The motion was adopted.

DEMAND NO. 30—FOREIGN AND POLITICAL DEPARTMENT.

Mr. President: The question is:

"That a sum not exceeding Rs. 8,24,000 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, 1926, in respect of the 'Foreign and Political Department'."

The motion was adopted.

DEMAND NO. 31—HOME DEPARTMENT.

Mr. President: The question is:

"That a sum not exceeding Rs. 6,04,000 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, 1926, in respect of the 'Home Department'."

The motion was adopted.

DEMAND NO. 32—LEGISLATIVE DEPARTMENT.

Mr. President: The question is:

"That a sum not exceeding Rs. 5,49,000 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, 1926, in respect of the 'Legislative Department'."

The motion was adopted.

DEMAND No. 33—DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Mr. President: The question is:

“That a sum not exceeding Rs. 5,27,000 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, 1926, in respect of the ‘Department of Education, Health and Lands’.”

The motion was adopted.

DEMAND No. 34—FINANCE DEPARTMENT.

Mr. President: The question is:

“That a sum not exceeding Rs. 11,60,000 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, 1926, in respect of the ‘Finance Department’.”

The motion was adopted.

DEMAND No. 35—COMMERCE DEPARTMENT.

Mr. President: The question is:

“That a sum not exceeding Rs. 3,21,000 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, 1926, in respect of the ‘Commerce Department’.”

The motion was adopted.

DEMAND No. 36—ARMY DEPARTMENT.

Mr. President: The question is:

“That a sum not exceeding Rs. 5,64,000 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, 1926, in respect of the ‘Army Department’.”

The Assembly divided:

AYES—62.

Abdul Mumin, Khan Bahadur
Muhammad.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmad Ali Khan, Mr.
Ahmed, Mr. K.
Aiyangar, Mr. K. Rama.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Alimuzzaman Chowdhry, Mr.
Ashworth, Mr. E. H.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Clarke, Sir Geoffrey.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Fleming, Mr. E. G.
Fraser, Sir Gordon.
Ghazanfar Ali Khan, Raja.
Ghulam Bari, Khan Bahadur.
Graham, Mr. L.
Hira Singh Brar, Sardar Bahadur
Captain.
Hudson, Mr. W. F.
Hussanally, Khan Bahadur W. M.
Hyder, Dr. L. K.
Innes, The Honourable Sir Charles.
Jeelani, Haji S. A. K.
Jinnah, Mr. M. A.
Lindsay, Mr. Darcy.

Lloyd, Mr. A. H.
Mahmood Schamned Sahib
Bahadur, Mr.
Makan, Mr. M. E.
Marr, Mr. A.
McCallum, Mr. J. L.
Mitra, The Honourable Sir Bhupendra
Nath.
Moir, Mr. T. E.
Muddiman, The Honourable Sir
Alexander.
Muhammad Ismail, Khan Bahadur
Saiyid.
Naidu, Mr. M. C.
Pal, Mr. Bipin Chandra.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Raj Narain, Rai Bahadur.
Ramachandra Rao, Diwan Bahadur M.
Rangachariar, Diwan Bahadur T.
Rau, Mr. P. R.
Reddi, Mr. K. Venkataramana.
Rhodes, Sir Campbell.
Rushbrook-Williams, Prof. L. F.
Sarda, Rai Sahib M. Harbilas.
Sastri, Diwan Bahadur C. V.
Visvanatha.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Venkatapatiraju, Mr. B.
Webb, Mr. M.
Willson, Mr. W. S. J.
Wilson, Mr. R. A.

NOES—50.

* Abdul Karim, Khwaja.	Misra, Pandit Harkaran Nath.
Abhyankar, Mr. M. V.	Murtuza Sahib Bahadur, Maulvi
Acharya, Mr. M. K.	Sayad.
Aiyangar, Mr. C. Duraiswami.	Nambiyar, Mr. K. K.
* Ariff, Mr. Yacoob C.	Narain Dass, Mr.
Belvi, Mr. D. V.	Nehru, Dr. Kishenlal.
Bhak, Mr. K. Sadasiva.	Nehru, Pandit Motilal.
Chaman Lal, Mr.	Nehru, Pandit Shamlal.
Chanda, Mr. Kamini Kumar.	Neogy, Mr. K. C.
Chetty, Mr. R. K. Shanmukham.	Patel, Mr. V. J.
Das, Pandit Nilakantha.	Phookun, Mr. Tarun Ram.
Duni Chand, Lala.	Ranga Iyer, Mr. C. S.
Dutt, Mr. Amar Nath.	Ray, Mr. Kumar Sankar.
Ghose, Mr. S. C.	Roy, Mr. Bhabendra Chandra.
Goswami, Mr. T. C.	* Samiullah Khan, Mr. M.
Gulab Singh, Sardar.	* Sarfaraz Hussain Khan, Khan
Hans Raj, Lala.	Bahadur.
Hari Prasad Lal, Rai.	* Shafee, Maulvi Mohammad.
Iyengar, Mr. A. Rangaswami.	Singh, Mr. Gaya Prasad.
Kasturbhai Lalbhai, Mr.	Sinha, Mr. Ambika Prasad.
* Kazim Ali, Shaikh-e-Chatgam Maulvi	Sinha, Mr. Devaki Prasad.
Muhammad.	Sinha, Kumar Ganganand.
Kelkar, Mr. N. C.	Syamacharan, Mr.
Lohokare, Dr. K. G.	Tok Kyi, Maung.
Malaviya, Pandit Madan Mohan.	* Yakub, Maulvi Muhammad.
Mehta, Mr. Jamnadas M.	Yusuf Imam, Mr. M.
Misra, Pandit Shambhu Dayal.	

The motion was adopted.

DEMAND NO. 37—DEPARTMENT OF INDUSTRIES AND LABOUR.

Mr. President: The question is:

“That a sum not exceeding Rs. 5,09,000 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, 1926, in respect of the ‘Department of Industries and Labour’.”

The motion was adopted.

DEMAND NO. 38—CENTRAL BOARD OF REVENUE.

Mr. President: The question is:

“That a sum not exceeding Rs. 1,69,000 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, 1926, in respect of the ‘Central Board of Revenue’.”

The motion was adopted.

DEMAND NO. 39—PAYMENTS TO PROVINCIAL GOVERNMENTS ON ACCOUNT OF ADMINISTRATION OF AGENCY SUBJECTS.

Mr. President: The question is:

“That a sum not exceeding Rs. 1,01,000 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, 1926, in respect of ‘Payments to Provincial Governments on account of Administration of Agency subjects’.”

The motion was adopted.

DEMAND No. 40—AUDIT.

Mr. President: The question is:

“That a sum not exceeding Rs. 78,87,000 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, 1926, in respect of ‘Audit’.”

The motion was adopted.

DEMAND No. 41—ADMINISTRATION OF JUSTICE.

Mr. President: The question is:

“That a sum not exceeding Rs. 46,000 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, 1926, in respect of ‘Administration of Justice’.”

The motion was adopted.

DEMAND No. 42—POLICE.

Mr. President: The question is:

“That a sum not exceeding Rs. 1,82,000 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, 1926, in respect of ‘Police’.”

The motion was adopted.

DEMAND No. 43—PORTS AND PILOTAGE.

Mr. President: The question is:

“That a sum not exceeding Rs. 19,43,000 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, 1926, in respect of ‘Ports and Pilotage’.”

The motion was adopted.

DEMAND No. 44—SURVEY OF INDIA.

Mr. President: The question is:

“That a sum not exceeding Rs. 24,09,000 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, 1926, in respect of ‘Survey of India’.”

The motion was adopted.

DEMAND No. 45—METEOROLOGY.

Mr. President: The question is:

“That a sum not exceeding Rs. 6,80,000 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, 1926, in respect of ‘Meteorology’.”

The motion was adopted.

DEMAND No. 46—GEOLOGICAL SURVEY.

Mr. President: The question is:

“That a sum not exceeding Rs. 1,71,000 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, 1926, in respect of ‘Geological Survey’.”

The motion was adopted.

DEMAND No. 47—BOTANICAL SURVEY.

Mr. President: The question is:

"That a sum not exceeding Rs. 6,86,000 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, 1926, in respect of 'Botanical Survey'."

The motion was adopted.

DEMAND No. 48—ZOOLOGICAL SURVEY.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,60,000 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, 1926, in respect of 'Zoological Survey'."

The motion was adopted.

DEMAND No. 49—ARCHÆOLOGY.

Mr. President: The question is:

"That a sum not exceeding Rs. 15,16,000 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, 1926, in respect of 'Archæology'."

The motion was adopted.

DEMAND No. 50—MINES.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,57,000 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, 1926, in respect of 'Mines'."

The motion was adopted.

DEMAND No. 51—OTHER SCIENTIFIC DEPARTMENTS.

Mr. President: The question is:

"That a sum not exceeding Rs. 3,03,000 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, 1926, in respect of 'Other Scientific Departments'."

The motion was adopted.

DEMAND No. 52—EDUCATION.

Mr. President: The question is:

"That a sum not exceeding Rs. 2,37,000 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, 1926, in respect of 'Education'."

The motion was adopted.

DEMAND No. 53—MEDICAL SERVICES.

Mr. President: The question is:

"That a sum not exceeding Rs. 9,18,000 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, 1926, in respect of 'Medical Services'."

The motion was adopted.

DEMAND No. 54—PUBLIC HEALTH.

Mr. President: The question is:

"That a sum not exceeding Rs. 6,02,000 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, 1926, in respect of 'Public Health'."

The motion was adopted.

DEMAND No. 55—AGRICULTURE.

Mr. President: The question is:

“That a sum not exceeding Rs. 13,32,000 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, 1926, in respect of ‘Agriculture’.”

The motion was adopted.

DEMAND No. 56—CIVIL VETERINARY SERVICES.

Mr. President: The question is:

“That a sum not exceeding Rs. 6,56,000 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, 1926, in respect of ‘Civil Veterinary Services’.”

The motion was adopted.

DEMAND No. 57—INDUSTRIES.

Mr. President: The question is:

“That a sum not exceeding Rs. 26,46,000 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, 1926, in respect of ‘Industries’.”

The motion was adopted.

DEMAND No. 58—AVIATION.

Mr. President: The question is:

“That a sum not exceeding Rs. 30,000 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, 1926, in respect of ‘Aviation’.”

The motion was adopted.

DEMAND No. 59—COMMERCIAL INTELLIGENCE AND STATISTICS.

Mr. President: The question is:

“That a sum not exceeding Rs. 2,37,000 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, 1926, in respect of ‘Commercial Intelligence and Statistics’.”

The motion was adopted.

DEMAND No. 60—CENSUS.

Mr. President: The question is:

“That a sum not exceeding Rs. 1,000 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, 1926, in respect of ‘Census’.”

The motion was adopted.

DEMAND No. 61—EMIGRATION—INTERNAL.

Mr. President: The question is:

“That a sum not exceeding Rs. 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, 1926, in respect of ‘Emigration—Internal’.”

The motion was adopted.

DEMAND No. 62—EMIGRATION—EXTERNAL.

Mr. President: The question is:

"That a sum not exceeding Rs. 79,000 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, 1926, in respect of 'Emigration—External'."

The motion was adopted.

DEMAND No. 63—JOINT STOCK COMPANIES.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,29,000 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, 1926, in respect of 'Joint Stock Companies'."

The motion was adopted.

DEMAND No. 64—MISCELLANEOUS DEPARTMENTS.

Mr. President: The question is:

"That a sum not exceeding Rs. 15,59,000 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, 1926, in respect of 'Miscellaneous Departments'."

The motion was adopted.

DEMAND No. 65—CURRENCY.

Mr. President: The question is:

"That a sum not exceeding Rs. 54,40,000 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, 1926, in respect of 'Currency'."

The motion was adopted.

DEMAND No. 66—MINT.

Mr. President: The question is:

"That a sum not exceeding Rs. 15,81,000 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, 1926, in respect of 'Mint'."

The motion was adopted.

DEMAND No. 67—CIVIL WORKS—INCLUDING EXPENDITURE IN ENGLAND.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,38,68,000 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, 1926, in respect of 'Civil Works—including Expenditure in England'."

The motion was adopted.

DEMAND No. 68—SUPERANNUATION ALLOWANCES AND PENSIONS—INCLUDING EXPENDITURE IN ENGLAND.

Mr. President: The question is:

"That a sum not exceeding Rs. 30,06,000 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, 1926, in respect of 'Superannuation Allowances and Pensions—including Expenditure in England'."

The motion was adopted.

DEMAND No. 69—STATIONERY AND PRINTING—INCLUDING EXPENDITURE IN ENGLAND.

Mr. President: The question is: .

“That a sum not exceeding Rs. 23,18,000 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, 1926, in respect of ‘Stationery and Printing—including Expenditure in England’.”

The motion was adopted.

DEMAND No. 70—MISCELLANEOUS.

Mr. President: The question is: .

“That a sum not exceeding Rs. 38,99,000 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, 1926, in respect of ‘Miscellaneous’.”

The motion was adopted.

DEMAND No. 71—ADJUSTMENTS WITH PROVINCIAL GOVERNMENTS.

Mr. President: The question is: .

“That a sum not exceeding Rs. 15,74,000 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, 1926, in respect of ‘Adjustments with Provincial Governments’.”

The motion was adopted.

DEMAND No. 72—REFUNDS.

Mr. President: The question is: .

“That a sum not exceeding Rs. 57,26,000 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, 1926, in respect of ‘Refunds’.”

The motion was adopted.

DEMAND No. 73—NORTH-WEST FRONTIER PROVINCE.

Mr. President: The question is: .

“That a sum not exceeding Rs. 1,12,16,000 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, 1926, in respect of ‘North-West Frontier Province’.”

The motion was adopted.

DEMAND No. 74—BALUCHISTAN.

Mr. President: The question is: .

“That a sum not exceeding Rs. 26,24,000 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, 1926, in respect of ‘Baluchistan’.”

The motion was adopted.

DEMAND No. 75—DELHI.

Mr. President: The question is:

"That a sum not exceeding Rs. 30,65,000 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, 1926, in respect of 'Delhi'."

The motion was adopted.

DEMAND No. 76—AJMER AND MERWARA.

Mr. President: The question is:

"That a sum not exceeding Rs. 13,61,000 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, 1926, in respect of 'Ajmer and Merwara'."

The motion was adopted.

DEMAND No. 77—ANDAMANS AND NICOBAR ISLANDS.

Mr. President: The question is:

"That a sum not exceeding Rs. 41,63,000 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, 1926, in respect of 'Andamans and Nicobar Islands'."

The motion was adopted.

DEMAND No. 78—RAJPUTANA.

Mr. President: The question is:

"That a sum not exceeding Rs. 4,65,000 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, 1926, in respect of 'Rajputana'."

The motion was adopted.

DEMAND No. 79—CENTRAL INDIA.

Mr. President: The question is:

"That a sum not exceeding Rs. 5,83,000 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, 1926, in respect of 'Central India'."

The motion was adopted.

DEMAND No. 80—HYDERABAD.

Mr. President: The question is:

"That a sum not exceeding Rs. 73,000 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, 1926, in respect of 'Hyderabad'."

The motion was adopted.

DEMAND No. 81—EXPENDITURE IN ENGLAND UNDER THE CONTROL OF THE SECRETARY OF STATE FOR INDIA.

Mr. President: The question is:

"That a sum not exceeding Rs. 16,52,000 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, 1926, in respect of 'Expenditure in England under the Control of the Secretary of State for India'."

The Assembly divided:

AYES—53.

Abdul Mumin, Khan Bahadur
Muhammad.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmed, Mr. K.
Aiyer, Sir P. S. Sivaswamy.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Alimuzzaman Chowdhry, Mr.
Ashworth, Mr. E. H.
Badi-uz-Zuman, Maulvi.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Fasil.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Clarke, Sir Geoffrey.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Fleming, Mr. E. G.
Fraser, Sir Gordon.
Ghulam Bari, Khan Bahadur.
Graham, Mr. L.
Hira Singh Brar, Sardar Bahadur
Captain.
Hudson, Mr. W. F.
Hussanally, Khan Bahadur W. M.
Hyder, Dr. L. K.
Innes, The Honourable Sir Charles

Lindsay, Mr. Darcy.
Lloyd, Mr. A. H.
Mahmood Schammad-Sahib Bahadur,
Mr.
Makan, Mr. M. E.
Marr, Mr. A.
McCallum, Mr. J. L.
Mitra, The Honourable Sir Bhupendra
Nath.
Moir, Mr. T. E.
Muddiman, The Honourable Sir
Alexander.
Muhammad Ismail, Khan Bahadur
Saiyid.
Naidu, Mr. M. C.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Raj Narain, Rai Bahadur.
Rau, Mr. P. R.
Reddi, Mr. K. Venkataramana.
Rhodes, Sir Campbell.
Rushbrook-Williams, Prof. L. F.
Sastri, Diwan Bahadur C. V.
Visvanatha.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Webb, Mr. M.
Willson, Mr. W. S. J.
Wilson, Mr. R. A.

NOES—51.

Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Ariff, Mr. Yacoob C.
Belvi, Mr. D. V.
Bhat, Mr. K. Sadasiva.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Goswami, Mr. T. C.
Gulab Singh, Sardar.
Hans Raj, Lala.
Hari Prasad Lal, Rai.
Ivengar, Mr. A. Rangaswami.
Jeelani, Haji S. A. K.
Kasturbhai Lalbhai, Mr.
Kazim Ali, Shaikh-e-Chatgam Maulvi
Muhammad.
Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Malaviya, Pandit Madan Mohan.

Mehta, Mr. Jannadas M.
Misra, Pandit Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Murluza Sahib Bahadur, Maulvi
Sayad.
Nambiyar, Mr. K. K.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Patel, Mr. V. J.
Phookun, Mr. Tarun Ram.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Roy, Mr. Bhabendra Chandra.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan
Bahadur.
Shafee, Maulvi Mohammad.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Devaki Prasad.
Sinha, Kumar Ganganand.
Swamacharan, Mr.
Tuk Kyi, Maung.
Yusuf Imam, Mr. M.

The motion was adopted.

DEMAND No. 82—EXPENDITURE IN ENGLAND UNDER THE CONTROL OF THE HIGH COMMISSIONER FOR INDIA.

Mr. President: The question is:

“That a sum not exceeding Rs. 22,43,000 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, 1926, in respect of ‘Expenditure in England under the control of the High Commissioner for India’.”

The motion was adopted.

Expenditure charged to Capital.

DEMAND No. 83—IRRIGATION WORKS.

Mr. President: The question is:

“That a sum not exceeding Rs. 27,000 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, 1926, in respect of ‘Irrigation Works’.”

The motion was adopted.

DEMAND No. 84—CAPITAL OUTLAY ON INDIAN POSTS AND TELEGRAPHS.

Mr. President: The question is:

“That a sum not exceeding Rs. 2,12,36,000 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, 1926, in respect of ‘Capital outlay on Indian Posts and Telegraphs’.”

The motion was adopted.

DEMAND No. 85—CAPITAL OUTLAY ON INDO-EUROPEAN TELEGRAPHS.

Mr. President: The question is:

“That a sum not exceeding Rs. 1,17,000 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, 1926, in respect of ‘Capital outlay on Indo-European Telegraphs’.”

The motion was adopted.

DEMAND No. 86—DELHI CAPITAL OUTLAY.

Mr. President: The question is:

“That a sum not exceeding Rs. 1,50,39,000 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, 1926, in respect of ‘Delhi Capital outlay’.”

The motion was adopted.

Disbursements of Loans and Advances.

DEMAND No. 87—INTEREST-FREE ADVANCES.

Mr. President: The question is:

“That a sum not exceeding Rs. 1,82,15,000 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, 1926, in respect of ‘Interest-free Advances’.”

The motion was adopted.

DEMAND No. 88—LOANS AND ADVANCES BEARING INTEREST.

Mr. President: The question is:

“ That a sum not exceeding Rs. 15,41,99,000 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, 1926, in respect of ‘ Loans and Advances bearing interest ’.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 16th March, 1925.

ERRATUM.

In the Legislative Assembly Debates, dated the 16th March, 1925
(Vol. V, No. 35), on page 2485,—

(a) *After* the Honourable Sir Basil Blackett's speech *insert—*
“ Pandit Motilal Nehru rose, but was not audible.”

(b) *Before* “ Mr. President : When Mr. Jinnah sat down, etc.,
etc.,” *insert—*

“ Pandit Motilal Nehru : I move, Sir, that the debate be
continued.”

LEGISLATIVE ASSEMBLY.

Monday, 16th March, 1925.

The Assembly met in the Assembly Chamber at Eleven of the Clock. Mr. President in the Chair.

MEMBER SWORN:

Lieutenant-Colonel Stewart Blakely Agnew Patterson, C.I.E., M.L.A.
(Political Secretary).

QUESTIONS AND ANSWERS.

APPOINTMENT OF COLONEL NEEDHAM ON THE STAFF OF THE RAILWAY BOARD.

1198. *Mr. N. M. Joshi: (a) Will Government be pleased to state whether it is a fact that Colonel Needham has been appointed on the staff of the Railway Board?

(b) If so, when was he appointed, what are his designation and emoluments and what kind of work has he been entrusted with?

(c) If the answer to (a) above be in the affirmative:

(i) Will Government be pleased to state whether the post to which Colonel Needham has been appointed is an old one or a new one? If the former, who was his predecessor in office? If the latter, why has that post been created and is it a permanent one or a temporary one?

(ii) Will they be further pleased to state whether the question of his appointment was placed before the Railway Finance Committee for their opinion? If so, what is their decision? If not, why not?

The Honourable Sir Charles Innes: (a) to (c). Colonel Needham's services have been obtained temporarily, with effect from the 1st January 1925, by the Railway Department for the purposes and on the terms already explained in reply to question No. 1067 on the 3rd March. The Railway Finance Committee were not consulted, but if Colonel Needham's proposals involve additional expenditure they will be placed before the Railway Finance Committee.

Diwan Bahadur M. Ramachandra Rao: May I ask what necessity there was for this new appointment?

The Honourable Sir Charles Innes: I think it was made when the Railway Standing Finance Committee was not sitting. As there was only a small expenditure involved we did not place it before that Committee.

Diwan Bahadur M. Ramachandra Rao: For what period is this appointment?

The Honourable Sir Charles Innes: For one year.

CONTINUATION OF THE SERVICES OF COLONEL NEEDHAM IN HIS FORMER APPOINTMENT AS DEPUTY DIRECTOR GENERAL, INDIAN MEDICAL SERVICE.

1199. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether Colonel Needham was serving the Government of India in any of their Departments? If so, where and how long was he serving there and what work had been entrusted to him in that Department?

(b) If the answer to (a) above be in the affirmative, will they be further pleased to state the reason why the same Department did not continue his services?

Mr. J. W. Bhore: (a) Yes. He was employed under the Director General, Indian Medical Service at Simla and Delhi as Assistant Director General, Indian Medical Service, and Deputy Director General, Indian Medical Service, for about 8½ years between 1914 and 1924.

(b) His services were placed temporarily at the disposal of the Railway Department for a period of one year, with effect from the 1st January 1925, on the expiry of the tenure of his appointment as Deputy Director General, Indian Medical Service.

EXEMPTION FROM TAXATION OF THE INHABITANTS OF BHAGUR VILLAGE INCLUDED WITHIN THE CANTONMENT AREA.

†1200. ***Mr. N. M. Joshi:** (a) With reference to the reply given to my question No. 730, answered on the 3rd February 1925, will Government be pleased to state whether by their decision to keep some portion of the Bhagur village lying to the north of the railway line within the Cantonment area, the people living in that part are liable to pay any taxes under the Cantonment Act? If so, which are the taxes that will be levied upon them and what will be the approximate amount of taxation that each of the 82 inhabitants will have to pay?

(b) Will they be further pleased to state whether they have ascertained that the incomes of these 82 people are such that they can bear this new taxation? If so, what is the average income of each individual? If not, will they take immediate steps to inquire into the matter and lay the result of their inquiry on the table? If not, why not?

(c) If the answer to (a) above be in the affirmative, are they prepared to take immediate steps either to exclude the said portion from the Cantonment area or to impose no taxes upon the people living there? If not, why not?

EXEMPTION FROM TAXATION OF SHOPKEEPERS AND HAWKERS ATTENDING THE FAIR AT BHAGUR VILLAGE.

1201. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they are aware that a big fair is held twice a year in and around a Hindu temple in the portion of the Bhagur village lying north of the railway line?

† For answer to this question see below question No. 1201.

(b) If the answer to (a) be in the affirmative, will they be pleased to state whether the shopkeepers and the hawkers going there in the days of the fair, are liable to pay any taxes on account of the said part being included in the Cantonment area? If so, what will be the approximate amount of taxation that each shopkeeper and hawker will have to pay?

(c) If the answer to (b) be in the affirmative, are they prepared to take immediate steps either to exclude the said portion from the Cantonment area or to impose no taxes upon the shopkeepers and hawkers? If not, why not?

(d) Will Government be pleased to state whether the shopkeepers and hawkers referred to in part (b) will require to take previous permission to go to the fair and open their shops? If so, are Government prepared to exempt them from taking this permission? If not, why not?

Mr. E. Burdon: With your permission, Sir, I propose to answer questions Nos. 1200 and 1201 together.

The Government of India are making inquiries. I will let the Honourable Member know the result as soon as possible.

REDUCTION OF THE WORKING HOURS OF GUARDS EMPLOYED ON GOODS TRAINS RUNNING BETWEEN GONDA AND CAWNPORE ON THE BENGAL AND NORTH-WESTERN RAILWAY.

1202. ***Mr. N. M. Joshi:** Will Government be pleased to give the following information:—

- (a) (i) Is it a fact that the guards working on the goods trains between Gonda and Cawnpore (Bengal and North-Western Railway) have to work nearly 24 hours continuously for the completion of their journey?
- (ii) If so, do Government propose to take immediate steps to reduce their working hours?
- (iii) If not, how many hours do these guards work every day?
- (b) Is it a fact that these guards are held responsible and made to pay for the thefts that take place when the trains are in motion? If so, how many guards were made to pay last year for such thefts or what other kind of punishment was meted out to them?

The Honourable Sir Charles Innes: Government have no information. They will, however, send the Honourable Member's question to the Agent, Bengal and North-Western Railway, for consideration.

MAXIMUM SALARIES OF EUROPEAN AND INDIAN GUARDS ON THE BENGAL AND NORTH-WESTERN RAILWAY.

†1203. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state the highest salary that an Indian guard gets on the Bengal and North-Western Railway and the highest salary that a European guard gets on the same Railway?

(b) Will they be further pleased to state the year when the guards in class C on the same railway were given an increment in their salaries?

† For answer to this question see below question No. 1204.

PROVISION OF QUARTERS FOR THE RUNNING STAFF ON THE BENGAL
AND NORTH-WESTERN RAILWAY.

1204. *Mr. N. M. Joshi: (a) Will Government be pleased to state whether it is a fact that all the running staff on the Bengal and North-Western Railway are not provided with quarters? If so, why? And how many of the total number of the whole staff not provided with quarters are Indians, and how many are Anglo-Indians and Europeans?

(b) Will they be further pleased to state whether it is a fact that those of the staff on the same railway who are provided with quarters, are required to pay rent? If so, why? And how many of them are Indians and how many Anglo-Indians and Europeans?

The Honourable Sir Charles Innes: With your permission, Sir, I propose to answer questions Nos. 1203 and 1204 together.

Government have no information on the subject. They feel that they must leave matters of this kind to the Company, which not only manages the Railway in question but also owns the greater part of it.

THE INDIAN FINANCE BILL.

The Honourable Sir Basil Blackett (Finance Member): I beg to move:

"That the Bill to fix the duty on salt manufactured in or imported by land into, certain parts of British India, to remit or vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to reduce the import and excise duties on motor spirit, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax, be taken into consideration."

I do not think it is necessary, Sir, at this stage that I should make any further speech on this subject. I will therefore confine what I have to say now to moving the motion.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): Sir, I rise to oppose the consideration of this Bill. The Assembly will remember that last year this time they rejected the Finance Bill introduced by my Honourable friend Sir Basil Blackett for reasons with which the House is familiar. The condition of things has not materially changed for the better since then, and, indeed, nothing has happened since then which should justify this Assembly in changing the policy which they had adopted on the occasion of the last Finance Bill. On the contrary, if anything, things have gone worse. Government have not only made no response to the demand for a round table conference, the refusal of which was regarded as a ground for the rejection of the Bill last year, but have since deliberately ignored several Resolutions passed by this House. It is, therefore, the paramount duty of this House once again to rise to the occasion and throw out the Finance Bill. Sir, so long as the people of this country have not got a voice in the raising and expenditure of taxation, this Assembly, consisting of the representatives of the people, are not justified in giving their moral or legal support to any measure of this kind.

I will place shortly before the House the reasons why I say that the condition of things has not changed for the better, but, if anything, has gone worse since we rejected the Finance Bill last year. Let me take the recent events first. We had during the last few days a discussion on the

Demands for Grants in respect of the Railway Department. We passed several votes of censure on the Railway Administration, notably among them being the policy of the Railway Administration in not appointing an Indian on the Railway Board. We carried that motion by an overwhelming majority. The Government had with them the Resolution, which goes by the name of the Convention Resolution an integral part of which was that an Indian should be appointed on the Railway Board as early as possible. No effect had been given to that Resolution by my Honourable friend, Sir Charles Innes, who represents the Railway Board here, and the Assembly had consequently at the time of discussing the Railway Budget to pass this vote of censure on the Railway Administration. (Mr. K. Ahmed: "But Government gave a promise that they were going to consider it.") We know what value to attach to the promises of Government. You know as well. What did they do about your Resolution regarding questions and Resolutions? You remember it very well. Then, Sir, we were told by Sir Charles Innes that a person to be appointed on the Railway Board must either be a Chief Engineer or an Agent of any of the Railways. He must have experience. That means under the present conditions under which we live no Indian could be appointed as an Agent or as Chief Engineer. The appointments are made by the Secretary of State and no Indian has ever been appointed to any such post. So an Indian shall have to be born of English parents both father and mother, before we can hope to have an Indian on the Railway Board. Unless all racial distinctions all over the world are done away with by means of communications, there is absolutely no chance for an Indian to find a place on the Railway Board. Then, Sir, the second vote of censure that we passed on Railway Administration was with regard to the question of the reduction of third class fares. This has been a crying need and we have been protesting for years past against the raising of third class passenger fares and no effect has been given to our repeated demands in this behalf. The Assembly therefore had to take the opportunity of pressing its view once again and passed a vote of censure on that account against the Railway Administration. Then with regard to the Indianisation of railway services. On that question also I may invite the attention of the Assembly to what is known as the Convention Resolution. As an integral part of that Resolution we pressed on the attention of Government that the railway services should be Indianised as fast as possible, and the Assembly found that no serious attempt was made by Government in that behalf, and therefore took the earliest opportunity of once again pressing on the attention of the Railway Administration this question and passed a vote of censure on the Railway Administration.

Then we had the General Budget discussed and the Demands for Grants in connection with that Budget. There we condemned unequivocally the opium and salt policy of the Government of India and passed votes of censure. We condemned the whole Executive Council as at present constituted, irresponsible as it is, and refused to vote supplies to them.

Then, Sir, if we go back to the year 1924, you will find that a number of Resolutions passed from the time we, the Swarajists, entered this Assembly have been ignored by the Government. Take for instance the Resolution regarding the removal of the ban on Mr. Horniman. The circumstances under which he was deported to England are too well known to this Assembly to need any mention at this stage. The man is there for the last 5 or 6 years. The Assembly passed a Resolution in January 1924 and no

[Mr. V. J. Patel.]

effect has been given to that Resolution by this Government. We are driven from post to pillar, from the Secretary of State to the Bombay Government and from the Bombay Government to the Secretary of State, and no response whatsoever has been made in this behalf, and the poor man is still rotting in England and cannot come out here.

Then, Sir, we come to the Resolution of my friend Mr. Raju regarding the appointment of a Committee in regard to the Territorial and Auxiliary forces. On the recommendation made in that Resolution a Committee was appointed by Government. One might think that some response was made by Government, but now that the report of that Committee is published we find that the recommendations made by that Committee are hopelessly disappointing. You have only to read the interview given by my friend Mr. Raju the author of that Resolution published in the *Hindustan Times* immediately after the publication of that report and you will be convinced that that report is absolutely useless.

Then, Sir, we had a Resolution adopted by this Assembly for the appointment of a Committee to look into the grievances of the great Sikh community, and that Resolution has not only not been given effect to but the policy pursued in regard to the Sikh community by the Government of the Punjab is becoming notorious. The treatment meted out to the Sikh prisoners in Nabha jail was brought to the notice of this House by Pandit Madan Mohan Malaviya only the other day, and Government have made no attempt whatsoever to look into the grievances of the Sikh community and bring about good relations between the Government and that community.

Then we had the Resolution regarding the Indian Sandhurst. My friend Mr. Raju was responsible for that Resolution. He moved for the establishment of an Indian Sandhurst in this country so that India might be prepared as early as possible for the defence of her borders. But what was the reply of His Excellency the Commander-in-Chief? He opposed that Resolution very strenuously and this Assembly ultimately adopted an amendment suggested by my friend Pandit Madan Mohan Malaviya. Again at the time of the general discussion of the Budget, the matter was again referred to by His Excellency the Commander-in-Chief, and he pointedly told us that India was not a nation and that for a long time to come India should not expect a national army. These are his very words. We are here to protest against that remark of His Excellency the Commander-in-Chief. We are told times without number that India cannot have Swaraj unless India is ready to defend herself. When India wants to be ready to defend herself we are told that we cannot have a national army unless we are a nation. This is all a vicious circle. You cannot have Swaraj unless your people are literate and you deny to them the advantages of compulsory education. This is the process in which things are made to move deliberately with a view to prevent the people of this country from being ready to take the management of their affairs in their own hands. Whilst I am on this subject I may mention that we have pressed times without number on the attention of Government the need for the Indianisation of the Army and for the establishment of military colleges to train and prepare officers, and for the reduction of military expenditure. To all these demands of ours a deaf ear has been turned by the Government and no attempt has been made to give effect to the repeated requests by this Assembly in that behalf, so much so that my friend Mr. Jinnah the other day was obliged to speak

out in this Assembly and to tell the Government to their face that he himself doubted the *bona fides* of Government in this matter. I propose to read to you a few lines from his speech.

Mr. K. Ahmed: But he is not voting with you with regard to this.

Mr. V. J. Patel: Please induce him. This is what Mr. Jinnah said:

"Do you honestly, I put this question in all seriousness and in all earnestness, do you honestly wish India to take up the defence of her country within a reasonable time. The answer is 'Yes'. Mr. Burdon said 'We are not inconsistent, we are not negligent'. Sir, let me tell you frankly you are something worse than that. If it was merely negligence, I could forgive you. If it was merely inconsistency I could overlook and forgive you. But let me tell you, and I tell you quite frankly and fearlessly, that the charge against you is that you are not honestly convinced that you should help India to take up the defence of her country. I tell you that it is not merely I who say so, but even sober men who have grown grey, men who have been loyal to the Government of India, men like Sir Krishna Gupta, who have served you, say so too. I would ask the Commander-in-Chief to read his statement in the *Indian Review* of January 1925. What does he say? He doubts your *bona fides*, India doubts your *bona fides*.

His Excellency the Commander-in-Chief: They are wrong.

Mr. M. A. Jinnah: I say they have every justification. You have delayed beyond every reasonable time limit.

His Excellency the Commander-in-Chief: No.

Mr. M. A. Jinnah: Yes, you have. I may tell you you have. You have not made a real, earnest, honest endeavour to enable the people of India to have a proper training in military matters.

His Excellency the Commander-in-Chief: I think we have.

Mr. M. A. Jinnah: You come here with one excuse or another, and you tell us that there is this difficulty and that, that there is this to be done and that to be done."

So even Mr. Jinnah, I say, even Mr. Jinnah, had to tell this Government to their very face that they were not serious, that they did not mean business, that they did not want to prepare the people of this country for its defence. It was because, as Mr. Jinnah put it, that they did not want the people of this country to be ready for defence that they took the attitude which I have just described in regard to my friend Mr. Raju's Resolution.

Then, Sir, there is my friend Mr. Neogy. He is not here, I see. He had a Resolution to impose a countervailing duty on South African coal. I should like to know what effect Government have given to that Resolution. None whatever. It has been thrown into the waste paper basket. They do not mean business; they do not want to do anything of that kind.

Then there was the Resolution of my friend Mr. Jinnah for rupee tenders in regard to the purchase of stores. The policy in regard to the purchase of stores has been so often brought to the attention of this House and the Government that I need not dwell on it at all at this late hour of the day. It is too well known to the Members of this Assembly. Government have always refused to do anything in the matter. No substantial advance has been made as suggested in the Resolution of my friend Mr. Jinnah, namely, that tenders should be invited in India and in rupees. There it is. The Resolution remains a dead letter.

Then there was a Resolution by my friend Diwan Bahadur Ramachandra Rao, that certain railway contracts should be placed before this Assembly, and unless they are approved by this House they should not be finally entered into. That Resolution also remains a dead letter, so far as I am aware, unless my friend Sir Charles Innes gets up and tells me that it is

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not so. But as a matter of fact I know that not a single railway contract has been placed before this Assembly, and therefore I am quite justified in saying that that Resolution has not been given effect to by the Government.

Then there is the Resolution regarding the release of Kharak Singh, a saintly public man, a man whom not only the Sikh community but the whole of India reveres. That man is in jail. The Resolution was adopted last year by this Assembly that Mr. Kharak Singh should be immediately released, but no effect has been given by Government to that.

Then I come to the cotton excise duty. This Assembly passed a Resolution last year recommending to the Government that the excise duty should be abolished immediately. Government did not choose to take any action on that. They strenuously opposed that Resolution in spite of the repeated promises given by the Viceroy and other high officials in that behalf. The Assembly had therefore to resort to the policy of refusing supplies for carrying on the administration of that Department, that is to say, to reject the provision for the establishment for the collection of the cotton excise duty. The facts are within the knowledge of the Assembly. We have recently discussed the whole question and it is not necessary for me to go into it. But I will make one remark, that if my friend Sir Basil Blackett has the will, and if he will modify his Budget as we would like to do, he can find plenty of funds. But he refuses to do anything of the kind, and I wish to repeat the charge which some of us on this side of the House have so often made, that it is at the instance of Lancashire that the Government of India do not want to abolish this excise duty. My friend told us the other day that he had some communication with the Secretary of State after the adjournment of the motion of my friend Mr. Kasturbhai Lalbhai; and my friend Sir Basil Blackett further said that the Secretary of State had no objection to the Government of India taking steps to abolish that duty. If that is so, I ask Sir Basil Blackett publicly to produce that correspondence between the Secretary of State and the Government of India. It is all very well to say and evade this Assembly by saying, "Well, we have communicated with the Secretary of State and the Secretary of State says you can do what you like about the cotton excise duty."

The Honourable Sir Basil Blackett: Is it in order for me to be accused of being a liar?

Mr. V. J. Patel: We refuse to believe, Sir, that the Secretary of State has given you full authority to abolish this excise duty. Place the correspondence before this Assembly. Similarly, with regard to currency and exchange, you have been keeping back the correspondence. Since the report of the Babington-Smith Committee we have been repeatedly asking you to publish the correspondence. If your policy is correct, if it is not dictated by the Secretary of State and the big financiers in England, if that is so, then why not publish the correspondence. We have been inviting you so often and making requests for the publication of the correspondence. You have told us in your budget speech that you would like to remove all causes for suspicion from the minds of the public that the currency policy was dictated by Whitehall. If that is so, why not produce the correspondence? That is all we want. We shall be at once silenced if we find that the Secretary of State has got nothing to do with it and that

it is the Government of India which in the best interests of the country have taken up that policy of currency and exchange. But you do not want to produce it. The documents are in your possession and if you do not produce them when required the presumption in law is against you. That is absolutely clear. A request has been repeatedly made by several Members of this House that the correspondence in regard to the exchange policy between the Secretary of State and the Government of India should be placed on the Assembly table. But that request has never been granted, you have always kept it back from us. And if the people of India have a strong suspicion that the policy of the Government of India in regard to exchange is dictated from outside India, from Whitehall, from the big financial concerns in London, then who is to blame? You are to blame. You do not want to produce the evidence that you have got with you.

Then, Sir, I come to the Lee Commission. The recommendations of the Lee Commission were discussed in this Assembly last year. The Assembly rejected those recommendations and asked the Government to give this Assembly an opportunity to go through the evidence on which the Lee Commission came to those conclusions. Government refused to place all the materials before this Assembly, and the Assembly necessarily rejected the recommendations. My friend Mr. Jinnah on that occasion also, in reply to some of us who held the view that it was a waste of public time to discuss those recommendations, stated that he had some hope in the Secretary of State. Some statement was made by the Secretary of State at that time, and he based his hopes on that statement of the Secretary of State and told this Assembly that he would also regard the discussion as a waste of public time if the Secretary of State had not made that statement. But we now know what the Secretary of State did. The Secretary of State has accepted the recommendations of the Lee Commission, the Government of India supported the recommendations of the Lee Commission, and not only have the increments been given to the superior services, but the authorities have gone out of their way to make these increased emoluments non-votable and taken them out of the scrutiny of this Assembly. We have no right to vote on them. If we had the right of voting, we should simply have rejected these additional emoluments. But there it is; you have made them non-votable again. Under the strict interpretation of the Government of India Act only the salaries of officials appointed by the Secretary of State are non-votable, but, true to your traditions to include items which are strictly votable in the list of non-votable items the Secretary of State was moved to put these also in the non-votable list and enable you to take them out of the purview of this Assembly. The Assembly has to consider this, that it is an annual recurring burden of two crores of rupees placed on the tax-payer in India, and in spite of the deliberate opposition of this Assembly to the contrary, you have not only supported the recommendations but you have made those additional emoluments non-votable. That is our complaint.

I come now to the Taxation Inquiry Committee. You appointed a Taxation Inquiry Committee. We wanted an economic inquiry to precede the Taxation Inquiry Committee. We have all along been telling the Government that the economic condition of this country, of the people of this country, is simply deplorable and that it is impossible for the people of this country to bear the taxation on the scale on which it has been levied year after year, and we have been making statements times without number in this Assembly that the average income of an individual is hardly

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Rs. 30 a year. You have been challenging these statements. We have been telling you to appoint a Committee to prove that we are wrong and that you are right, but instead of appointing an Economic Inquiry Committee you have appointed a Taxation Inquiry Committee. (*Khan Bahadur W. M. Hussanally*: "Has not an Economic Inquiry Committee also been appointed recently?") That is not the Economic Inquiry Committee as we wanted it. They have appointed their own Committee. You know the way in which they appoint their Committees to get the sort of Report that they want. That is too well known (Laughter). Perhaps you will remember that in connection with the Resolution of my friend Mr. Raju—was it Mr. Raju—no, Mr. Rama Aiyangar, an amendment was moved by Mr. Goswami that an Economic Inquiry Committee consisting of Members elected by this Assembly, with some experts, should be appointed. No, they have appointed some sort of preliminary Economic Inquiry Committee of three persons—I do not know who they are, I read in some Gazette I think—(*The Honourable Sir Basil Blackett*: "Why not find out?") in spite of the fact that this Assembly had passed a Resolution asking the Governor General in Council to dissolve the Taxation Inquiry Committee and to appoint an Economic Inquiry Committee as we wanted it. What action have the Government taken? Government have not only not dissolved the Taxation Inquiry Committee, but they have gone further and added some experts, or shall I say in-experts, on that Committee to show to the world that they have strengthened that Committee. What we wanted was the dissolution of that Committee. Instead of that, Government continue spending thousands and thousands—I believe this year we had a provision of about Rs. 2 lakhs and odd on that account. (*The Honourable Sir Basil Blackett*: "The House voted on it on Saturday.") How? Through the operation of the guillotine. I wish the House had an opportunity to have its say in the matter. The House had no alternative. Under one big head "Miscellaneous" were included a number of items, and moreover the guillotine was applied, and now you say, the House voted on it. Is that an argument? Is it fair for you to advance such an argument? If the straight issue were placed directly before this Assembly, whether it was willing to vote for the Taxation Inquiry Committee, I say every Indian Member without hesitation would have voted down that amount. You know it, but you do not want to say so; and you take shelter under the guillotine and say that the Assembly has voted it. These arguments will not deceive us. For a time it might deceive some of us, but it will not always deceive us. We know what you are and what your words and promises mean.

Then, Sir, I come to the Bengal Ordinance. Well, no one can speak on this subject without feelings of humiliation and distress. Young men, respectable men, public men, men of high social status, not five or ten but several, about a hundred or more of them, are still in jail, and we do not know where they are and what they are doing. We have been telling you to place them and the evidence against them before a court of law but you will not do that, and you do not release them. You do not want to do anything in the matter. You do not give any explanation to the public how long you will keep them in jail; you simply say that as long as the needs of law and order require their detention, you will keep them. Nothing incriminating has been found in the several searches that have been made in their houses, and yet without any rhyme or reason you have

kept them in jail since October 1924, and you do not give any explanation to the public as to why you keep them. There you are, the Bengal Ordinance is there. Then this Assembly passed a Resolution asking the Governor General in Council to advise the Governor General to recall that Ordinance. What action has been taken? You do not want to take any action. You do not propose to take any action because you can only govern by these methods. That is the long and short of it. So much with regard to the Bengal Ordinance.

With regard to the repeal of repressive measures, the House will remember that only last year we passed a Resolution in this Assembly asking the Governor General in Council to take immediate steps to repeal all repressive measures on the Statute-book. You do not want to take any action, you have not initiated any measure in that behalf. My friend the Home Member there does not take the slightest trouble to bring in a measure in that behalf before this Assembly; and when in response to that Resolution we bring forward non-official measures, then he strongly opposes those measures. There was the Criminal Law Amendment Bill of Sir Hari Singh Gour, who unfortunately is conveniently absent to-day. When that Bill was discussed in this Assembly my friend the Home Member strongly opposed it; not only did he oppose it in this Assembly but he opposed it in the Council of State.

Sir Gordon Fraser (Madras: European): On a point of order, Sir. Is the Honourable Member entitled to accuse the Chair of all this iniquity? The Honourable Member is consistently saying "You" in making these accusations.

Mr. President: Mr. Patel.

Mr. V. J. Patel: Sir, the Government have not given effect to that Resolution regarding the repeal of repressive measures. The Report of the Repressive Laws Committee is now more than two years old and even the moderate, the modest, recommendations made by that Committee have not been given effect to; and when I introduced a small, a very small measure indeed for the repeal of about half a dozen Regulations and Acts, my friend, the Home Member opposed its very introduction, although I thought that we were really establishing a convention in this House that no motion for the introduction of any Bill should be opposed either by Government or by the non-official Members, unless the motion was obviously absurd. But I found that my friend the Home Member got up from his seat at once and opposed my motion for the introduction of that Bill. We will have more to say about it on the 19th, when the further discussion of that Bill will be taken up. I am sure my Honourable friend the Home Member is not going to give me his support in regard to that Bill. His attitude is well known, the attitude of the Government is well known. They do not want to give effect to the Resolutions of this Assembly. They want to flout this Assembly. They want to govern by these repressive measures and not by conciliatory or legitimate methods, that is, they want to govern by means of force. My friend Sir Charles Innes the other day reminded us of the existence of the Commander-in-Chief and his army and asked my friend Pandit Motilal Nehru to go back to Allahabad and meet the Commander-in-Chief there in the battlefield of Allahabad and try there. That is the reply that you give to all our demands. That is the mentality which underlies every act, every move, on the part of the Government. They do not want to do anything.

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Then, Sir, we recently passed Resolutions regarding the grievances of railway and postal employees. What have you done? We do not know what has been done. One of the Resolutions was referred for disposal to the Central Railway Advisory Committee. It was the railway employees' grievances Resolution. I happen to be a member, unfortunately or fortunately, of that Committee and we have never been asked anything about it. We have not been called. Similarly with regard to the postal employees.

Khan Bahadur W. M. Hussanally (Sind Muhammadan Rural): We never passed a Resolution about postal employees.

Mr. V. J. Patel: With regard to that Resolution my friend Sir Bhupendranath Mitra promised to meet a deputation of the employees. I do not know what has happened since. This Assembly is in the dark. I am sure they are not going to do anything.

Then came the Resolution of my friend Mr. Raju regarding the appointment of a Committee to go into the question of currency. What have you done about it? Nothing. You know we openly charged you on that day that your intention was to fix the ratio at 1s. 6d. and therefore you were delaying the appointment of the Committee. We wanted the appointment of the Committee forthwith; and perhaps the Committee will be appointed after Sir Basil Blackett goes to England and comes back after consulting some of the financiers there. I do not know what is the idea underlying this delay on the part of the Government in respect of this Resolution. Why don't you appoint a Committee immediately? We have always been telling you about the colossal blunders in regard to your currency policy since the year 1919. You have been trying to justify the position that you have taken, the policy that you have adopted, and we have been challenging you, but you do not do anything in the matter. You do not want to appoint a Committee now, because, as we told you then and we repeat to-day, you want to fix the rate at 1s. 6d. You want a finding to that effect from that Committee, and therefore you delay the appointment of the Committee till the opportune moment comes. You have expressed more than once your opposition to the Bills of my friend Sir Purshotamdas Thakurdas. Although they have not yet reached the stage of consideration, you have already in your speeches, not in connection with the Bills, but in the budget speech and in other speeches, indicated what the attitude of the Government is. We do not know where was the justification for all that, unless you wanted to fix the ratio at 1s. 6d., in spite of the opinion of the commercial world to the contrary.

Then, Sir, with regard to Indians in the Colonies, we know what treatment is meted out to our brothers and sisters in South Africa, in East Africa, in Kenya, in Natal. The Government of India have not been able to help them in any shape or form. They have been making sympathetic statements. The Viceroy received a deputation the other day and made a very sympathetic statement, but the situation is there. People are suffering; they are treated not as human beings, to say the least of it, and yet the Government of India are not in a position to secure the redress of their grievances. If we were free to do what we liked, we could have taken by this time a number of measures, retaliatory or otherwise, to set right the situation. We would have even gone to the length of proclaiming war against those Governments. There you are. The Govern-

ment of India would not move in the matter at all. They merely make eympathetic statements. They would not come into conflict or clash with those Colonies for obvious reasons, and the people are suffering. And yet the Honourable Member who is in charge of the Department concerned is sticking to his post. He does not want to move. I am sorry he is an Indian. My friend resented yesterday some remarks about Indian Members of the Executive Council, but I do repeat once again in this Assembly that these Indians are in the Executive Council of this Government. because they are Indians, not because of their high social status, or literary or other attainments. They are there to represent the Indian point of view, and if they fail to represent that point of view they have no business to be there. Why are they there if they fail to represent the Indian point of view? I want them to represent the real opinion of India. Therefore, if they cannot do that, they must get out. We know what has happened in regard to Indians in Kenya, in South Africa, Natal and other places. My friend Sir Narasimha Sarma is not able to do anything in the matter and he is there. My friend the other day complained that we were very hard on the Indian Members, but what can we do? Here are three Indians knowing full well the public opinion of this country regarding the Bengal Ordinance; they go and give their support to the Viceroy in the issue of that Ordinance. What are we to do? Is there an Indian outside the Executive Council of the Government of India who supports your action in the issue of this Ordinance? And yet there are three people whom you have taken into your inner counsels, whom you have appointed as Members of the Executive Council. They support the Government in spite of the declared opinion of the whole people of India.

Then, Sir, we have taxation, fresh taxation, to the extent of 40 crores, (Mr. Devaki Prasad Sinha: "49 crores"), that is since 1913. Since the time of the War it is 40 crores so far as I understand. If it is 49 crores, my friend Sir Basil Blackett will tell me that it is 49 and not 40. I understand there has been new taxation to the extent of 40 crores since the War. My friend Diwan Bahadur T. Rangachariar and his colleagues in the last Assembly gave their sanction to the imposition of all that taxation. They fully co-operated with you. They expected that as soon as conditions changed, there would be reduction in this taxation. Forty crores of new taxation, then you are having 9 crores from provinces by way of provincial contributions, then you are having the interest on the Paper Currency Reserve, you are having the excess over the 40 millions in the Gold Standard Reserve, and what not, I do not know. There are several items which you have been taking on the revenue side, and yet not a farthing of relief to the tax-payers of this country. The whole administration is being carried on on the war basis, although the War is forgotten in other parts of the world, even in England. This administration is run with taxation on a war basis. We have been repeatedly pressing you to reduce your expenditure and to reduce taxation. You would not do it. You do not want to do it. That is the long and short of it.

Then, Sir, I have been complaining during this session of the attitude taken up by my friend Sir Basil Blackett regarding the inclusion of votable items in the non-votable list. I have cited several instances showing that under the Government of India Act, certain items which have been put down in the non-votable list should, as a matter of fact, appear in the votable list. But the only reply is that His Excellency the Governor General has given his sanction to the inclusion of these items in the non-votable list. Then we have been complaining,—and it has been brought

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out very prominently this session,—that large sums of money which should have been charged to capital are being charged to the revenues and a reduced surplus is being shown year after year. Why? Because, if you show a greater surplus, you have got to reduce taxation, which you do not want to do.

Then, Sir, my Honourable friend Mr. Neogy's Bill (I see he has not yet come) on the reservation of railway compartments, which was a very small measure, was opposed by Government. I leave the Assembly to judge the motives underlying that opposition. I leave it at that. (Mr. W. S. J. Willson: "It was thrown out in the Council of State.") Of course, the Council of State is their body. It is not a popular assembly. It is the convenient method of throwing out Bills that this Assembly adopts. The whole machinery is so devised. Our complaint is that we do not want this system of government. You have deliberately devised the Council of State always to support you when things go against you here.

Now, Sir, I come to the response which the Government have made to the demand for a round table conference. It will be remembered, Sir, that Sir Malcolm Hailey, the then Home Member, in reply to the resolution of my friend Pandit Motilal Nehru stated that the Government were going to appoint a committee of inquiry and if the recommendations of that committee showed that advance within the Government of India Act was possible, the Government were prepared to recommend that advance. But if it was found by that committee that no such advance was possible, then Government were not prepared to commit themselves in any way and kept the question open. That was the stand that my friend Sir Malcolm Hailey took in reply to the Resolution of my Honourable friend Pandit Motilal Nehru. Our point of view was, however, quite different. The idea underlying the whole Resolution of Pandit Motilal Nehru was that the people of India should have the right to determine the constitution best suited for this country. That is why we wanted a round table conference. We want to sit together with you and frame a constitution suited to the requirements of this country. The whole demand of the Assembly on that occasion was based on the principle of self-determination. The Indian National Congress has always taken exception to the Preamble of the Government of India Act which lays down that the British people and the British Parliament are to be the judges of the time and measure of each advance to be made in India. That is a principle which we have never accepted. We have protested against this principle times without number, and we take our stand on the principle of self-determination. We want to determine for ourselves what we want. We might not take the control of the military at present, but it is a matter for us to decide. We might not take the Foreign and Political Department under the present circumstances, but it is a matter for us to decide. It is not for you to say: "No, you do not understand what is good for you. You are not fit to take charge of the Military or Foreign and Political Department." It is not for you to say so. Our quarrel is with the Preamble of the Government of India Act and we have always regarded the qualifying clause of the Preamble of the Government of India Act as an insult to the people of India. I will here refer, Sir, to the exact attitude taken by the Indian National Congress which attitude was repeated in the Resolution of Pandit Motilal

Nehru last year and which holds good even to-day. Before the Joint Parliamentary Committee the Indian National Congress stated as follows:

"We desire, first, however, to state without reservation, that the Indian National Congress cannot accept the assumption contained in the Report on Indian Constitutional Reforms that the people of India are as yet unfit for full responsible government. The principle of self-determination has been accepted by the British Government and its Allies as the essential principle to be applied to all civilised peoples. In the case of India, the immediate grant of responsible government, qualified only by the reservations necessary to its position as an integral part of the British Empire (inclusion in which is a cardinal point in the constitution of the Congress, and is fully adhered to, with insignificant exceptions, by every shade of Indian opinion), is the logical expression of that principle. The question of the fitness of a people to manage their own affairs is not to be decided by such specious considerations as are put forward in the report on the Indian Constitutional Reforms. The principle of the right of every people to govern themselves is the basic fact which must be assaulted, if the right is to be withheld; and, while there may be reasons sufficiently strong to remove it from consideration, if attempt is made to apply it to a barbaric or semi-civilised peoples or races which may be considered to be otherwise disqualified or unequal to such responsibility, these cannot be advanced with regard to a people whose civilisation is the oldest existing in the world, who managed their own kingdoms and empires as large as the British Empire in India long before the establishment of British rule in the country, who possess ancient traditions of democratic government, among whom municipal institutions of an essentially democratic character only ceased to exist after the advent of British rule, whose country is economically in so large a measure self-contained and in need only of free development, and whose claim to the same Imperial protection as that so long enjoyed by the self-governing Dominions is based on the indisputable ground of the immensity of their past and present contributions to the military power and economic welfare of the Empire."

That was the position which the Indian National Congress had maintained before the Joint Parliamentary Committee. That was the position we took up at the Calcutta Special Congress immediately after the publication of the Montagu-Chelmsford report. That was the position which we maintained at the time of the round table conference Resolution and that is the position we maintain to-day. I submit, Sir, that you have no right to say that we shall have so much and more. It is for us to decide how much we shall take and how much we shall not take. That is the position.

Now I come to the report of the Muddiman Committee and say a few words from the above point of view. Sir, I do not find fault with the majority, because I realise that they were restricted by the terms of reference. They could not go beyond the terms of reference. They had to make recommendations and suggest remedies within the four corners of the Government of India Act for any defects or difficulties inherent in that Act. The reply given by Sir Malcolm Hailey to the Resolution of Pandit Motilal was, of course, not a part of those terms of reference, but it has been taken as a part of that reference by my friend Mr. Jinnah and others who form the minority. Strictly speaking, my reading of the terms of reference is that the committee had no power to make any recommendations for any advance. They were not charged with the duty of recommending any advance. Of course if we take into consideration

12 Noon. the statement made in this House by Sir Malcolm Hailey and the further fact that the Government of India themselves had placed a memorandum of the possible advance that could be made within the terms of reference before that Committee, when we take these things into consideration, along with the terms of reference, then the majority or the minority would be perfectly justified in making any recommendations regarding such advance as they thought was possible within the four corners of the Act. But, strictly speaking, it was not their business to suggest

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any advance, even within the Government of India Act, because all that they were charged with was that they were to investigate into defects and difficulties inherent in the working of the Act and to suggest remedies. If those remedies necessarily meant some advance, then of course they were perfectly justified in suggesting them. However that is another matter. So far as the Report is concerned I entirely agree with what my friend Pandit Motilal Nehru has already said, namely, that we disagree with the majority report altogether, and we agree with much of what has been stated by the minority in their report, and we disagree with much more of what has been stated by them. That is the position briefly put by Pandit Motilal Nehru the other day regarding this report. The question is on what points do we agree? We agree with the minority when they say that dyarchy has failed, that the present constitution has broken down, that nothing that could be done to help it will save it. It is gone; it is finished; and that no improvement is possible in that constitution. I repeat we agree when they say that the system of dyarchy on which the Government of India Act is based is unworkable, that it is a complex system, that it is a cumbrous system, a system which has never been tried in any part of the world, anywhere at any time since the beginning of the world. Such is the system you introduced in this country, and the minority has found that that system has failed. That is the recommendation of the minority. So far as I have read the report of the majority, I find that their finding on this question is half-hearted. I cannot make out what they mean. The majority do not know their own mind; they do not expressly say that the dyarchy has failed, nor do they say that it has been successful; they are nowhere. Probably they mean that a sufficient trial has not been given to the system, and therefore it is too early to express an opinion. It is very difficult to say what their recommendation really amounts to; but there is no doubt that they are not in a position to say to-day that the system of dyarchy has been successful. The minority however is quite clear and emphatic that the system of dyarchy has failed. Now in reply to that minority recommendation, all I can say to my friends who have signed that report is, "I told you so." The Indian National Congress told you six years ago that dyarchy was unworkable. It would not work, it was a novel system, it was a complex system, it was a hopelessly cumbrous system; it would never work. We did not go into the Committee simply because we knew what it was. There was no question about it. I have a vivid recollection of one of the members who signed the minority report giving evidence before the Joint Parliamentary Committee and saying that dyarchy in his opinion would be successful. He supported dyarchy and he said he was confident that dyarchy would be successful. After six years working of that system, or say 5 years, I am glad to find that my friend Mr. Jinnah has come to the view which was expressed so often by the leaders of the Indian National Congress

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, it is an absolutely untrue statement to say I ever said before the Joint Parliamentary Committee that dyarchy would be successful.

Mr. V. J. Patel: I may be wrong in my statement

Mr. M. A. Jinnah: It is a false statement.

Mr. V. J. Patel: No, do not say false, do not be in a hurry (Laughter). (Looks up a reference). It is an important point

Khan Bahadur W. M. Hussanally: May I inquire, Sir, if there is any time limit?

An Honourable Member: Show it to Mr. Jinnah after lunch.

Mr. V. J. Patel: I will show it to you and him just now.

Mr. Devaki Prasad Sinha: May I suggest to Mr. Patel that no evidence of it is necessary since Mr. Jinnah is prepared to-day to work dyarchy?

Mr. M. A. Jinnah: That is not the point. The point is Mr. Patel stated that I said before the Joint Parliamentary Committee that dyarchy would be successful.

Mr. V. J. Patel: (Reading questions by Mr. Montagu and answers by Mr. Jinnah):

" Q.—Do you wish that those Indian members should be Ministers at the outset?

A.—Yes.

Q.—Or do you wish that they should be members of the Executive Council?

A.—No; Ministers just like the Provinces. I attach very great importance to the beginning being made in the Central Government. I attach the greatest possible importance to it. I say that if you really want us to work it should be done.

Q.—They should be Ministers?

A.—Yes.

Q.—Therefore you have no fear yourself whatever that dyarchy is unworkable?

A.—Well, yes, I am convinced that dyarchy is the only possible way out of this difficulty that we have to face.

Q.—There are Indian witnesses, who have been before this Committee, whom you have probably heard, who are doubtful about dyarchy?

A.—I am not doubtful. I think myself it is bound to succeed."

If this is the evidence of Mr. Jinnah

Mr. M. A. Jinnah: Sir, if Mr. Patel takes one paragraph and quotes only that, I say it is an absolute misrepresentation. I started with this proposition, was there any other alternative? There being no other alternative that we could suggest, I said under the circumstances this was the only position to take up.

Mr. V. J. Patel: I will once more read this last question:

" Q.—There are Indian witnesses who have been before this Committee, whom you have probably heard, who are doubtful about dyarchy?

A.—I am not doubtful. I think myself it is bound to succeed."

I leave the Assembly to judge who is right and who is wrong. However that is not the question. I am glad that, after five years' experience of the working of dyarchy, my friend Mr. Jinnah and those who have signed the minority report, and all the Moderate leaders who have actually worked the dyarchy, have come to the one and obvious conclusion, the only conclusion possible, that dyarchy has failed, and that nothing one can do will save it.

Mr. B. Das (Orissa Division: Non-Muhammadan): But, Sir, is it not a fact that Mahatma Gandhi wanted to work dyarchy before the Jalian-wala Bagh tragedy and the Rowlatt Act?

Pandit Motilal Nehru (Cities of the United Provinces; Non-Muhamadan): That has nothing to do with the question and is not quite true.

Mr. B. Das: But Mahatma Gandhi wanted to work the Reforms in those days.

Mr. V. J. Patel: You have worked it and you have found what it is worth. Experience has taught those who thought that dyarchy would succeed, experience has shown them that it has failed and that nothing you can do will save it; and therefore with that part of the minority's recommendations we on behalf of the Swaraj Party entirely agree. And the second part with which we agree is this. They say that a complete overhauling of the Government of India Act is necessary and with that finding also we wholeheartedly agree. We also agree with one recommendation of the Honourable Sir Alexander Muddiman and his friends. They say that no advance which they could recommend within the terms of reference or within the terms of the Government of India would satisfy Indian public opinion. That recommendation is quoted with approval by the minority in their report and with that we entirely agree. The recommendation of both the minority and the majority is that no advance which they could suggest within the terms of the Government of India Act would satisfy Indian public opinion. This is wholly true. The United Provinces Government say the same thing; the Bihar and Orissa Government also have no doubt about it. I will just quote what the United Provinces Government have to say about it:

"The Governor in Council concludes that the answer to the whole inquiry may be summed up in the statement that there is no half-way house between the present and the new constitution. He expresses no opinion on the demand for the latter, but he is clear that concessions which fall short of complete provincial autonomy will placate no section of the opponents of the existing system; that they will secure neither stability nor contentment; and that they will lower the efficiency, already impaired, of the administration."

Then, Sir, at page 187 of this report, the opinion of the United Provinces Government is again quoted as follows:

"The transfer of all these subjects would not satisfy any section of Indian politicians. On this point the repeated declarations of prominent Liberals leaves no room for doubt. The opposition to the present Constitution would be in no way weakened; on the contrary, it would be strengthened in the measure of success achieved; while the capacity of the Government to resist further concessions would be correspondingly diminished."

That is what the United Provinces Government say. The Bihar and Orissa Government observe:

"Whatever defects exist are inherent in the system itself; and this raises the main point which is the keynote of the discussion. Assuming that a further step in advance is contemplated, on what grounds is this step going to be taken in order to make dyarchy more workable? It is workable now, though creakily. The few minor remedies suggested above may cure a creak or two but they will affect the larger questions in no degree whatsoever. The real issue is: Are we going to pacify at all costs our clamant critics? If this is the object to be sought, not one of the few minor remedies suggested above will influence them one jot or tittle. They will be satisfied with nothing but the disappearance of dyarchy and in its place the substitution of what is popularly known as provincial autonomy. That as already emphasised is the real issue which has to be faced."

That, Sir, is the position. The minority as well as the majority, as well as the Local Governments whom I have quoted, all come to the only conclusion, namely, that no recommendations which the Committee could make, within the four corners of the Government of India Act, would

satisfy Indian public opinion. The question of questions, therefore, is: Are you or are you not going to satisfy Indian public opinion? That is the question you have got to solve and that is the question which was raised by the Resolution of the Honourable Pandit Motilal Nehru last year in regard to the round table conference. Are you or are you not going to satisfy Indian public opinion? The majority, the minority, the Bihar Government as also the United Provinces Government all agree that no advance that could be devised within the Government of India Act would satisfy Indian public opinion. And therefore the minority goes further and says that a complete overhauling of the Act is called for. This in my opinion follows as a matter of course without their saying so. If no advance within the four corners of the Government of India which is likely to satisfy Indian public opinion is possible and if Indian public opinion is to be satisfied, then it goes without saying that the Government of India Act must be entirely overhauled.

The Honourable Sir Alexander Muddiman (Home Member): I am sorry to interrupt my Honourable friend but I have a grievance against him. He did not quote quite correctly from the report. What the majority said was as follows:

"We are all satisfied that no recommendations which we may make within the terms of our reference will satisfy all sections of political opinion." p. 76, para. 92.

Mr. Rangaswami Iyengar (Tanjore *cum* Trichinopoly; Non-Muhammadan Rural): Was that the reason that no recommendations were made, that you wanted to satisfy all sections of political opinion?

The Honourable Sir Alexander Muddiman: I am merely correcting what will be obvious to the House was an incorrect quotation by my Honourable friend Mr. Patel.

Mr. V. J. Patel: I want to satisfy myself whether I am right or wrong. This is what the minority say at page 186.

The Honourable Sir Alexander Muddiman: I am not concerned with what the minority said. I am concerned with what the majority said.

Mr. V. J. Patel: What your colleagues in the minority report think about your recommendations is what I am quoting. If their interpretation is wrong, I am also wrong. The minority say the majority of the Committee think that no recommendations within the terms of reference would satisfy Indian public opinion. That is the interpretation of the minority on the recommendations of the majority and I take my stand on it. If my Honourable friend Mr. Jinnah and his friends have misunderstood the recommendations of my Honourable friend Sir Alexander Muddiman and his friends, it is not my fault.

The Honourable Sir Alexander Muddiman: Will the Honourable Member agree that the recommendations of the majority will be found in the majority report? If so, will he read, I ask in common fairness—it is no use misstating facts—page 76, paragraph 92, where we make our actual recommendations. I am not asking from him as to any inference which can be drawn from them: let us have the facts as they are set down there.

Mr. V. J. Patel: I must leave my Honourable friend Sir Alexander Muddiman to Sir Sivaswamy Aiyer, Mr. Jinnah and Dr. Paranjpye to settle matters between themselves. I put the same construction on the

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recommendation of the majority that the minority do. In the report the minority clearly tell us that the majority think that no advance which they could suggest within the terms of reference or the four corners of the Act would satisfy Indian public opinion. That is the interpretation which they have put, and you will excuse me if I claim the right to put the same interpretation. If I am in the wrong I am in good company.

The Honourable Sir Alexander Muddiman: My Honourable friend prefers hearsay evidence to the document itself. I doubt if the House will agree that he has met my point.

Mr. M. A. Jinnah: I shall point out to my Honourable friend Mr. Patel how he has misrepresented me about this very report. I will do so when my time comes and I ask the Honourable Member really to be more fair to those who do not agree with him.

Mr. V. J. Patel: Well, I have quoted you word for word. If anything has been left out, you can quote more.

Mr. M. A. Jinnah: I shall show how you have misrepresented me.

Mr. V. J. Patel: Sir, I have used Mr. Jinnah's own words. If he wants to add anything I have left out, he is at liberty to do so.

Mr. M. A. Jinnah: No, I will not.

Mr. V. J. Patel: Will he kindly bring them forth and draw any other inference from the words he likes. However, that is not the question. We of the Swaraj Party agree that the present system has failed, that the constitution is unworkable and that no advance which any committee could suggest within the terms of the Government of India Act would satisfy Indian public opinion. There we agree, we have no quarrel with that recommendation.

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

Thank you, Sir, because I will get some more time (Laughter). The second recommendation with which we agree is that the whole of the Act requires to be overhauled. The majority do not make that recommendation. I do not know why. Probably, they do not want to satisfy Indian public opinion and therefore they refrain from making that recommendation, while my Honourable friend, Mr. Jinnah, and those who have joined him, are of opinion that the public opinion must be satisfied and therefore they go further and say that the Act should be completely overhauled. With that recommendation of the minority we also agree. But the method by which it should be overhauled, the particular manner in which it should be overhauled and the extent to which it should be overhauled, are questions on which Mr. Jinnah will pardon me for saying so, we have our differences with the minority. We cannot support any suggestion for a Royal Commission, because that goes absolutely against the principle of self-determination which we claim should be applied to India and for which we are fighting for so many years. We want the right to determine our own constitution. We want to say what is good for India and what is not.

and we do not want a Royal Commission to take the trouble of coming over from England, stay here for months, meet this functionary and that, this official and that, this public man and that, and then finally draw up a report which will either go back upon the Act or advance further. We want to sit down with the Government or with Parliament—the leading men of Parliament, the British Cabinet—and think over the matter and come to some definite decision as to what is best for India, because we have never said that we want to go outside the British Empire. It is ultimately the British Parliament that has got to pass the necessary legislation. In the Resolution of my Honourable friend Pandit Motilal Nehru it has been clearly stated that the round table conference should frame a constitution, get the approval of a newly elected Legislature of this country, and ultimately ask the British Parliament to adopt that legislation. We have not ruled out the jurisdiction of the British Parliament in this matter. We have not yet declared, and I hope that the time will not come when we shall have to declare, that we propose to go out of the British Commonwealth. That is not the position that we take up at present. So long as we propose to remain within the British Commonwealth, we are bound to go to the British Parliament for the final legislation, just as Canada did for itself. The constitution for Canada was drawn up by her representatives and the Parliament of England was asked to put it on the Statute-book and that was done. That is what we want. A similar privilege we claim, a similar right we claim, and that is the only self respecting course for us to adopt. That being the position, we say that the recommendations of the minority have failed to take note of the fundamental principles on which we have based our claim all along. The recommendations of the majority are to say the least not worth the paper on which they have been written. I wish they had not taken the trouble to write that report. They suggest the transfer of what? Of Gas! We do not want that. Let them keep it themselves. They say Boliers should be transferred. Whether Presses should be transferred or not is a question which requires consideration. These are some of the recommendations of my Honourable friend, Sir Alexander Muddiman and his friends. Such is the advance within the Government of India Act which they suggest. My Honourable friend, Mr. Jinnah, while maintaining that no advance within the terms of the Government of India Act would satisfy Indian public opinion, very rightly suggests that the majority though they thought they were bound down strictly to the terms of reference at any rate, should have recommended that all subjects except law and order in the provinces should be transferred. Sir Tej Bahadur Sapru goes further and says, "I do not object to their transferring any more subjects, but I shall not myself recommend transfer of any subject because I know that even if some subjects are transferred dyarchy is not going to work. No transfer of a few more subjects will keep dyarchy alive. It is bound to fail, and therefore it is no use my recommending the transfer of a few more subjects." He has taken the only possible stand that could be taken under those circumstances. On the whole, Sir, what I contend is that, although we agree with much of what the minority has said in its report, we disagree with much more of what has been said in those recommendations. Some of the points of our difference were stated by my Honourable friend, Pandit Motilal Nehru, the other day and I do not want to go into them now. One thing I should like to point out and it is this. Personally speaking, I am strongly opposed to the reservation of the control of the military and the military expenditure with the

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irresponsible bureaucracy. So long as the control over the Army Department and the army expenditure is not transferred to the representatives of the people of India, it is absolutely impossible for the people of this country to be ready for self-defence.

Pandit Shamlal Nehru: What about law and order?

Mr. V. J. Patel: It will take care of itself. You are there. (Laughter.) The minority unfortunately seems to agree with the view that the subject of defence should remain reserved with the Governor General. With that recommendation I am not in agreement, because I feel very strongly that if India is ever to be prepared for defence, then the military should be among the first subjects that should come under the scrutiny of this House. Unless that is done, it is absolutely hopeless to expect that we shall ever be prepared for self-defence. As my Honourable friend, Mr. Jinnah, the other day very rightly pointed out, the Government do not intend, do not mean to prepare this country for self-defence. He charged them with want of *bona fides*. In those circumstances, is it or is it not right for the people of this country to insist that the control over the military and the military expenditure should be among the first subjects that should come under the control of this Legislature? I am sorry that my Honourable friends have stated in their minority report that ability to defend is vital to political advance. I do not agree with that recommendation. I would refer my Honourable friend Sir Sivaswamy Aiyer to his own statement in his little pamphlet, the "Self-defence of India." He says:

"Here I may point out the bearing of this question of the Indianisation of the army on the grant of responsible Government. It is necessary to point out, in the first place, that if the goal of full Responsible Government requires that India shall be eventually able to undertake her own defence, it does not necessarily follow that the ability for self-defence should fully develop before Responsible Government can be conceded."

Then he goes on:

"A resolution of the House of Commons in 1802 laid down 'that while it was recognised that all parts of the Empire must have Imperial assistance against danger resulting from Imperial policy, the responsibly governed colonies should, as far as was possible, bear the expenses of their own internal defence and ought to assist in their external defence.' The imperial forces maintained by the colony were not withdrawn immediately upon the grant of responsible government without consulting the needs of the colony or so as to cause them embarrassment. It must be remembered that while self-governing colonies made no contribution to the cost of the military forces maintained by the Imperial Government, India has always shouldered the expenditure required for her defence, external as well as internal. The forces required for both these purposes have always been maintained by India at the cost of the Indian exchequer. The pecuniary obligations of self-defence having always been fulfilled by India, she may reasonably claim that the grant of responsible government should not be delayed on the ground that she may not be able to officer her own army with Indians. The inability cannot be ascribed to any fault of ours and we are anxious that it should be removed as early as possible consistent with the requirements of training and experience. The complete Indianisation of our army is not thus a *sine qua non* for the grant of responsible government."

That being the position, Sir, and as we do not believe that the Benches opposite mean to prepare this country for self-defence, the first thing necessary is that military expenditure and the control of the military should be with the representatives of the people, otherwise we shall never be ready for self-defence. Of course I realise that once we get the control of the Army it will take some time before we completely Indianise the

Army and be ready for self-defence but it has got to be remembered that we are a part of the British Commonwealth and if India helped England and her Allies during the last war, India expects that in her hour of trouble England will also come to her assistance. It is not that India stands by herself in this world. She is a part of the Commonwealth of nations and I am sure that if India is granted responsible government to-day we do not want the Britishers to go away from here to-morrow bag and baggage. That is not our intention, and I hope they will remain. I trust they will remain. I will beg of them to remain. I do not want them to go away. I want them to remain as our equals and not as our masters, but the truth is that those Britishers who are opposed to the legitimate aspirations of the people of this country for freedom may as well walk out while those who really want to serve humanity and serve this country are perfectly welcome. During the transition period we can rely upon the help of a large number of Britishers who are at present serving in the civil and military administration of the country and who really mean well by the people. We are not going to ask them to walk away to-morrow. As soon as we get control of the Army, the first thing we shall proceed to do is to Indianise the Army on a large scale. We shall reduce the expenditure to a large extent and utilise the saving for nation-building purposes. There is a large room for reduction in the military expenditure. That shall be our first concern, the first concern of the responsible Legislative Assembly. We shall open not one or two but a dozen Indian Sandhursts in this country. We shall send our best young men to Germany, to America, to Belgium and other countries for military training. We shall invite the best military experts from other parts of the world to train up our young men. What is the difficulty? What did Japan do? Japan in the course of a few years became a first class military power in the world. Give us the control and there will be no difficulty, but so long as you do not give us that control, we shall not vote supplies to carry on the administration. I think it is the solemn duty of every Indian Member of this Assembly to refuse supplies to a Government, which is so irresponsible, which is so unyielding and deficient in spite of a number of votes of censure passed against it. I therefore trust that no Indian Member will give his consent to the passing of the Finance Bill.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): Logically, Sir, having passed the Demands we are committed to the principle of the Finance Bill. Those of us who have voted for the passing of those Demands have committed ourselves to it in a general way; but there are two occasions when this House has an opportunity of discussing freely without any time limit the constitutional issue before the country. (*A Voice: "Be brief."*) I will give my friends the assurance that I will not tire their patience during the rest of the ebbing hours of this day by making a long speech. But, Sir, the situation is peculiarly important. We have heard mention in the lobby of the House during the last fortnight or so of the proposed visit of His Excellency the Viceroy to England to hold consultations with the Secretary of State and the British Cabinet there in regard to the Indian situation and how this situation can be best faced or met. We have heard it in the lobby of the House that this year's budget debate and the debate on the Finance Bill has a peculiar importance attached to it in view of this visit, and we have always thought during the last fortnight that every party on this side of the House has been anxious to take advantage of this occasion to

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make their position absolutely clear to His Excellency the Viceroy and to the Secretary of State for India in England and the Cabinet there in regard to the demand for constitutional advance; and they want that judgment shall not go by default against them on account of any lack of clarity or strength in the presentation of their case. This, Sir, is my excuse for intervening in this debate, at this moment. The situation is, to our mind, very critical. We know the situation from the inside. We know it, Sir, not from police reports or from the secret dossiers of their agents but we know it from direct personal contact with the movements and we know this that the situation is very critical and in view of this critical situation it is absolutely necessary in the interest of the Government as well as in the interest of the people that the truth, the whole truth and nothing but the truth should be known to the authorities responsible for the future government of this country. And what is that truth? The truth really is that the vast majority, by far the largest body of political opinion in this country is, in the first place, not anxious to break away from the British connection. Even my friends the Honourable Mr. Patel and Pandit Motilal Nehru—none of our Swarajist friends are committed to break up the British connection by force. They have accepted frankly, honestly, publicly and unequivocally, that self-governing Dominion status is the objective of their obstruction.

Pandit Motilal Nehru: Immediate objective.

Mr. Bipin Chandra Pal: Immediate objective? Of course, immediate objective, but whatever distant objective there may be of our present political or national evolution, that objective is upon the knees of the gods. And I personally think, so far as my poor vision goes into the far distance, the world is moving towards an ideal not of isolated sovereignties but of federal sovereignties. The world is not moving towards breaking up into small principalities or large all-devouring empires, but the world is moving definitely, if historic evolution has any meaning or purpose in it, towards a larger federation of humanity politically and culturally and in every other department of life than what the world has as yet known. The immediate objective is self-governing Dominion status with a view to get our legitimate and rightful place as an equal among equals in the British Commonwealth of nations. That is our immediate objective, I will say, to please Pandit Motilal and his friends. But what next? The next is world federation where Asia and Europe and Africa and all the races of mankind shall be joined together as one people for their own profit and the glory of God. That is, Sir, the far-distant objective and not isolated empires trying to cut each others' throats. Shall we be like the militarist empires of Europe? Is that what is supported by your own ancient culture and civilization, to go and rob everybody that has something to be robbed of, or cutting everybody's throat whom your sword can touch? That is not the ideal of Indian culture. That was not the ideal of empire when India did dream of an empire in the days of Asoka. Ours was not the ideal of isolated cut-throat Imperialism. Ours was the ideal of universal federation, universal fraternity and universal humanity. That is the ultimate objective. That is our ultimate objective, but the immediate objective, as a step towards that universal federation, is to enter the federation of the British Commonwealth upon equal terms, upon honourable terms, as an equal member with the other members of this federation, including Great Britain herself. Now, Sir, that is the objective of every school of Indian

politicians. I hope, I hope and I trust, and I beg of His Excellency, when he goes out to London not only as the representative of the Executive Government in India, but as the moral spokesman of the people who have been committed to his charge during these four years, that he will make it clear to the Secretary of State for India and to the British Cabinet that there is absolutely, so far, no serious movement in India desiring to forcibly break up the British connection. I hope His Excellency will make that clear. That is the clear verdict of this House, though some may look to the gallery and with an eye on the idol of the market-place, try to confuse that ideal in putting the adjective "immediate" before this ideal. Now, Sir, that is the first thing. Let us be clear upon this point. We do not want to break up the British connection, and why? Not out of regard for British susceptibilities, but because of the fact that it has been already recognised in course of the last decade or so, because it has been already established in practice that these partner states are sovereign states. All the self-governing Dominions are accepted as sovereign states by the British Cabinet. They are sovereign states; and if we have the status of sovereign national states, the same status as Canada or Australia or the other parts of the self-governing Empire, then we shall be as independent as any nation can legitimately want to be. And our ideal,—our practical needs and the demands of our ideal, both combine to lead us to accept the maintenance of the British connection as a legitimate part of our natural ideal. But if that connection is to endure, the present subjection must go. If this connection is to endure, this subjection must go, let there be no mistake or confusion about it, and the sooner this subjection goes the greater will be the chances of the endurance of this connection. If you prolong this struggle between the will to freedom of the Indian people and the will to domination of the Treasury Benches—if you continue this struggle, then it will pass out of our hands. The issues will pass entirely out of the hands of Indian statesmanship. You talk of the bomb thrower, you talk of the political assassin, you talk of the political revolutionary. Now, Sir, they have not as yet developed any physical menace in this country. But they are a moral force; they are a spiritual force. It is the spirit of revolt that creates, the spirit of revolt not in one individual but the spirit of revolt in the whole nation, it is the spirit of revolt in 370 millions of people, not patent but latent, working subconsciously in them, which creates the bomb thrower and the revolutionary. And as long as that spirit of revolt is there, there is danger to the continuance of the British connection. It is for this reason that we ask you, we beseech you, in your interest and in our interest, to make haste to solve this problem. But you say, there are difficulties. We know there are difficulties. If there were not difficulties you would not be here and my friend Mr. Patel would not be there. There are difficulties. (*A Voice*: "What are they?") I will come to that. The first difficulty is my Swarajist friends. (*Laughter*.) They are the first difficulty, because they are creating an atmosphere in the country which does not make for reconciliation but makes for the continuance of the conflict. (*A Voice*: "We have been trying conciliation for 50 years.") (*Mr. Chaman Lall*: "May I ask what the Honourable Member himself has been doing all his life?") Quite true. I will answer that question of my Honourable friend Mr. Chaman Lall. (*A Voice*: "May I remind him . . .") One question at a time please (*Laughter*).

Mr. Deputy President: Will the Honourable Member go on in his own way and not mind the interruptions.

Mr. Bipin Chandra Pal: You might ask me, Sir, if that is your ruling, to sit down. You might ask me, if somebody should scratch my feet, that I should not give a kick. Nature works, Sir, automatically. Now, Sir, the whole question is this. (*A Voice:* "Has the Honourable Member come here to kick?") (*Cries of "Order, order."*) No, only if you scratch my feet. You are not scratching my feet. You are scratching my back only now. Now, Sir, the whole question is this. It has been asked, what I have been doing. Creating complications? I tried to rouse the sensitive patriotism of the people when they were asleep. I tried to rouse the self-consciousness of the people when there was no self-consciousness in them. I tried to quicken the political sense of my people when political sense was more or less dormant or practically dead. I tried to create conflict with a view to evoke self-consciousness. But once the self-consciousness is awakened, to keep up the conflict is copy-book politics, Sir. I created the conflict certainly. My friend Pandit Motilal as an experienced lawyer who has fought many cases and compromised perhaps a few if not many—did he present the terms of his "sulenama" at the time he presented his complaint to the court? He first tried to frighten his opponent into a reasonable mood. (*A Voice:* "That is what you did?") Yes, Sir, I did that.

Pandit Motilal Nehru: My friend need not foist his tactics upon me, Sir.

Mr. Bipin Chandra Pal: No, he does not try to frighten. He does not try to frighten the Government. What were those tactics he employed to induce a reasonable frame of mind? What was the meaning of my friend's tactics last year when he threw out the Budget and we had that war dance over the body of the last Finance Bill here? What were his tactics? (*Pandit Sham Lal Nehru:* "What were your tactics in 1907?") He wanted to create an impression upon the Government, that is, to impress the Government with the strength of the obstruction or the opposition which he commanded. That was what he tried. And we had to try, Sir, in 1905-1906 to create an impression upon the Government, that we were not so weak as they thought us to be, and they twitted—it is on public record—they twitted the youth of Bengal out of the infamy of his physical cowardice into being a bloody revolutionary. They drove the youth of Bengal into the revolutionary camp, that was the work of the Government not ours. But having awakened this consciousness in the country, having quickened this political sense in the country, I do not think there is any justification in carrying on the conflict needlessly any further. We ought to put our heads together now—the representatives of the Government and the spokesmen of the people—to find a way out of the *impasse* in which the Government and the people find themselves. We ought to put our heads together now to find a way out of these difficulties which face us to-day.

I have been asked, what are the difficulties. I know, Sir, what are the difficulties. There are differences in our own community. But before I come to my community I had better take note of my environment (*Laughter*). There is the representative of British capitalist enterprise. They are put, one on my left and another on my right, to keep me out of harm. And they want to know what will be their position when we get Swaraj. That is our first difficulty. Now my answer to this is that all sane and sound and thoughtful political opinion in this country fully recognizes that we must tolerate, even if we may not welcome, British capitalist

enterprise in this country. (*Mr. Darcy Lindsay*: "Why don't you welcome it?") We shall certainly welcome you when we have Swaraj and when we can impose our terms on you; but we cannot impose our terms upon you now, as Japan imposes her terms on foreign capitalist enterprise, as China imposes her terms on foreign capitalist enterprise, and as Turkey imposes her terms—even Turkey, Sir, subject to her physical and financial difficulties—, as all these independent and self-governing nations impose their terms, even as Canada imposes her terms upon British immigrants and British capitalists; when we are able to impose our own terms similarly on you, then we will welcome all the wealth you can bring to this country to develop our resources for our benefit first and for your profit next. Now, Sir, that is our answer to them. We know that we cannot do without British capital in the present state of the country. We know that we cannot do without British enterprise in the development of our economic life. We are thankful to them for what they have done; only when they put up their account and say, "You must pay us so much for having done all this", it is then that we have to look carefully into their account and see whether their bill is correct or not. We are grateful for what they have done. Our gratitude is, "like Dian's kiss unasked and unsought", ready to go out to them, but when they claim it as of right, then we have to look into their account. Let them not *claim* our gratitude, and we shall give it to them freely. We are thankful to them for what they have done. We have the tea industry to their credit; we have the jute industry to their credit, we have other industries to their credit. They were the pioneers of these industries. And what is the result now? Now, in my district of Sylhet we have a very very large percentage of the tea gardens under Indian management, with Indian proprietorship, conducted efficiently, as efficiently as any European managed concern, by Indians themselves. Now all this we owe to the example and the initiation of British capital and British enterprise in my own native district of Sylhet. So also in other parts of the country. We do not ignore what they have done. But our complaint has always been this that they have taken more than their just share in these concerns. Our complaint against them is this, that owing to their social intimacies with the authorities, they have had special advantages which are denied to Indian capital and Indian enterprise. They enjoy not in law but in practice advantages which those of us who want to develop our industries themselves do not enjoy. (*Mr. W. S. J. Willson*: "Will you explain that?") I will explain that, Sir.

Mr. Deputy President: Order, order. May I ask the Honourable Member how these remarks are cogent to the principle of the Finance Bill?

Mr. Bipin Chandra Pal: Well, if the Honourable Deputy President will say they are not, I will sit down but I understand

Mr. Deputy President: I wish to hear the Honourable Member on that point.

Mr. Bipin Chandra Pal: I understand, Sir, that the constitutional issue is a legitimate issue to be discussed in discussing the Finance Bill. My friend Mr. Patel has shown us the way. He has dealt with the grievances and may I not show the way to a reconciliation of the present conflict that justifies, in the opinion of a section of this House, the rejection of the Finance Bill.

Mr. Deputy President: The Honourable Mr. Patel attacked the Government on the general policy. The Honourable Member from Bengal is now discussing the merits of the European capitalists.

Mr. Bipin Chandra Pal: Now, Sir, may I submit that my point is this, that the presence of the European capitalist is one of the difficulties in the way of the granting of immediate responsible government to this country. The Honourable the Deputy President and all the Members of this House know that in the Montagu-Chelmsford Report the European community is given a special chapter, and their claims to special consideration and the difficulties created in the way of granting full responsible government immediately owing to their presence in this country, are dealt with there. It is for this reason, Sir, that I refer to it, and I want to make it clear that those of us who are wanting to have an early establishment of Swaraj do not want to destroy the legitimate interests of British capital in this country. All that we want is this, that our capital may be treated absolutely on the same terms as British capital imported from outside. (*Mr. W. S. J. Willson:* "Is there any difference now?") Not legal, Sir, but in practice I understand that there is a difference. And it is only natural. Now that I have known my Honourable friend Mr. Willson intimately, if I want a favour from him, he will not be able to refuse me but he may easily refuse it to an outsider, and similarly when they enter into intimate social relations with the officials who have got patronage, in the granting of licences and other things, in their hands and at their discretion, our European friends do gain certain advantages over their Indian rivals in these matters—but I will not labour that point. Sir, let us leave it alone. What I want is this. I say that these are our grievances, and if these grievances are removed, there can be no difficulty in regard to the getting of legitimate profits by European capital in this country.

Our next difficulty is the Hindu-Muhammadan problem. This is thrown into our teeth at every turn. They say, "You cannot unite". Yes, you do not take the trouble to probe into the problem. I ask you, have you made any endeavour to place us on our feet? You have been imported here from another country to rule over our people. But just try to imagine yourselves as our own people, the representatives of the teeming millions of India, the custodians of the civilization of India, the agents of the better mind of the country, the guardians of the highest interests of the people of India, and I ask you, how would you solve this problem? You sit there tight and say, "Now that you have got this Hindu-Muhammadan difficulty, we cannot do anything to help you in the solution of this constitutional problem. You must settle your differences first and when you have done that, when you have put your own house in order, when you are united as a nation, we shall be ready and willing to grant you responsible government." If you were our government, one of us, would you not, instead of taking shelter behind this plea, apply yourselves seriously, honestly, to the best of your light, would you not apply yourselves seriously and honestly to help the solution of this problem? How will this problem be solved? Not by creating difficulties, or by letting things drift their own way, but by doing things that must be done to remove them. Did you ask us when you passed the Morley-Minto Act? You never asked us. Did you ask us when you introduced communal representation for the first time, I think, by the Morley-Minto Act, in the constitution of the Legislatures in India? You did not ask us. Why couldn't you do it the other way? Why couldn't you say, "No, we are the representatives of a

higher democracy than what India has known in the past, we are moving towards an ideal which India has not had as yet an opportunity of materialising for herself, and we will make it possible for India to realise that ideal"? You have imposed many things upon us. Haven't you? You have imposed many things upon us without our asking for them. Why could'nt you impose a civilised constitution, a democratic constitution, a rational constitution, a workable constitution, upon us when you had that opportunity? Woodrow Wilson was not born in European politics then and we had not learnt the phrase "self-determination" at that time. We did not claim self-determination then. And you might have well done without communal constituencies then. But you did not. You created these difficulties. The communal difficulties were all your creation first and foremost of all. Now, I want you, I beseech you, I appeal to you, in your own interest and in our interest also, to sit down and find a solution of this problem. Why do you look to place-hunters and flunkeys, why do you encourage place-hunters and flunkeys to create this difficulty? If you say, as Sir Alexander Muddiman said the other day in another place, that the offices shall go by efficiency and not by creed or denomination, if you say that, make it plain, not so many percentage of offices according to population shall go to this community and the other percentage to that community and stick firmly to this principle, more than half of this difficulty will disappear. No, Sir, national self-government does not demand that a particular community shall enjoy in proportion of their population the leaves and fishes of office. National interest demands that we should have an efficient and an honest public service and that whoever submits to these tests of an efficient and honest public service should have admission into it. You did not do it. You had an opportunity of doing it. But you will say there would be such an uproar. Are you getting less uproar now on account of these difficulties?

Mr. Mahmood Schamnad Sahib Bahadur (West Coast and Nilgiris: Muhammadan): Was it not because we desired, that communal representation was introduced?

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): The Honourable Member was very sarcastic about Mr. Patel taking such a lot of time.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): May I ask the Honourable Member whether the All-India Muslim League is a body of flunkeys?

Mr. Bipin Chandra Pal: No, no, Sir.

Khan Bahadur Sarfaraz Hussain Khan: What is their demand then in regard to communal representation?

Mr. Bipin Chandra Pal: I did not refer to the demand of the All-India Muslim League or the Khilafat Conference, but I am referring to the intrigues of place-hunters and flunkeys behind the gubernatorial throne in various places.

Khan Bahadur Sarfaraz Hussain Khan: Do you connect this with the demand of the All-India Muslim League?

Mr. Bipin Chandra Pal: No. What I say is this, that if they had not introduced the communal principle in the Minto-Morley Act, this evil would not have been here to-day.

Khan Bahadur Ghulam Bari (West Central Punjab: Muhammadan): That is the result of the bad treatment of one community by the other, and not the doing of the Government.

Mr. Bipin Chandra Pal: All right, let us fight it out. I am appealing . . .

Mr. Deputy President: I have to remind the Honourable Member that he is going too much into details in discussing this question.

Lala Duni Chand (Ambala Division: Non-Muhammadan): Are we to understand that the Honourable Member is opposing the motion?

Mr. Bipin Chandra Pal: Now, Sir these are our difficulties, and I say that these are not insuperable difficulties. If they will apply themselves with all the power they have at their back and with a due sense of the responsibility upon their shoulders, if they will apply themselves to solve these difficulties instead of taking shelter under them, to prolong our progression to the goal, instead of this if they will apply themselves wisely, earnestly, honestly, to solve these difficulties, they will disappear sooner than we think they will.

My last word, Sir, is this. We know that we have to build up our constituency. My gallant friend, Colonel Crawford, referred the other day to the lack of education, political intelligence and public interest in our constituency. Now, we have had these constituencies, regularly formed constituencies, only since the institution of the Montagu-Chelmsford Act. Before that we had a certain kind of constituency. They were more or less closed constituencies. But these open constituencies we have had practically during the last three years: and the Muddiman Report clearly points to the success of the working of these constituencies already. We want to build them up. Give us time. But how are we to build them up if you do not make the business of legislation a serious thing? These are the things, Sir, that we want to impress upon His Excellency in regard to the present situation, and unless these things are solved, it will be impossible for us to maintain our faith in the ideal of self-governing Dominion status, it will be impossible for my friend Pandit Motilal Nehru, or my friend Pandit Patel who is swearing by Dominion status, to keep loyally to their immediate goal. (*Pandit Motilal Nehru*: "He is not a Pandit.") But he is all in all, Sir. (*Mr. M. A. Jinnah*: "He is more than a Pandit.") They will not be able to keep to the ideal of self-governing Dominion status or keep their following loyal to that ideal for a very long time. It is for this reason, in the interest of the Government, in the interest of the Empire, as well as in our own interest, we want and we beseech His Excellency to take note of the debate in this House on this occasion; to note what we want and what we do not want, and to impress upon the Secretary of State and the British Cabinet that, unless this problem is solved quickly, intelligently, wisely, with foresight and statesman-like wisdom, it will mean no good either to the British Empire or to the people of India.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, while I greatly sympathise with what has fallen from my

friend Mr. Patel and Mr. Bipin Chandra Pal, I have within myself a mis-giving as to how far this discussion is germane to the immediate object we have in view, and I feel, Sir, that when I look at the face of the Honourable the Finance Member listening to this debate, he must be saying to himself "Where do I come in?" The Finance Bill is essentially a financial Bill and it cannot be made a pivot for a general political discussion. (Hear, hear). I quite grant, Sir, that you may reject the Finance Bill upon grounds which have been raised by the Honourable Mr. Patel and my friend Mr. Pal.

Mr. Bipin Chandra Pal: An explanation, Sir. I did not support Mr. Patel in his suggestion to throw out the Bill. I started with the assertion that, having passed the Budget, we are committed to the principle of the Bill.

Sir Hari Singh Gour: I am glad to hear that, Sir.

Mr. Bipin Chandra Pal: You might have heard that when I spoke.

Sir Hari Singh Gour: I am glad to hear it, Sir. That is all the more reason why my friend Mr. Patel should not have indulged in a general diatribe on the aims and objects and the policy of the British Government in this country, which, I submit, has already been the subject of a previous discussion. As I took no part in that previous discussion, Sir, I may be permitted to say a few words on what I intended to speak on Saturday had I been so fortunate as to catch your eye. Sir, I entirely associate myself with those who spoke on Saturday in condemning the majority report, and I support the recommendations of the minority. I, therefore, say that the time has come when the Government of India should take courage in both hands and give effect to a further substantial instalment of political reform (*An Honourable Member:* "There has been no instalment before."), not necessarily through the instrumentality of a Royal Commission or the establishment of any dilatory machinery for investigating the question of detail, but by taking the leading Members of this House and outside into confidence and threshing out the whole question, let us say, in a round table conference or in some conference which will receive popular support and command popular confidence. I am not one of those, Sir, who agree with my friend Sir Campbell Rhodes or Colonel Crawford that the further development of the constitution in this country must proceed along the lines of conventions. Speaking as a lawyer with a certain amount of knowledge of constitutional history, I submit, Sir, that conventions are appropriate to a country like England which has no written constitution. But where a written constitution has been given as it is in the case of this country, if any advance is to be made it must be not by conventions but by a statutory provision guaranteed and enacted by an Act of the British Parliament. Now, Sir, having said this, I think I have said all that I intended to say on the subject of general reforms, and I beg to ask Honourable Members of this House whether it is not time that we should apply our mind to the Indian Finance Bill. So far as I see from the paper book, there are no less than 42 amendments and I have no doubt that some of these amendments are amendments upon which this House feels strongly. We might be able to improve the Finance Bill if we take the amendments into consideration. We shall be, I submit, Sir, wasting the time of the House if we once more indulge in a general talk on the constitutional questions which, I say, have already been threshed out, and our views are

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now known to the Government of India. I therefore appeal to the Honourable Members of this House to address themselves to the immediate question namely, the consideration of the Indian Finance Bill.

Several Honourable Members: I move that the question be now put.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I need hardly say that I rise not to support my Honourable friend Mr. Patel's motion. My immediate reason for rising, Sir, is, according to the arrangement made on the first day of general discussion of the general budget, to give a reply to the Honourable the Finance Member's observations in his budget speech about exchange. Considering the amount of surplus in his budget through a high exchange, the Honourable the Finance Member is justified in devoting ten paragraphs of his speech to defend Government's exchange policy. I understand that the surplus in the Budget is actually higher by Rs. 2.56 crores in the general revenue budget and Rs. 1.25 crores in the Railway revenue budget, than if exchange were calculated on the basic rate of exchange at 1s. 4d. In taking exchange at 1s. 6d. for the next year, the Finance Member has to some extent indicated, not merely his anticipation, but also his intention. Sir, this House is aware that the Government have it in their power to get any rate of exchange ruling in the market in India between 1s. 4d. and 2 shillings so long as the hasty postwar two shillings legislation remains on the Statute-book, and so long as the balance of trade is favourable to this country, and the Government are in a position to remit from Rs. 40 to 50 crores a year, i.e., about four crores of rupees a month. The position of the Government in the exchange market in India is like the position of a Raja at a village fair, where, if he likes, he can buy everybody out. This perfectly artificial system the Finance Member has attempted to pass on both as natural and inevitable and as leading to the good of this country. May I ask, Sir, what is natural about it? With a large balance of trade in our favour, India suffers from high money rates, from depression of trade, with all the evils attendant on it. To name only one, unemployment of the middle classes. Is it possible that in the eyes of the Government the most natural condition for this country is that of impoverishment and want? Are we to believe that so long as the factories in the United Kingdom continue to receive the undiluted patronage of this country they are not alarmed that anything is wrong? But, Sir, I must warn the Finance Member that this is one of those things in which the Government of India cannot please two interests. Having manipulated the Indian exchange to the satisfaction of monied interests abroad, the Finance Member cannot come to us and say: "This is the best thing for you". I am not reflecting, Sir, on the personal motives of Sir Basil Blackett, for whom I have regard, but I must, as a matter of clear duty to my countrymen, point out that the full effects of the policy which he has initiated, are disastrous to India; that the full burden of the action, which he has hitherto taken is that which may bring a little surplus to the Government for the time-being, but which has brought sorrow to many a poor peasant home from which it is a pity that the wail of poverty cannot reach the high and mighty in Delhi; because it is attributed by an indulgent and half-superstitious population to the wrath of God due to their own sins. I, on behalf of my Province, Sir, am as much interested in the surplus coming to the Government in the next few years as any member of this House, but I am sure we all wish to see such surplus from reduced expenditure in the more

extravagant departments, increased yield from the various taxes on account of efficient collection and on account of growing prosperity. The surpluses that would gladden the heart of any student of public finance, are those surpluses which indicate prosperity at the Government treasury without involving losses to the cultivator.

Sir, the Finance Member in the course of his remarks has tried to show two things. He has claimed that a high exchange does not benefit the importer of goods from abroad at the expense of the agricultural producer in India. He has also tried to show that, if there is any effect, it is temporary. This is very much like the argument of the washer-woman who, when called upon to deliver the shirts which she had taken for washing, first of all said that she had not taken the shirts for washing at all, and when pressed further she said she had returned them. Sir, this is a species of logic which I did not expect from a financier of International repute like Sir Basil Blackett, and it only proves that no one is infallible. We, including, I suppose, my Swarajist friends I may say, in this country are, with all our faults, not unwilling to be guided, but we cannot be guided, blindfold into a ruinous policy of exchange, when we know that more than anywhere else in the region of finance there is no magic, but there are hard and solid facts to face, and everything has got to be traced to a distinct and proper foundation. The Finance Member claims that he will make in the next year in the general budget on exchange about Rs. 250 lakhs. This, Sir, is a phenomenon which has got to be explained, and which he has not explained. I want to know who is to pay this money? Will the Finance Member receive this money in gift from one of the American tourists, who are visiting this city now? Will it come from the magician's wand? Sir, if this money is real, if it can be handled, if it is to provide the much-needed relief for the provinces, let us at least understand where it comes from. I must congratulate the Finance Member that he has not tried to prove that the exchange profits are one of those receipts which can be called no-tax receipts. My submission, Sir, is that this money will come from the pockets of the poor agriculturist of India, who, for his exports of raw produce, will receive less money in rupees, because he has to receive remittances from abroad, whereas the Government having to make remittances abroad, make a part of that money in rupees. Sir, small as the matter appears, the exchange is the key to a good many problems in the economic life of this country. The exports from India represent that portion of the Indian produce which is wanted by foreign countries and which is paid for by them. These amounted in the last year to Rs. 348.60 crores, whereas the net imports during the same year were only Rs. 214.55 crores. If, therefore, the loss on the exports is counterbalanced by the gain on the imports, even then it must be recognised that with exchange at 1s. 4d., the agriculturists of India should receive about 12½ per cent. more in rupees on their produce, which is exported, than they would at 1s. 6d. I would go further and say that since in the wheat, cotton, or rice market purchases for Indian demand are made side by side with purchases for foreign demand, without any distinction, the Indian cultivator receives so much less on his *total* crop with a high exchange, because the price of his produce is artificially depressed. He receives less, I want this to be made rather clear, not only for the surplus exported for consumption outside India, but for his total produce. Indeed the Finance Member himself admits this in paragraph 44 of his speech. We are told that though he receives less, every rupee that he receives goes further, because the prices keep steady and do not rise. But in the payment of interest on the debt, which the cultivator owes to the Sowcar,

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would he require a smaller number of rupees? I ask. Or to make payment of land revenue, which he must pay to the Government, does he need less? Sir, while his charges and expenses in rupees do not diminish, the price the cultivator will receive less can be only due to Government's action. If you now take the agricultural population of the country as a whole, the harm to the interests of the country is patent.

Sir, money is, after all, a medium of exchange, and even Sir Basil himself says that:

"The rupee in its quality as a measure of value is much more changing than a bale of cotton or a maund of rice, and we shall never be able to think clearly on questions of currency if we do not get hold of this fact."

On the foreign obligations of India, by using the exchange, you make the burden of the yearly drain as reckoned in produce greater than before. Sir, these abstract discussions as initiated by the Finance Member may be misleading. I shall put it roughly that the amount of money received by the jute cultivator of Bengal on a total crop of Rs. 64 crores at 1s. 6d. is less by about Rs. 7 crores. I want now to call upon my friends, not of Calcutta, but from Bengal, to think of the extremely low standard of life of the cultivator, and what an additional amount of Rs. 7 crores for the people of Bengal would mean. Sir, the mainstay of the agriculturist against famines, floods, and other distresses, is the small amount that he can lay by, or the extent to which he can reduce debt during good years. When the world prices for commodities have been rising, it is sad to think that the Indian cultivator has been deprived by Government's deliberate action from his just gains. When the world prices for the cultivators' produce go down at some time in future, will the Honourable the Finance Member come to their assistance? Will he fork out the surpluses he has pocketed, or will he promise to lower the exchange to prevent the farmer's loss, and to secure him steady prices? It is no consolation to us, it is almost in the nature of a bribe to come to this Assembly and to say: "We have got so much surplus, we are likely to have more surplus by the pursuit of the same policy; therefore do not try to disturb our exchange and currency legislation." So much, Sir, for the masses of whom constant mention is made in speeches from the Government benches

Mr. Devaki Prasad Sinha: May I ask the Honourable Member just for information? What proportion of the masses in India referred to in his speech are interested in the export trade?

Sir Purshotamdas Thakurdas: What proportion of the masses are interested in the export trade? The agricultural population interested in the production of those exports. The Honourable Member will have his say in due course. We, Sir, are not trying to reduce the exchange to any arbitrary figure, not even to the one shilling which the Finance Member triumphantly brought out the other day. All that we are trying is to prevent him from raising it artificially from the ratio which proved proper and useful for twenty years before the war. Not only is the war gone, but the disturbance after the war is also almost gone. All that we are therefore asking is the restoration of the proper parity. If I were to use the same logic as the Finance Member, I would ask him why he does not raise the exchange to 1s. 8d. and even to two shillings, because by doing so he would get, not the surplus which he claims this year, but

a surplus of eight to ten crores of rupees. He would then be regarded, by those who think only of revenue surplus, as a matchless financier, who has turned, by magic, deficits into surpluses.

Against this harm to the interests of the largest number of people of this country we are told that the compensation is to be found in the imports. What is the compensation on the import side? Prices of imported articles in Indian currency are said to have remained lower as compared with their rise in the country of origin. I requested the Honourable Member to tell me how much of the total imports, in his expert opinion, go to the direct use of the agriculturists. I put a rough analysis of imports on the table on the 3rd instant, not as showing my estimate of what goes to the cultivator, but to provoke a discussion. I estimate approximately that not more than 40 per cent. of the total (85 crores of rupees worth for the last year), on a generous basis, can be regarded as going to the consumption of population in the mofussil, who may be assumed to be directly dependent on agriculture. But I will be prepared to accept the Finance Member's own estimate if he has one to offer. As against the loss of roughly 12½ per cent. on their total exports, the gain on the exchange would, on my estimate of 40 per cent. of imports being used by agriculturists, indicate a gain of about 3 per cent. Sir, the Government may think it very fine to take the twelve rupees, or if the Finance Member disputes any small items of exports eleven rupees, from the pockets of the cultivator and put Rs. 3 back there. I do not think so. Apart from this, we are told that the agriculturist consumes his own produce and therefore the fact that prices in India are steady is so much gain to the agriculturist. The Honourable the Finance Member may not have any acquaintance with Indian humour, but in our country we call it, "*hath me'chan dekhana*," i.e., giving the child the moon which he asks for in the hand.

What is the other consequence of the high exchange? It is a direct encouragement to larger purchases abroad both by the people in this country and by the Government. Sir, when we read in English papers frantic appeals to promises after promises by party leaders to relieve English unemployment, to keep the factories going and to subsidise the export trade of England by trade facilities, and in every other way, and when we put two and two together with regard to the Government of India, a subordinate branch of His Majesty's Government, it would be more than human for us not to seek and find the proper explanation of Government's exchange policy in their desire to serve the industrial interests of the United Kingdom, and this, Sir, at whose sacrifice? At the sacrifice of the agriculturists of India. When I think of the series of financial injustices to this country, over the capitation grant, over the expenses of the army for Imperial purposes abroad, over the continued purchases of silver at heavy rates for twenty years, of ruinous sterling borrowing, and all the elements of that drain, against which complaints have been made by Dadabhoj Nowrojee and Gokhale, I must tell the Finance Member that the more difficult task in administration is not the routine, but the policy, and in the matter of policy it will not do to fix on the policy first for some reasons bearing on conditions in another country, and then to issue an explanation of it in terms of the life and prosperity of the population of India.

Sir, as a further justification of high exchange the Finance Member has referred to the price of gold in rupees, which has become cheaper. I ask,

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Sir, what is the consequence and effect of cheaper price of gold? All the savings of a large number of people in this country, which are invested in gold—a system which you may not approve but which still survives—have in this way been depreciated by deliberate action of Government. What is the other consequence? England is reluctant to release gold for India, lest her own central reserves should be depleted. The public have not forgotten the raid which was made on India's gold in the interests of the maintenance of the American cross-rate the year before. As far as I am aware this gold has not still been replaced in the currency reserve. The circular of Messrs. Montagu and Company, dealing with this subject distinctly mentions that "the more gold India takes, the longer is the return of the United Kingdom to effective gold standard deferred." But a much more explicit statement was made by the *Financial Times* and that was "India's increasing absorption and South African minting of gold coinage are admittedly difficulties, but these should be overcome." Sir, what constitutes the demand for gold in India? Gold bullion in this country is asked for ornaments, etc. For this demand enough gold has been allowed to come. As a matter of fact, I think an attempt has been made to saturate India for this particular purpose with gold, which the United States has been induced to release. The continued fall in the price of gold has disorganised the bullion market, and a condition has been brought about in which heavier imports of gold in the future are discouraged. But all this has been done to the exclusion of the other and larger demand for gold, which is for adding to the currency of the country. This demand has been shut out deliberately and by law, so that under the guise of cautious delay for world conditions to be restored to normality, the full benefits of a balanced budget are denied to India. No country is in a more favourable position to go off to a gold standard than India is to-day with her large favourable balances. But we are told "Don't take more gold. Take commodities". If my Honourable friend wants confirmation of this, I will give him from the London City Correspondent of the *Times of India* who, after expressing a hope for the cessation of American demand for gold and her willingness to accept payment in full for exports and for interest due to her in goods and securities, goes on to say:

"Having regard to the great demand for Indian produce a proportion of the new gold supplies will probably go to India for a time, but the increased buying power of India is already increasing her demand for cotton goods, and other manufactures, so that after a time the Indian demand for gold will also become less pressing."

He goes further:

"Nevertheless the probabilities are that the embargo upon the export of gold from the country will not be removed until the pound has recovered to par and until so large an amount of gold has been received from abroad that the reserves of the Bank of England are so large that the Bankers of Great Britain will also be wishful to prevent the further import of gold into this country."

In other words, Sir, heroic efforts are being made at the other end to restore a free gold market in London and to re-establish London's financial supremacy in the world. In this direction any action by us would be resented in London, and therefore we must be told to wait for gold standard. In this way, in spite of actually defeating the demand for gold for the largest purpose to which it can be put, *viz.*, currency and banking reserve, the Finance Member says, "I have made it as easy as you like to take as much gold at a cheaper price."

Sir, in rebutting the charge that a policy of high exchange leads to an increase in the burden of taxation, the Finance Member has claimed merits for his surpluses. When by imposing a duty you raise the price of an article, which the cultivator buys, such as salt, you tax him; I say that when by raising the exchange you depress the price of the articles which the cultivator has to sell, you are imposing upon him as intolerable a burden as a tax, and you would be justified in doing so only if there was a great national emergency. As a normal expedient for replenishing your finances I cannot think of anything more objectionable than to impose untold burden on the people, for reasons which have no direct bearing on their life. The claim that taxes have become lighter is ridiculous, because the cultivator gets fewer number of rupees and he is made to pay the same amount of land revenue in rupees. According to his resources, the incidence of land revenue has certainly become great. The same applies to the charge which Indian produce bears in respect of railway freight.

Sir, the very apology of the Finance Member for his exchange policy proves the proverb "*qui s'excuse, s'accuse*". I, Sir, have done my duty of laying before the Assembly the various considerations involved in this matter, and if the Assembly requires, any independent testimony as to the full effects of high exchange, not merely temporary effects, but the permanent bad effects of high exchange, I will give it from two Members of the Fowler Committee: The question before the Fowler Committee was which ratio should be put on the Statute in India, 16*d.* or 15*d.* Mr. Robert Campbell and Sir John Muir, in their Minute of Dissent, strongly recommending that the lower figure of 15*d.* was preferable, said as under:

"The advocates of a 1*s.* 4*d.* ratio point to the fact that this rate has now been more or less effective for the last eighteen months, thereby establishing a *status quo*, which it would be unwise to disturb. This argument would have greater weight if the *status quo* had been arrived at in a natural way; but the circumstances under which it was reached have only to be considered to deprive it of any value. With no fresh currency otherwise obtainable, the monopoly rupee was in time bound to rise to whatever gold point the Indian Government choose to fix, and the fact of this having risen in five years to 16*d.* is of itself no more proof that 16*d.* is an equitable ratio than it would be in regard to 18*d.* or 20*d.* which could equally be reached in course of time. To arrive at a rate in this manner and then point to the accomplished fact as disposing of any question of its propriety is not convincing, especially if there is reason to believe that a rupee so greatly enhanced is calculated to have an injurious effect on the country's interests and to retard or even jeopardise the success of the Gold standard."

The Honourable Sir Basil Blackett (Finance Member): Does the Honourable Member agree with that 1*s.* 3*d.* rate?

Sir Purshotamdas Thakurdas: Not now. This is just the way the Honourable the Finance Member tries to give a lead to the Assembly in the wrong way. The arguments against 1*s.* 4*d.* in the Fowler Committee apply with equal force against 1*s.* 6*d.* to-day, and the arguments in favour of 1*s.* 3*d.* are stronger to-day in favour of 1*s.* 4*d.* The quotation I have given above applies very happily to-day if you change 1*s.* 4*d.* in the quotation to 1*s.* 6*d.* and 1*s.* 3*d.* in the quotation to 1*s.* 4*d.*

The Honourable Sir Basil Blackett: Therefore you disagree with the Fowler Committee.

Sir Purshotamdas Thakurdas: I absolutely agree with the quotation I have read.

The Honourable Sir Basil Blackett: It is the minority that disagreed with the Fowler Committee.

Sir Purshotamdas Thakurdas: I agree with the minority members, and I should have thought it was quite clear that I was reading out from the minute of dissent on the Fowler Committee Report. They go on to say :

"It is on this aspect of the question that we base our strongest objection to the 1s. 4d. ratio—its effect as an unfair tax on native production while conferring a bounty on imported goods. It is not a sufficient reply to this to say" (as my Honourable friend has said) "that as imports are paid for by exports, the gain and loss to the community are equal. This is evident when we consider that the native producer is the class which loses, while the class which gains is the consumer of imported goods. . . . It can never be sound policy to handicap native industry, while giving a bounty to foreign imports and in the case of India with large foreign obligations, which can only be met by surplus exports of produce it would be a fatal course to pursue."

They further say :

"But beyond the effect on exports and imports, so far as they balance each other, it still remains that with a 1s. 4d. exchange the cost of providing at Rs. 15 each the 17 million sovereigns annually required for the Home charges is a tax which falls entirely on the producer. The more the rupee is enhanced—the lower the sovereign is valued in rupee—the more cheaply can the Government make its annual remittances. But this advantage is not obtained without being paid for and the question—who pays is not difficult to answer. It is the producer, who has to accept so many fewer rupees for the produce which he has to sell. If with a 1s. 4d. exchange the holder of a sovereign can only get Rs. 15 for it, he cannot afford to pay so many rupees for a ton of Indian produce, as, if with exchange at 1s. 3d. he could convert his sovereign into Rs. 16. To deny that arbitrary enhancement of the currency is a tax and to argue that the producer is no worse off in the long run, that wages and other charges must in time adjust themselves to the altered value." (as my Honourable friend has done all through), "is to maintain the dangerous principle that Government may lighten its liabilities without injury to anybody by a step of this kind. Such a step is undoubtedly a tax on production, and if the Government plead that in the absence of any other available source of revenue trade must bear it, it is unwise to throw the whole of it on one side of trade, the side which is at least expedient to tax, and to penalise production, while giving a bounty to foreign imports."

Sir, I do not wish to detain the House any further, but I would like to point out one or two other crudities of the Government's case. While they are most anxious to secure justice with regard to the incidence of taxation on different classes of the people and have set up a committee for this task, the Finance Member deliberately comes to this House and says what India loses on the exports she makes on the imports, but this loose talk involves behind it the injustice to certain classes in India who cannot have recovered a fraction of the losses. In other words those who benefit are different from those who lose. The displacement of burden in the course of a single year to the extent of so many crores is one whose full economic effect cannot be judged at this moment but would be evident if in any districts there were scarcity of rain, because the cultivator would have been deprived of his staying power and reserve and it would be no consolation to him then to be told that during the previous year he had at his door foreign luxuries at a cheaper price.

But, Sir, another effect of this high exchange would be to increase immediately as expressed in sterling the reward on investments in India by foreigners. The amount of foreign capital invested in this country has not yet been estimated, but Mr. J. A. Wadia estimates that about Rs. 50 crores are annually remitted as profit by foreigners who in his words "are exploiting the country as traders, bankers, manufacturers, steamship

owners and all other joint stock companies in this country." If that is so, that portion of it which does not receive a fixed interest, has suddenly, by one stroke of the Finance Member's pen, been earning an extra revenue. I ask the Finance Member who pays for this extra earning of this class? Sir, a further effect of the high exchange is to reduce the purchasing power in the hands of the agriculturist. After all few are the luxuries he can get, but against whatever he has to buy he has got only a smaller number of rupees with him. In other words, he has a smaller rupee surplus after he has paid land revenue at the same rate as before; after he has paid the interest due to the Sowcar; and the total rural debt of British India with its population of 247 millions is estimated very tentatively at not less than Rs. 600 crores. The producer would have more to spend if the Government did not chip in in this most artificial manner and destroyed a portion of his surplus. His purchasing power is reduced and to the extent to which he was purchasing materials manufactured in this country, his demand is slackened. His demand for imported articles is stimulated by the cheapening of price, but his demand for the locally manufactured article has slackened because local prices according to the Finance Member have kept steady.

In conclusion, Sir, the Finance Member claims great merit on the stability of prices in India. I want this House to remember that the increase or the diminution of currency is at present an absolutely arbitrary power in the hands of the Government. In order to be able to increase currency when the Government think it ought to be increased, Government have recently taken larger powers of fiduciary issue. Instead of increase in or diminution of currency being automatic in accordance with trade balances and other conditions, the whole matter is at present governed by the caprice of the Finance Member. He sits there on a high mountain until the trade supplicates to him to relieve the situation, and, then, with a majestic gesture, he says "it shall be so". No one will grudge the Finance Member any prestige coming from his high position, but I must say that we have found that the evil consequences have already set in while he has been proceeding to act. We have found that credit is restricted, calculations of every description upset and trade disorganised. The effect of this on the cultivator is the most direct. Any uncertainty in money rates and in the conditions of exchange reflect immediately through ten thousand centres where purchasing agents, from the central markets are located. Notwithstanding this the Government claim that by purchasing sterling they release the rupees. Where do they release the rupees from? The rupees were already there in the central reserves of the Imperial Bank and the transfer of the rupees from Government account to the public cannot possibly have that direct effect which gold going into currency or being converted into rupees at the mint may have. Sir, the Government may decide how much opium shall go into consumption. That is bad enough; but when the Finance Member says "I shall determine how much currency you shall have", I say that it is a task very much beyond his or any other human being's capacity and can only lead this country to disaster.

Sir, few countries in the world are in the happy position in which the Honourable the Finance Member finds himself to-day. The exchanges of other countries have been demoralised owing to adverse balances of trade. India is in a strong position when she has for the last three years continued to have favourable balances of trade. The result of this favourable balance

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of trade ought to be prosperity in India and plenty. It ought to be India's liberation from the money toils of London. It ought to be the possibility of remission of taxes. On the other hand, what we find is that the choice which lies before the Finance Member is between a high and low exchange, and he goes and deliberately accepts the high exchange—a position for which there is some parallel with America, the richest country in the world. Sir, it is the irony of fate that the poorest country in the world is told that the example of America is good for her. Restoration to parity as it existed before the war disturbance came on, which is the cry all over the world, is not the aim of the Finance Member of India. An appreciated currency to my mind as provided from the United Kingdom to India means "Thou shalt make larger purchases of the products of my factories and thou shalt be paid less for the fruits of the toil of thy children". This perfectly arbitrary manipulation of the exchange finds no parallel in history and no justification in practice.

The House 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.

***Maulvi Abul Kasem** (Bengal: Nominated Non-official): Sir, this debate was opened by our distinguished friend Mr. Patel, who made a general review of the whole political situation in this country, current as well as past. He made his criticism of men and matters. I have got a complaint, Sir, about this debate, and that is that whatever the section of the people whom Mr. Patel represents had to say had been said often and again in the strongest possible language in this House, and the House has expressed its opinion by its vote on those questions. Sir, I think the Government Benches, whatever their faults, are neither hard of hearing nor hard of understanding. So no good purpose is served by repeating these things. But these debates, at least to-day's debate shuts out the general discussion of the provisions of the Bill, just as the debates on one or two questions on the General Budget Demands shut out many amendments that were very useful. Mr. Patel holds the opinion, and he is quite welcome to it, that we express our disapproval of the conduct of this Government and the country's disapproval of their conduct in various matters by rejecting the Demands. So this was done once, and that opinion has been expressed in the clearest possible terms. But there is and there was no justification for the repetitions which have been going on with the result that although we had six clear days for the discussion of the Demands of one part of the Budget only this year, we could not discuss more than three or four Demands; and especially the most important items of the Budget Demands have been left untouched and were guillotined. The opinion of the House has been expressed about the conduct of the Government, but we as responsible men ought to have scrutinised the Budget Demands of the Government. And I think and believe I am not far from the truth in saying that there were many items of extravagant expenditure proposed for the coming year and those extravagant items have been allowed to pass by our

* Speech not corrected by the Honourable Member.

negligence. I am sure that if we had scrutinised the various items and made reductions, as was proposed by the long list of amendments that was circulated to the Members, we would have been able to make substantial cuts here and there, in the aggregate totalling a large amount, and that could have reduced the expenditure of the Government and brought about economy. But we were not allowed to do so. Mr. Patel complained that we were guillotined. But we were guillotined at the end of the sixth day. We did not utilize the days that were placed at our disposal. (*Pandit Motilal Nehru*: "Why didn't you?") How could we, Sir. You blocked the way, you held the majority.

Then, Sir, Mr. Bipin Chandra Pal in his fervent and eloquent speech referred to the fact that there were certain difficulties in the way of securing self-government for this country. I may add to the list by saying that the way in which we in this Assembly have conducted business is one of the difficulties that I recognize. We have not the business habit of transacting business; we want only to excel in heroics and to advertise ourselves. That is the end and goal. That is the difficulty. And unless we in this Assembly show that we can carry on the business with responsibility and that we mean to do it, there is no chance or prospect of either getting Swaraj by ourselves or demanding it from other people. We are being told that we want a change in the system. We have been told it often and again, and so far as this House is concerned its opinion has been expressed in unequivocal terms. And, if the Government are not paying attention to it or carrying out the instructions, or the wishes of this House, they will certainly not do so if we simply repeat it again and again. (*A Voice*: "What do you suggest?") Do it once and then conduct the business in a businesslike manner. (*A Voice*: "What business?") If there is no business you have no business to be here. (*Laughter*.) The methods adopted by my friends, wise men though they are, I submit, reminds me of a Persian couplet which means:

"I am afraid thou wilt not reach Mecca, O Traveller, because the way thou art taking leads in a different direction altogether."

Sir, Mr. Patel in this detailed, elaborate and long speech gave a history of incidents, facts and opinions, but nothing that was new. A young author took a copy of his first manuscript to Dr. Johnson for his criticism. The learned Doctor after reading it returned it to him saying that there were many things in that book that were good and wise and many things that were new, but the good things were not new and the new things were not good. Sir, Mr. Patel has said that the Indian Members of the Executive Council are men of no responsibility and are men of no social standing outside their position.

Mr. V. J. Patel: I never said, Sir, that they are not men of social standing, but that they were there not because they held any social status but because they were Indians and were bound to represent the Indian point of view.

Mr. Abul Kasem: I beg his pardon. I understood it in that way. I think that it is rather unfair to charge men for borrowed opinions simply because they happen to be Members of the Government or because they happen to differ from our own. Every one is entitled to hold his own opinion, whether he occupies the Front Bench in the opposition or in the Government itself. The Indian Members of the Executive Council cannot decently defend their conduct personally in this House, but we at least can

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show them this respect, that we impute no motives to them for their conduct as such. They are there, and why are they there? Because the Indian National Congress and the Indian public for 37 years demanded that in the inner councils of the Government India should be represented by its public men. And in response to that these men are there as your representatives. (*A Voice*: "Are they?") Sir, the choice lay with His Excellency the Viceroy and there is the difference. Are they not public men? I beg respectfully to submit to this House that Sir Narasimha Sarma was a most prominent leader of the Indian National Congress, long long before anybody else came into the arena; with the solitary exception of Pandit Madan Mohan Malaviya, he was working for the Indian public, agitating for its rights and privileges when other people were busily engaged in making money and when some of them were not even born. Sir Narasimha Sarma was drafted to the Executive Council directly from the Congress platform. He attended even the Congress of 1919, over which Pandit Motilal Nehru presided. Whatever may be the position, I think that our duty is to support the Indian Members of the Executive Council in their endeavours to get more advantages for the Indian people. Whether they succeed to the extent which we would like or not is another matter, because it does not lie in their power to change the constitution in a day. (*Mr. V. J. Patel*: "What about the Ordinance?") They have the materials before them, and if they honestly believe that the Ordinance was good, they are justified in supporting it. What I object to is your saying that they gave their consent against their own conscience and their own knowledge; that is an imputation of motive which I want to denounce. Sir, there was an occasion when a Member of the Executive Council found that he could not accept the policy of the Government. What did he do? He immediately resigned his post as a Member of the Executive Council. I refer to Sir Sankaran Nair; and I believe that if Sir Narasimha Sarma or Mr. Chatterjee or Sir Muhammad Shafi had at all believed that this Ordinance was bad for the country, they would have resigned, and in the case of one of them, Sir Muhammad Shafi, he could have very easily resigned without any loss to himself (Laughter). But unfortunately I beg to submit that in his case I think what has been a loss to the Government has been a gain at least to the Muhammadan community of India.

I will not detain the House any longer, but I think that I will be failing in my duty if I do not refer to my friend and countryman, Mr. Bipin Chandra Pal. He unfortunately in the course of his eloquent speech and in the feeling of enthusiasm referred to the question of communal representation in the services. He said that Indian nationality demands that efficiency and not community should be the guide in the choice of our public servants. I agree with him, but I want to know, are efficiency, ability, tact or the qualifications for any particular office the monopoly of any particular community in this country? (*A Voice*: "No, no".) (*Mr. Bipin Chandra Pal*: "Certainly not.") If that is not so, Sir, how is it—I will be frank to-day—how is it that we find all the offices filled up and monopolised by the Hindu members of the Indian community? They are to be found in their thousands and in their hundreds of thousands, if I may say so, in all the public offices under the Local Governments and under the Central Government. Look at the railway staff. There are several thousands, hundreds of thousands of them. Do you mean to say that you cannot get qualified Muhammadans to take up those jobs? You can get

qualified Muhammadans to fill portfolios in the Government of India, to fill honoured seats on the High Court Bench, to fill offices in the provincial Executive Councils, but you say it is very hard and difficult to find a clerk on Rs. 30 or Rs. 40 of sufficient education. (*Mr. Bipin Chandra Pal*: "Why not go to the Railway Board?") The question, Sir, is not that it is efficiency, but it is backdoor influence, influence of vested interest. Unfortunately when the British came to this country the Muhammadans had just lost their empire and it was very difficult for them to realise their position, from that of rulers to the ruled, and they did not take to English education and so the Hindus had a start over them, with the result that when Muhammadans realized the position and began to receive education and were educated, they found all doors closed to them, and that is the reason. And why is this cry of nationalism introduced whenever there is any question of the employment of Muhammadans? Whenever an appointment is given, high or low, to a Moslem, the objection is raised not because he is a Muhammadan but on the alleged score of qualifications and ability, whereas if a non-Muhammadan is there, the question of qualifications, efficiency and so forth does not arise. I do not like to say whose fault it is, the Government's or the people's. (*A Voice*: "The Government's.") I would certainly charge the Government with criminal neglect in this matter. (*Mr. Bipin Chandra Pal*: "Go for them.") Government have been guilty of neglect and therefore I want the Government to mend their ways; but my difficulty is that whenever we rise to put forward our claims and our rights, the cry is raised outside the Government ranks, and what is most deplorable, from the ranks of the Indian Nationalists, that they object to this reservation for Muhammadans or a re-arrangement because, as they say, "We want it on national grounds and not on communal grounds". (*An Honourable Member*: "The question is whether you have got sufficient men to fill the offices.") Yes, they are sufficient to fill the numbers that you have got—that is the question. (*A Voice*: "Why do you object to the efficiency test?") Why do you shut the door to us? It is said that we want to get into offices by flunkeyism, but those who are in possession of those offices have got in there by flunkeyism (*Laughter*): That is the situation. What I say, Sir, is this, that we have spent all these days in discussing only the political situation and high politics which of course are important and necessary, but once done it need not be repeated again and again, and if we do so we will be in a very peculiar position, and what explanation shall we give of our duties to the public outside? Sir, an English country schoolboy was taken to London for sightseeing, and among the sights shown was the House of Commons. When this boy returned home, his teacher asked him to describe what he saw in the House of Commons. The young boy described the House and after that said that the Members took their seats, that Mr. President came with all the procession and grandeur of the Speaker of the House of Commons, and that after he had taken his seat, a clergyman sat in front of him, looked at the assembled Member and prayed for them. Sir, I hope the same thing will be done here.

Mr. Jamnadas M. Mehta (Bombay Northern Division: Non-Muhammadan Rural): Sir, it is very unpleasant, as it is also humiliating, to me who as an undergraduate always regarded gentlemen like Mr. Bipin Chandra Pal, Maulvi Abul Kasem and others as great leaders, to find that those who were the heroes of my college days have fallen so low here. They have made an exhibition of themselves which is so painful and so distressing

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that I can only wish either that I had not come here or that they were not here. Sir, I can remember the Bipin Chandra Pal of 1906 in the *Bande Mataram* newspaper insisting on India having absolute autonomy free from British control; and to see that Bipin Chandra Pal, the hero of my youthful days, to-day grovelling in the dust before the foreign bureaucracy and twitting and taunting people engaged in the service of the motherland—to see that is the limit of humiliation. He talked of having roused the younger generation; so he did; is he now ashamed of that? He seems to be sorry that he roused us at all. Then, Sir, we find my friend and leader, Maulvi Abul Kasem, whom I had heard at the French Bridge meeting in Bombay in 1920 describe the Jalianwala Bagh as a place of common pilgrimage for Hindus and Muhammadans where innocent people were massacred by General Dyer, to-day grovelling before the Government responsible for that massacre. Sir, I must not continue this painful subject. I must

3 P.M. pursue the more technical and dull part of the speech I am going to make. Sir, last year I described what I would have done if I were the Finance Member. Ever since then, Sir, I am seeing a green colour in the eyes of Sir Basil Blackett, although I may assure him that I had no intention of usurping his place although now I know that Mr. Jinnah at least is not prepared to give me that office when he forms a Government.

Mr. M. A. Jinnah: I never said that, Sir.

Mr. Jamnadas M. Mehta: So far as my limited intelligence goes, I understood him to mean that. It may be however that when he forms a Government he might still make up his mind to accept me, but he has to remember that I might not accept. That is the difficulty. Time may soften his attitude to me, but it seems to me unfortunately that as time goes on, my attitude towards him must harden, because once a great Nationalist, he is to-day the leader of communal strife in this country. Sir, I am sorry once more to have reverted to this unpleasant subject but I felt that I could not sit down and not confess my humiliation to-day and during the last few days.

Sir, everybody, I think, has read of the Dawes' plan by which Germany has to pay her debts to the allies, and if I remember aright Germany has to pay 50 million pounds this year, then 60 million pounds, and then 125 millions a year in the course of the next 3 years and thereafter for nearly 50 years she has to pay at that rate when she will have liquidated her debts to the allies, and will once more become a free nation. These reparations will have ceased at the end of 50 years. Germany, the enemy of civilisation of ten years ago, will fifty years hence become one of the free and civilised nations in the world. That is the punishment to which this enemy of civilisation has been consigned, but the punishment to which this country is consigned is something worse, something more painful and something more degrading than even the reparations which Germany has been made to pay. Germany may be free at the end of fifty years, having paid her debt. This country has to pay reparations from year to year, for ever, at the same amount. If you look at the Home charges, if you look at the profits of foreign capital investment, if you look at the outgoings of income from this country, the amount that Germany will pay to the allies dwindles into insignificance before the amount of reparations which this country pays to Great Britain. The only crime this country has committed is to lose her freedom. For having lost that freedom she has to pay repara-

tions and that for a length of time which Germany, the enemy of mankind and civilisation, will not have to pay. That is the kind of Government we are having, a sort of military occupation for ever, exacting reparations which have to be endless, ceaseless and on an evergrowing scale. These reparations have to be paid not because any harm has been done to Great Britain by this country, but because this country is part of what is called the British Commonwealth although to my mind so far as India is concerned it is still an Empire. That is the position and I hope there is no man in this House who thinks that he has done something even worse than the German people to become liable to pay these reparations freely and willingly by supporting the motion for the consideration of the Finance Bill. Any Indian who votes for the consideration of the Finance Bill consents himself to be worse, much worse than the Germans who had been the enemies of mankind ten years ago; to vote for the consideration of this Bill is to condone the military occupation of this country by a foreign race—an occupation, which is going to be endless, if the signs and indications are correct. That is the reason why I am compelled to oppose wholeheartedly the consideration of the Finance Bill.

But there are other reasons; I will not describe them all here to-day, but will proceed straight to one of them—the question of currency and exchange. Sir, the Finance Member seems to have been set furiously thinking during the last few weeks as a result of the discussions which took place in this House on the motion of my Honourable friend Mr. Raju for a Currency Committee and he has felt himself compelled to venture on what he calls a reasoned refutation of the allegations made against him. Well, Sir, let us examine this reasoned refutation. What is the prelude to this reasoned refutation? This refutation, this long and laborious lecture in 10 long paragraphs, begins with a prelude in which the Honourable the Finance Member describes his critics as either suspicious or ignorant or insincere or unreasonable or selfish or stupid, uncharitable, ungrateful, he then stops—whether from exhaustion of breath or from the exhaustion of the catalogue of the wickedness of his critics or from the exhaustion of his vocabulary of abuse I do not know. But he stops after giving them vituperative brickbats to the extent that his vocabulary was capable, and this is the prelude to what we were promised would be a reasoned refutation. Next, he goes for the wicked Bombay Presidency. I must protest, Sir, that the Finance Member of the Government of India should forget himself and allow himself in season and out of season the liberty to have flings, sneers and gibes at a Presidency which is the milch cow of the Government and without which his Budgets, which he now calls balanced, would have taken years and years to balance. I would request him to remember his high position and not to indulge in these parochial taunts at Bombay so long as he is the head of the Finance Department of the Government of India; it unnecessarily lowers him, unnecessarily makes us feel that we have not got a friend in the Finance Member but a relentless opponent. Sir, this is the second element in the reasoned refutation, an attempt to create prejudice against Bombay. The third, Sir, is his deplorable attempt to debauch the fine sensibility and the sense of justice and of right and wrong of the consumer and the tax-payer, with a view to prejudice the fair consideration of the exchange question, by appealing to the cupidity and greed and self-interest of the consumer, as if the interests of the consumer and of the producer were in conflict. Sir, the only reason I can find for this artificial gulf which the Finance Member has attempted to create is that he is in sore need of some justification for the

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currency policy which the Government have been pursuing. He has called us suspicious. May I request him to consider that it is not without some reason that a number of educated, intelligent men have been for the last several years concentrating their efforts on convincing the Government that there are solid, substantial reasons why they are suspicious about the exchange policy. As I survey the history during the last ten years of the currency and exchange, I find, Sir, that the Government must accept one of three descriptions for their attitude, either they are the ignorant dupes of a policy which is dictated from Whitehall or they are willing accomplices in that policy or helpless victims in its pursuance. Let them take what they like. I give Sir Basil Blackett and the Government of India the choice to agree to be either ignorant dupes or willing accomplices or helpless victims in a policy which has been clearly, unmistakably, to the disadvantage of India. Let him make his choice. He has no alternative but to accept one of the three descriptions for the policy of the Government during the last few years.

The Honourable Sir Basil Blackett: May they not be the guides of that policy?

Mr. Jamnadas M. Mehta: Well, by all means if you choose; but be real guides; all that I can say at present, however, is that you have to accept one of the three descriptions for your policy. Accept anyone you like, I will prove that you cannot get out of these three descriptions. Let us look only ten years back. Let us leave the earlier period out of consideration. Everybody knows in this country as well as in this House that when the War began it became necessary for England and the Allies to get more and more of Indian produce and raw materials for continuing the war and for munitions. Prices went up. The immense exports of Indian goods made the balance of trade in favour of India greater and greater. In spite of the control that was obtained on our exports and in spite of the deliberately low prices which were given to the Indian producer as against the world prices then current, the volume of trade in favour of India grew and grew. Then, Sir, the further reason why the volume of trade in favour of India grew was that all the factories in England, as the Babington Smith Committee says, were organised for the manufacture of war materials. Therefore, the imports to this country from England were reduced and also because freight was not available in many cases to bring things here. For these reasons the balance of trade in favour of India grew. It further grew because the military operations in Mesopotamia, in Persia and in East Africa were financed from India and the soldiers were to be paid by the Government of India although eventually accounts may be taken from the British Government when Sir Bhupendranath Mitra goes to England again. But money has had to be paid for these operations from the Government of India's treasury. Then, Sir, credits were created for the American purchasers of Indian goods and for purchases by the Dominions. All these tremendous purchases and expenditure incurred by India on behalf of Britain went to swell to record figures the amount due to India after the war. Sir, part of this huge amount was reduced by that so-called gift of £100 millions and a further war contribution of £13 millions. In that way the amount to come from England to India was to that extent reduced. But the reduced amount was also not allowed to come here in gold because England wanted it to pay her debts in international currency and that international currency was only gold. Gold could not thus come to India. Great Britain in her own interests kept

India's gold in England and against that gold issued either paper currency notes or rupee coins. And because the authorities would not allow gold to be imported into this country—gold which was our due and for every one ounce of which the agriculturist and the producer of India had worked with the sweat of his brow—India's balance of trade had to be paid in silver and that inflated the silver market. This excuse, which was created by Government's own policy of refusing gold to India, was mentioned as the reason for raising the exchange. Silver was dear. China was a buyer. Another country was a buyer. We wanted silver for coinage and silver went up. The bullionists in England took the fullest advantage of this demand for silver from India and the Government of India went on purchasing silver and silver, and thus fell a prey to the silver interests in England. Because they would not allow gold to come and because they kept on buying silver, silver became dear and the statutory ratio established between the rupee and the gold could not be maintained. The reason why the 1s. 4d. ratio was disturbed was not the reason which has often been trotted out, namely, the rise in the price of silver, because that rise was the result of Government's own policy. Government themselves were the dominating factor contributing to the rise of prices of silver. Government could not be allowed to take advantage of their own wrong and to say that because silver went up the statutory ratio should be reconsidered. There are some Honourable Members who criticise us again and again and say that we are persisting in asking for a return to 1s. 4d., because we want to serve the interests of some industrialists or some selfish individuals in Bombay. If that was our object, we should have asked for a 1s. ratio or less. The reason why we are asking for the return to 1s. 4d. is not that we want to favour one individual against another but because for the last 20 or 22 years the statutory ratio between silver and gold was established at 1s. 4d. That is the sole and the whole reason. I would ask the House to remember that when a ratio is fixed by law it is very wrong to disturb it and that by executive action unless you have found a sufficient reason for doing so. I maintain that that sufficient reason did not exist so far because the difficulty that arose was due to Government's own policy and therefore they cannot be allowed to pass it as a good argument for the purpose of raising exchange. I say here that the deliberate policy of not allowing gold to come to India in payment of the balances due to her which was pursued during and after the war for reasons for which the Government of India can plead no justification contributed to the rise of silver and that rise cannot be pleaded as a cause for the raising of the exchange as the Government now find it convenient to put. It is because the statutory rate was disturbed so recklessly and wantonly without regard to the monetary interests and the economic fabric which were built up during the last 20 years on that ratio that all our exchange troubles during the last 10 years have arisen. You disturbed the law which ought to be the most stable, the most sacred and the most permanent. You disturbed it recklessly in an hour of weakness. That is why we are asking you to return to 1s. 4d. I find, Sir, that the Honourable the Finance Member has been talking of natural conditions. He is talking of arbitrary interference. He is talking of heinous injustice. He is talking of not disturbing the contracts. Sir, there is a vernacular proverb which says: "*So chuhe khake Billi Haj ko chali*". When translated into English it means that a cat killed a hundred rats and thereafter out of penance went on pilgrimage to Mecca. I find Sir Basil Blackett in the position of having disturbed all natural monetary relations in India. By Sir Basil Blackett I do not mean him personally, I mean the Finance Department. I charge

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the Government of India and the Finance Department—as I charge that cat,—with hypocrisy. They have disturbed all natural relations by arbitrary executive orders. They have not cared for sacred rights built up under the 1s. 4d. ratio. They have done heinous injustice to the producer and the manufacturer and the agriculturist. And, now, does it lie in the mouth of the Government which for the last 10 years have been concentrating their energies on doing everything arbitrary, everything unnatural, everything unjust in the matter of currency exchange, to talk of heinous injustice and natural rate and arbitrary interference? I say, Sir, I am surprised at the courage and the boldness with which Government can now talk of natural ratios and arbitrary interference when they themselves have been doing for the last 10 years nothing but arbitrarily interfering with the natural ratio, doing heinous injustice and promoting and keeping on the Statute-book absurd and fictitious ratios, although I maintain that they are not fictitious. But, Sir, that is the kind of reasoned refutation which the Honourable Sir Basil Blackett gives. He, first of all, mercilessly abused his critics and then he tried to pitch the rest of India against Bombay and then thinks that he is maintaining a natural and just standard because that standard suits him. This is the kind of refutation which Sir Basil Blackett gives. Then after having exhausted his abusive efforts he proceeds to some kind of reasoning. That reasoning, Sir, you will find in paragraphs 40 to 46. In seven paragraphs we are given some reason which is very mystifying. Language has been described, Sir, as a vehicle for the expression of thought. But sometimes, as in those paragraphs it is used absolutely for mystifying and for creating complications. If you analyse this technical jargon in paragraphs 40 to 46 and if you look at the bottom of these mystifying phrases, you will have very poor comfort from them. It is the repetition of old arguments, which have been long since exploded and lost their force, and it is based upon a charge against his opponents which has no foundation in truth. It is quite commonplace in controversy, first to charge your opponent with having done something he never did and then triumphantly to show how wrong and utterly groundless his argument is. Sir Basil Blackett charges his critics, quite wrongly I submit, with having subscribed to a certain fallacy. May I tell him that his critics are after all not so stupid as he would like them to be? They have never generalised as he thinks they have generalised. The fallacy or the partial truth as he calls it is not our position. I will re-write the position as we take it; and I maintain that it is neither a fallacy nor a partial truth. This is how I put it. "All things being equal, rapid rises in exchange do temporarily benefit one class or another until in course of time an adjustment takes place, when everything again begins to run as if nothing had happened." I would ask him to accept this as our policy, and I would ask him to analyse that and prove that I am wrong

• **The Honourable Sir Basil Blackett:** That is just what I said.

Mr. Jamnadas M. Mehta: No, Sir, let the Honourable Member read his charge against us again; the thing he presumes we have done we have not done. We know that exchange rises and falls and it settles down in course of time and things look as if nothing had happened. But the process of adjustment, sometimes short and sometimes long, cannot be dictated by Sir Basil Blackett. This process, sometimes long and sometimes short, is full of misery, full of dislocation, full of undeserved loss, and I charge the Government of India that, during the last 10 years, they

have by executive action, and unjust action, brought about this position. They have by their own *firman*s raised exchange and continued it by artificial means whereby the producer and the agriculturist and the manufacturer has been penalised, and a great deal of economic injustice has been done, and distress and loss has occurred and is still occurring. He has not contended the position as I put it but has charged us with a thing we have never said. I invite him to disprove what I have said, *viz.*,—that all things being equal, rises and falls in exchange do temporarily do injustice either to one side or the other, until in course of time adjustment has taken place, but that in the meantime a large amount of loss and injustice occurs. By their unjust and arbitrary interference with the currency position, the Government of India have put this country, its producers and agriculturists to a loss of unmeasured crores. Those crores will never be measured. They can only be measured in the reduced vitality of the people owing to the injustice they have suffered in their standard of life which has been lowered, in the starvation and semi-starvation of millions of people in the country. That is the price which we have paid for allowing the Government to raise the exchange from 1s. 4d., and even now I ask the Government, if they are sincere in their talk of natural laws and of not interfering arbitrarily, I invite the Finance Member let gold come in as currency, let him issue currency at the market rate to-day and his 1s. 6d. will fall like a house of cards before he knows it. I invite him not to talk of 1s. 6d. as natural. I to-day ask him to give us currency at the market price of gold and continue issuing it so long as we can tender gold. Let him issue currency on some natural and just basis, and I tell him that, before he knows it, before he reaches England, the exchange will come down. Well, Sir, I know he cannot do it; he dare not do it. Therefore he has raised considerable dust, and behind the shroud of the dust he retires. What is this precious thing he has said in paragraph 46? First of all he has not said "all things being equal." He has omitted that which is the fundamental and governing condition. I say, Sir, that without prefixing this condition, *i.e.*, "all things being equal," his reasoning is false, misleading and unjust. He takes the case of rising prices and exchange now and compares it to the time when prices and exchange were low. He has no right to take it like that. Let him take all things being equal, not prices rising this year and being lower last year. That is no comparison. The moment he compares two different sets of things he puts himself out of court. He is not reasoning; he is misleading. Well, Sir, he is taking in paragraph 40 a state of things which is not the right basis for a consideration of this question. All things are not equal. He says:—"A period of rapidly rising exchange." We do not want that. Let us take all things being equal, and then if exchange is artificially manipulated and allowed to rise, then the agriculturist, the producer and the industrialist suffer. That he cannot deny. If exchange is at a certain ratio when the prices of export produce are lower the rising of exchange will bring undeserved loss to the producer if the prices have subsequently risen owing to natural causes. This is the right way to compare; his is not the proper method of comparison; but even in the two different sets of circumstances on which his argument is based, and therefore based on an initial fallacy, he is unable to prove that a rising exchange is favourable to the producer. What does he prove? The following is the substance of his reasoning "It does no good to one section, no good to another section, it does good to all!" It is a most colourless statement; the substance of that

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statement is "nothing happens, nothing good or bad". I must admire the adroitness of the Finance Member, but I feel absolutely unconvinced. Then, Sir, he is unable to deny that if exchange does rise, the producer will temporarily get less. He says the producer gets the same amount as he used to get. Yes, he used to get the same amount previously when exchange was low, and now he gets the same amount because exchange is high. But if the exchange remains stable and the prices rise, as now, it stands to reason that the producer must get more and that he does not. For that loss there is no compensation except that more gold is coming into this country. Sir, some Honourable Members are apt to be demoralised by the doles which the Finance Member gives now and then in the form of provincial contributions, and by his professions of sympathy for the consumer and the tax-payer. By these tactics he hopes to create prejudice in favour of a high exchange and then he can triumphantly proclaim that his argument is correct. But he has admitted that if the prices remain what they are now the purchaser will get more with exchange at 1s. 4d. Now, he gets less, but he gets we are told more gold instead. That gold is here, the little gold that we may be getting temporarily. What does it imply? The Finance Member knows very well that since 1871 till now the amount of gold which has come into India is somewhere near £307 millions. I am not quite sure of the figures but it was 251 millions net in 1919 and since then more has come. I think £307 millions is the amount of gold which has come into this country during the last 60 years. Does he realise that the low price of gold to-day means a smaller price for all the huge £307 millions of gold that India has collected at 15 rupees to the £? The little amount of gold we get now at once reduces the total monetary value of the whole gold we have collected within the past 60 years. Is that a benefit to this country? Temporarily low prices of gold, because exchange is higher, may benefit one man here and there; but simultaneously it reduces the value of the gold which India has collected by laborious attempts during the last 60 years or so. That is the effect of the low price of gold about which we hear so much; that is the one temporary but dubious benefit the Honourable the Finance Member can point out. It reduces, on the other hand, the total market value to-day of all the gold accumulations of this country. He calls that an advantage.

The Honourable Sir Basil Blackett: Does the Honourable Member suggest that the Finance Member is responsible for the world price of gold?

Mr. Jamnadas M. Mehta: No. All that I suggest is that to-day if gold is cheap in India, the total value of the gold accumulated in India is lower.

The Honourable Sir Basil Blackett: It is the world price that makes it cheap.

Mr. Jamnadas M. Mehta: True, but then you have been making a point of temporary greater imports of gold; hence I say that at present prices the total accumulations of gold in India will measure less because the current price of gold is lower.

The Honourable the Finance Member finally has a fling against those people who say that with exchange at 1s. 6d. India loses 40 crores a year, or, as he is pleased to put it, some other "fantastic" figure. The figure is more "fantastic" if you like; but there it is. I have said it is 43 crores. I will now give some detailed figures of the loss that is being heaped upon

the poor agricultural producer by his exchange policy. The producer of rice loses 4 crores, 3 lakhs; of wheat 1 crore 28 lakhs, of tea 3 crores 95 lakhs, of other grains 75 crores, of cotton 13 crores 82 lakhs, of other agricultural produce nearly 7 crores. He would receive more if the exchange was not high.

Well, Sir, the last argument, the "trump card" of the Honourable Sir Basil Blackett is—what is it? He says the producer in one capacity is the consumer in another time but not in the same sense and to the same extent. In India to-day the agriculturist and the producer are the most numerous of all sections of the community and it will interest Sir Basil Blackett and those friends who harp upon the consumer to remember that to the extent the agriculturist is also the consumer when his income is reduced by higher exchange, his purchasing capacity for the cheaper foreign articles is also reduced. If you first of all reduce his income, if you first cut off his right hand and then put some thing, say a few pies, in his left, it is no advantage to the agriculturist even as a consumer.

Mr. Devaki Prasad Sinha: What is the source of his income?

Mr. Jamnadas M. Mehta: The source of his income is production, and the Honourable the Finance Minister's speech will tell Mr. Devaki Prasad Sinha that world prices eventually rule internal prices and prices here are not in the long run at a different level to what they are in the rest of the world; and if the producer does not get the benefit of higher prices for his produce in other countries, he cannot get higher internal prices also.

I will now proceed to show the Honourable Sir Basil Blackett how the consumer in India is largely distinct from the producer. During the luncheon recess I have casually looked up the figures of the census and I find that the producer as producer—the cotton grower, the corn grower and the man who is engaged in the production of food grains and other raw material—is between 70 and 75 per cent. of the people of this country.

Mr. N. M. Joshi: Are they the owners of the land?

Mr. Jamnadas M. Mehta: Yes, mostly unless the census is wrong. I am coming to the case of the agricultural wage-earners who work on the land, but I repeat here that the man who produces or helps to produce agricultural materials is between 70 and 75 per cent. of the population of this country; and the number of people who depend upon agriculture for their wages is, so far as I can ascertain, not more than 17 millions, i.e., 17 millions of people are engaged as agricultural wage-earners as distinct from producers or people who till their own lands. And then, Sir, of the rest of the population, about 18 per cent. are occupied in trade, industries and transport. Of these those who are engaged in trade are 5.68 per cent. and include those who are engaged in trade as bankers, and brokers, and these latter deserve no consideration. I hope nobody is pleading for the consumer of this kind—bankers, brokers of all kinds and the industrialists. Then, Sir, even among the rest who are engaged in trade and industry there are people who are engaged as tailors, bricklayers, carpenters and others who do not work in organised industries, journeymen who work on wages according as prices rise or fall, and that should not be forgotten. If you take away all these classes, those only are left who are engaged in organised industries and whose wages alone therefore matter when you want to consider the consumer's standpoint, there are those who are either engaged

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in Government service or the service of other public bodies. Their number at the highest when you include all others in similar condition cannot be more than 18 millions. Unhappily that number is rising. Now I do agree that with a lower exchange the difficulties of these 18 millions of people will increase. They will be put to a great deal of loss, distress and starvation. But the remedy for that is not to penalise 132 crores of people. The remedy is to force the industrialists and the Government to give higher wages to their men.

Mr. Devaki Prasad Sinha: Until that is paid what do you suggest?

Mr. Jamnadas M. Mehta: Until that is paid you will have under the present policy, to rob the agriculturist. That is the new Bolshevism of the Honourable Sir Basil Blackett.

The Honourable Sir Basil Blackett: What are the 132 crores?

Mr. Jamnadas M. Mehta: They are the people engaged in tilling land and in producing. I beg your pardon. I mean 231 millions, not 132 crores. I am very thankful to you for correcting me. I am very much obliged. But these 231 millions of people—is there any reason why you should rob and penalise this class of people for the interests of 18 millions of people who may be said to be the real consumers and whose case deserves as careful and as sympathetic consideration as that of the producer? I may say that I am here to help my friend Mr. Joshi and my friend Mr. Devaki Prasad Sinha and whoever else is interested, to press upon the industrialists and the Government, the two great employers of paid labour, in whose hands the consumer's real interests are, to pay their employees higher wages. Let us not penalise the producers and the agriculturists.

Mr. Devaki Prasad Sinha: What about the agriculturists?

Mr. Jamnadas M. Mehta: If my friend Mr. Devaki Prasad Sinha or the Honourable the Finance Member has any doubt I will quote the evidence of some people before the Babington-Smith Committee which conclusively establishes who are the producers and who are the consumers.

Mr. N. M. Joshi: The labourers are the producers.

Mr. Jamnadas M. Mehta: I quite agree. I will tell the House what was said before the Babington-Smith Committee by Sir Vithaldas Thackersey and by one Mr. Datta who previously belonged to the Finance Department of the Government. Mr. Datta said that 70 per cent. of the people benefited by the rise in prices before the war because they were engaged in agricultural work. As regards the benefit which accrues to the consumer qua consumer when the exchange is higher Mr. Datta himself says that that depends upon one single factor and that factor is how much of the imported articles the agriculturist uses. Sir Purshotamdas has shown the other day, and many more people in Bombay will show the Finance Member and those who agree with him, that the use of imported articles in this country and of foreign luxuries is restricted to towns and cities and percolates only to a very small degree to the mufassil and the agricultural centres and what they purchase is either kerosene oil or sometimes sugar or one or two articles of very small value. Those are the only things which the agriculturist in India purchases out of imported articles and the amount which

he spends on that account is certainly lower than the total of his family budget on other articles. The real criterion is what portion of his income he spends on imported articles and what either in cash or kind on the articles internally produced. If that is the criterion, and I agree that it is, there is no question whatever that the rise in exchange absolutely puts the agriculturist to enormous disadvantage.

Lastly, I must quote for the benefit of those who still hold that higher exchange is beneficial the reply which Government received from the Treasury in England when they were trying to put the exchange higher from 1871 onwards. The Government of India appealed to the Secretary of State and the Secretary of State referred their appeal to the Treasury. Then also the same question was raised whether exchange was to be allowed to rise and here is the answer which the Treasury gave. That is an answer written when this controversy had not arisen in this acute form. Here is what the Treasury says

The Honourable Sir Basil Blackett: What is the date?

Mr. Jamnadas M. Mehta: 24th November 1879. 1879 is the starting point but it goes on much longer. Here is their reply:

"It appears to my Lords that the Government of India in making the present proposal (*namely, that the exchange ratio should rise*) lay themselves open to the same criticisms as are made upon Governments who have depreciated their currencies. In general, the object of these Governments is to diminish the amount they have to pay to their creditors. In the present case the object of the Indian Government appears to be to increase the amount they have to receive from their tax-payers. My Lords fail to see any real difference between the character of the two transactions."

This reply, Sir, is couched in polite language. It says what the Indian public opinion has been saying that an artificially raised exchange is a fraud on the consumer and the producer. I wish I could speak with the same restraint and politeness in referring to this matter but the action of the Government makes that impossible. Patience is impossible with this Government. In the reply which the Lords of the Treasury gave to the proposal of the Government of India in 1879, they say that you are attempting to perpetrate a fraud on the people of India just as all bankrupt Governments do which depreciate their own currency. They really see no difference between the character of the two transactions.

The Honourable Sir Basil Blackett: Will t' e Honourable Member explain how this differs from what I said? I said very much the same thing.

Mr. Jamnadas M. Mehta: Then I am glad you agree with us. Let us see what they say further; this is the substance:

"The raising of the value of the rupee is open to the objection that it alters every contract and every fixed payment in India. It may relieve the Indian Government in the matter of remittance. It may relieve civil servants and others who have to remit to England. It may relieve the capitalists who want to transfer capital to London but this relief will be given at the expense of the Indian tax-payer and with the effect of increasing every debt or fixed payment in India including the debts due by the *ryots* to the *soucaras*."

What is the difference to-day between exchange at 1s. 4d. and 1s. 6d. for a promissory note for Rs. 100. In substance it comes to Rs. 112-8-0. The huge indebtedness of the peasantry at 1s. 4d. is multiplied by 12½ per cent. to-day by the higher exchange and that is the effect of the rise in exchange for which the *ryot* will not bless you. You may try to beguile yourself with the delusion that exchange which puts the debtor to 12½ per cent. disadvantage for every Rs. 100 is not a thing which is a hardship

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on him; but the fact cannot be denied. Then we come to the letter of 1886. Again a similar reply was given:

"While it is admitted that some benefit might be derived by the European officers of Government from the proposed measures it is shown how injurious would be their effect upon the Indian tax-payer. Since that time the great stimulus which the value of the rupee is believed to have given to the export trade of Hindustan and the great addition which has accrued to the commercial wealth and the industries of the people reinforce the warning then given against rashly meddling with a condition of things which may well have brought to the people of India more of advantage than of loss."

Again:

"It is impossible to regard this question from the point of view either of the Indian exchequer or of the Anglo-Indian official without a corresponding regard to the general effect of the fall in the gold price of silver upon the trade and prosperity of the great masses of the population."

Well, Sir, I am satisfied that the Lords of the Treasury in England have twice upheld the principle for which the critics of Sir Basil Blackett are fighting.

The Honourable Sir Basil Blackett: I do not want to interrupt the Honourable Member but the whole of my speech was devoted to proving that it was very undesirable rashly to meddle with exchange, and the Honourable Member seems to agree with me.

Mr. Jamnadas M. Mehta: Now; but you have meddled all these 10 years. I have invited you to put the currency on a gold basis and see the consequences. I invite you again. The Honourable the Finance Member thinks that he can reduce prices by raising exchange. In order to prop up a weak case the Babington-Smith Committee devoted paragraphs after paragraphs to the question of prices in order to mislead the people. Similarly the same policy is maintained here to mislead the people on the question of prices and to justify the rise in the rate of exchange. Sir, supposing silver becomes dear, would it be proper to value the pound at 15s. If silver becomes dear, would the tax-payer of England say now that silver is dear let us make a pound 15s. instead of 20? That was the thing which Government have done in India. Because silver was dear instead of Rs. 15 to the sovereign they made it Rs. 13. They wanted to put it at Rs. 10 because silver was dear. Let Government and Sir Basil Blackett attempt to advise the Treasury there when silver has risen in price to make 15 shillings equal to the sovereign; that proposal is identical with what was done in India; let them advise I say and I am sure they will be laughed at and the gentleman who made the proposal would have to go into wilderness from which he will never return. That is the kind of thing which is being forced upon the people, a thing which is not conceivable in England, which nobody would dare to propose without being stamped as a thoroughly ignorant man; and yet that is precisely what the Babington-Smith Committee advised and has been done here for years together. And now Sir Basil Blackett asks us to admire the mechanism by which he has been able to bring about a surplus, the mechanism by which he has been able to give a dole to certain provinces, the mechanism by which he says he has been able to maintain lower prices; forgetting that he himself has said that the day of lower prices can only be of a temporary duration. He himself has said that it cannot last long. Why then throw it out as an excuse for a policy which is not justified on other grounds? Sir, I have done so far as Sir Basil Blackett's 10-paragraph lecture to his

critics is concerned. He has not been able to bring forward one new argument, beyond trying to prejudice the case against his critics by abusing them. In addition to these three things he has further tried to confuse the issue by what I said was technical jargon; it really comes to this that temporarily higher exchange benefits the consumer and lower exchange benefits the producer. That is correct, but the whole thing comes to this, should you disturb the statutory relation for that purpose? It is a questionable method of reducing prices if you reduce them as you have done by tampering with a legally established standard. All that I can say is that whatever may be your intentions you are not justified in tampering with the legally established money standard in order to gain a good end.

Then, Sir, there is one thing which has rather caused me a certain amount of misapprehension, and that is this. Sir Basil Blackett says, let us leave this question to a Committee which is eventually to be appointed. They will fix the ratio. I may tell him that the Committee which this House has asked for is not for fixing the ratio. The Committee has been asked for for the purpose of revising the currency and exchange system, not merely for fixing the rate of exchange, and I hope the terms of its reference will not be limited, because although he has emphasised this question of fixing the ratio of the rupee and the pound, that is not the only object of the Committee we have asked for. That is the object of Sir Purshotamdas's Bills. Therefore, I hope Sir Basil Blackett will not limit the terms of reference when he appoints a committee as soon as he returns from England. With these words, I oppose the consideration of this Bill.

Dr. L. K. Hyder (Agra Division: Muhammadan Rural): Sir, when I read the heading of this Finance Bill which is before us I found miscellaneous items which are joined together, and when I see how the course of the debate has swayed to and fro I find that different things have been packed into this debate, as if it were a very large and very capacious portmanteau. We have been talking of economics, politics, sense, non-sense, facts, fables, death-warrants and treasure islands looted away. Well, Sir, I should not have stood up in my seat, but, Sir, I represent a rural constituency, and the point has been raised that somehow or other through their exchange policy the Government of India are acting in a manner that is highly injurious to the agriculturists in this country. I find that this discussion about currency and exchange is not a new thing in India. It has got a very long, a very confused, and chequered history, and I welcome this opportunity because it is better that we should hammer out these things here. At any rate it makes us think about them, things which are admittedly very difficult, which are admittedly very subtle, and about which we should aim at getting at correct conclusions for our guidance. Well, Sir, this question of exchange, as I said just now, is rather a difficult matter, and as I rise in my seat now at this late hour—I must say also that I feel rather tired and also rather sleepy—and I will not keep the House for a very long time. And I will not trust to my notes only, but I shall quote to-day from a text, in order that there may be placed on the records of this Assembly the opinions of people who are by no means partisans of any one. In 1888 Dr. Marshall gave evidence before the Gold and Silver Commission when the English agriculturists raised the cry that they were being ruined out of their business by the unfettered import of

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wheat from India, and he maintained that nothing of the kind was happening. I was going to add that the evidence of such men is unbiassed. They were wholly seekers after truth, and I was going to assure my friends from Bombay that in answering a question of the President, he said, referring to the cotton excise duty, that "our rule of India would not be justified at the bar of history if we so governed India that she always had to send cotton to be manufactured in England." Well, Sir, I think you may take it that such a man, if he was giving evidence would not be swearing to false gods but to pure truth only. Well, Sir, I will now recapitulate some dates in order to get this point firmly fixed, that this phantom of rising and falling exchange has been present ever since 1870 and has produced visions and suggestions which had no foundation whatever in fact. These are the dates. In 1888 the gold price of silver was falling and it was said that there was a bounty on exports from India and a check on imports into India. Then again, in 1893, a similar thing was happening, the gold price of silver was falling and it was suggested that the exports from India to other countries showed a large increase and the imports showed a very great decrease. Then again in 1898, this question of currency was there. Then again in 1914 this question of currency was there, and again in 1919; and here we are in 1925 and this question of currency and exchange, of crores looted and given away, is there. Well, Sir, it therefore is a very important matter for the people of the country to find out how, if at all, these crores are given away by an expert Finance Minister, and if possible to check him in granting this largesse to non-Indian interests. As I said just now in 1888 these English agriculturists, men of huge frames and of broad acres, complained that they were being done out of their business. Let me quote now the opinion of Dr. Marshall which bears directly on this question of a high or low exchange creating bounties and penalties in the

4 P.M. foreign trade of a country. The question that was put to him by the Chairman, Lord Herschell, was this:

"Q.—It has been suggested that the fall in the gold price of silver gives a bounty to exporters of produce from silver-using countries. What have you to say on that point?"

A.—My own view is that *a priori*, it is impossible. I will first endeavour to prove this by general reasoning, though I am aware that such a method of argument is not convincing to all minds. I submit that if Spain is sending oranges to England in exchange for cutlery, the question whether more oranges will go to England—whether the English market will be flooded with oranges—depends solely upon the relative values of oranges and cutlery in England and in Spain. That doctrine was established by Ricardo, and I do not know that any person has shaken it in the least; in fact, I do not myself believe that it has ever been seriously attacked by anyone who has taken the trouble to understand it. If cutlery should rise relatively to oranges in Spain, then there will be a larger trade done, or if oranges should rise relatively to cutlery in England, there would be a larger trade done. I do not think that any change in the counters which are used will have any effect whatever upon the general course of trade. I admit that silver is something more than a counter. I admit that it is a very large commodity counting for a great deal in India's imports, and in so far as it is a commodity, I allow it every effect which I should to a commodity of equal volume, copper, or iron, or cutlery, but no more. Well, although that argument seems to me conclusive, I know that there are many who are not convinced by it, and I will therefore interpret the substance of the argument into the language of the money market, and go into the matter in detail. In answer then to the question, 'does a fall in the Indian exchanges give a bounty to the Indian exporter', I submit that there is no answer to be given to that question at all, unless it is known what is the cause of that fall in the Indian exchanges.

And it appears to me very strange that general attention has not yet been directed to the fact that a fall in the Indian exchanges may be so caused as to have exactly

the opposite effects that are commonly attributed to it, and give a bounty to the Indian importer, and to impose a penalty on the Indian exporter. Let us then take one by one the causes which may produce a fall in the rate of the Indian exchanges. We shall find that the effect of that fall depends on the nature of those causes, and that it acts sometimes in one direction and sometimes in the other. Firstly, let the cause be a superfluity of silver in Europe, then there will be a fall in the purchasing power of silver there; the purchasing power of gold so far being unchanged, the result will be a fall of the Indian exchange. The gold price of a silver bill on India falls; the sending of goods other than silver to India is *pro tanto* unprofitable because prices have not risen there. For the same reason the sending of goods from India is profitable; consequently silver goes to India. How long silver keeps on flowing to India depends chiefly on what is done with it when it gets there. In so far as it goes into the hoards it will not affect prices; in so far as it does not go into the hoards, it will gradually raise prices. It will gradually raise the exchanges, and the benefit to the Indian exporter will be so far over. Therefore on the supposition that the fall in silver prices takes place in Europe before it takes place in India, there is an interval in which the Indian exporter gets a bounty equal to this difference. The extent of that difference I will consider afterwards; but to the extent of this difference, and so long as it lasts, I admit that a bounty to the Indian exporter does accompany a fall in the Indian exchanges. But, secondly, let us take the opposite cause of a fall in the Indian exchanges. If the silver mines had been discovered in India instead of in America, and silver prices had risen in India before they rose in Europe, then the exact opposite results would have arisen. There would then have been a tendency for silver to flow from India to England in lieu of other commodities, and there would then have been a tax on the Indian exporter equal to the difference between silver prices in India and in Europe. I contend, therefore, that the bounty which is caused one way or the other by a fall in Indian exchanges depends merely on the question whether the change in the price of silver takes place first in Europe or first in India. If it happens that silver falls in value in Europe before it falls in India, I admit that in proportion to the differences between prices measured in silver in Europe and prices measured in silver in India, to that extent there will be a bounty to the Indian exporter, but that this bounty is due not to the fall in the exchange itself, but to the particular cause which produces that fall, is shown by the fact that if the silver had been discovered in India, and if silver prices had risen in India before they had risen in Europe, then the difference between them would have been a penalty on the Indian exporter and a bounty on the Indian importer."

Then he was asked the further question:

"When you say the value of silver falls in Europe before it falls in India, your judge of the value having fallen in Europe by the gold price of silver?"

To that he replied:

"Yes, I take account of that."

He was then asked:

"How do you judge of its having fallen in India?"

The reply was:

"But I desire to explain further: I judge of it in England in this way; I find the purchasing power of gold in England in terms of commodities; then I find the price of silver in terms of gold; then I divide the one by the other and so find the purchasing power of silver in England. I find the purchasing power of silver by the ratio of its value to gold, as compared with the ratio of gold to other commodities. The purchasing power, the value of silver in India, I measure by an index number such as Mr. Palgrave submitted to the Commission on the Depression of Trade and Industry."

There is then a long train of reasoning and I do not wish to read that before the House, and I may say Lord Herschell was still not satisfied as to this question of bounty or penalty, and he pressed Dr. Marshall to make himself clear. He put the whole matter again to him in the following words:

"Will you let me put to you a case which has been suggested as showing a bounty, or I think it is very much the view which has been put forward, although I do not know that it has been put exactly in this way before. Supposing the gold price of wheat to have fallen from 40s. to 30s.; when the gold price of wheat was at 40s. and the rupee was at its old value, the grower in India got precisely the same number

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of rupees and no more than he gets now with the lower value of silver. When wheat is at 30s. he would get, with the fall of 25 per cent. in the value of silver, precisely the same number of rupees with wheat at 30s. as he did with wheat at 40s. Well now, supposing that the rupee will pay the wages of the people employed in the production of his wheat, and purchase as much of everything as it did before in India, the Indian producer is in precisely the same position with wheat at 30s., but with the lower value of silver, as he was with wheat at 40s. I am putting that assumption to you. Then it is said that this is substantially in accordance with the fact that there may be some slight change of silver prices in a few articles, but that as regards wages and matters that go to the cost of production it is true, and therefore the Indian producer with wheat at 30s. is in as good a position as he was at 40s. Now it is said that the English producer with wheat at 30s., although he might be in the same position as the Indian producer if wages and everything else had gone down to 25 per cent.; is now in a worse position than the Indian producer, because wages, more particularly, and other matters which go to the cost of production, have not gone down to the same extent; therefore it is said that the more favoured position of the Indian producer may be regarded as a bounty. Could you question the reasoning or the effect?"

The answer was:

"I should say that there was a *petitio principii* in the argument, and that the conclusion arrived at was unconsciously glided into the argument. The fact that industry is now capitalistic alters, in my opinion, the substance of the problem very little, but makes a considerable change in its form; therefore I will ask to be allowed to pay no attention to the fact that industries are capitalistic for the present, and to take account of it afterwards. It is of course true that India can export wheat or tea more profitably when exchange is 1s. 4d. than when it is 1s. 6d., if we suppose that the fall in exchange has not been accompanied by any changes in prices; but then it is of the nature of the case that it will be so accompanied, and to suppose that it is not is to assume unconsciously the conclusion against which I am arguing. It is a *petitio principii*. The argument is like this:—If a man is in the cabin of a ship only ten feet high, and the ship sinks down twelve feet into a trough, his head will be broken against the roof of the cabin. This argument implicitly assumes that when the ship falls he will not fall. But really the law of gravitation acts on him and on the ship together. He does not break his head against the roof of the cabin, because there is a natural law which makes him move together with the ship. In just the same way the change in the exchange is itself a part of a more sweeping change. If wheat is selling at 36s., and a scarcity of gold lowers exchanges from 1s. 6d. to 1s. 4d., it will also lower wheat from 36s. to 32s.; and the Indian exporter will be where he was. Of course, silver might fall a little faster than wheat, owing to a panic in the bullion market; that would give a bounty to the Indian exporter equal to the small difference between the two falls. There is no reason why the gold price of silver should fall at a different rate from the gold price of wheat, unless there should be a panic in the bullion market, and after all such a fall would be temporary, and if it led to silver going to India when it was not wanted there, there would be a reaction. The argument that the fall in the gold price of silver gives a great bounty to Indian exporters assumes that there is a great difference between silver prices in India and Europe (after allowing for carriage). That is impossible. To assume that it is possible is the *petitio principii* of which I complain. There can only be a small difference, and the fact that Indian importation of silver is not large shows that the difference is only (as it was before 1873) just enough to pay the freight of the silver. It is a fundamental law of commerce that the silver price of things must be the same in two countries which have free trade with one another, after allowing for differences in the cost of transport. If there had been for a short time any considerable premium of this kind on exportation from India, if there had been even for a short time a large fall in the gold price of silver in England without a large fall in the gold price of commodities, there would have been an enormous export of silver from Europe to India, on a scale such as has never been approached, though some faint indication of it was given about the year 1866, when the French bimetallic law prevented silver from rising in Europe relatively to the newly-imported gold, and in consequence India imported 20 million pounds of silver in one year."

This thing then has persisted. I think the question was examined by a Commission in 1893, by another Commission in 1898 and also by this Committee in 1919, and they took pains to establish that, to repeat the

technical terms of which my Honourable friend, Mr. Jamnadas Mehta complains, exports really pay for imports. (Mr. A. Rangaswami Iyengar: "What is the primary connection?") Well, Sir, I come now to a different part of the argument, and that is this, that ever since the year 1914 we have had to deal with internal price-changes, foreign exchanges and outside world prices. Well, Sir, there are these three factors,—internal price level, the world price level, and the rate of the exchange. Now the Finance Member can manipulate internal prices, he can manipulate the exchange, but one thing is not in his power and that is the price level outside. If you want fixity of exchange, you must have necessarily two things, stability in internal prices and stability in international prices. One of the factors is not in your control, that is to say, the world price level. If that is not in your control, then you cannot keep both your own internal price level and your exchange stable. These two things together stability in internal prices and stability in exchange, when the third factor is not in your control, you cannot have; so you will have to choose between stability of internal prices and stability in exchange. The choice will depend upon the merits of the case for each country. I believe, Sir, that the choice which was made by the Government of India was a wise choice, that it is better to keep prices stable in India, rather than to aim at stability of exchange, with which after all not very many people are concerned. It is a great convenience, but it does not touch the lives of the people who form the 320 millions. Well, Sir, I will not detain the House longer, but perhaps this is one of those occasions when a man might make some confessions also. We have been told it would be in the interests of this country, and there is no politician in India, no public man of any reputation who has not said that it would be better for this country to possess a gold standard, either with or without a gold currency in active circulation. Sir, I will also lay down what I consider best. What is it for we require silver or gold? Can you eat them? Can you drink them? What can you do with them? What do you want them for? You want them in order to effect your purchases and the same thing you can do with notes printed on silver and the same thing you can do with notes printed on paper. Is it not desirable, Sir, that this business of buying and selling things in this country, the internal exchanges,—should be conducted by means of a material which does not cost you very much? The provinces require remission of contributions. (Mr. A. Rangaswami Iyengar: "And therefore use paper money?") The provinces require remission of these provincial contributions. Does it occur to the Honourable gentleman what quantity of wheat the Government of India would have to raise in taxation in order to acquire the quantity of gold necessary for establishing the gold standard? And what work will this gold do? Simply this that you may be able to effect your exchanges? Well, then, if exchanges can be effected by means of a material for which you have not to send such a large quantity of rice or wheat or jute or other agricultural stuff, is it not better that the currency work should be performed by such means. I would unhesitatingly raise the question. "Is it not better that the quantity of rice or wheat which this country would have to export to get at the gold should be invested in the material welfare of the people of this country rather than in the acquisition of a material for which there is absolutely no use, except this that it should enable you to perform your buying of things in the bazar." There is another thing. Even if you did have the gold the low level of prices in India would not allow you to perform your exchanges with the gold pieces. The gold piece

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would be too much in value for the kind of transaction that people in this country enter into daily. For that reason, Sir, without any hesitation, if I had any voice or influence whatever in the management of affairs of this country, I would unhesitatingly say that it would be no good policy for this country to adopt this expensive folly of the gold standard which other countries in Europe, much more wealthy, are able to maintain. It would be absolutely no use to have this gold,—so much wealth invested without profit because the only work that it can do is to enable you to perform your exchanges. That work is being done by the silver rupee, by the paper rupee. Why take on this additional luxury? If other countries take to it, they are wealthier. The people of those countries can freely afford to have this luxury but not the poor people of this country.

*Mr. M. A. Jinnah: Sir, before I deal with the motion that has been moved by the Honourable Member that the Bill be taken into consideration, I would like to make one or two matters clear. First I want to answer my Honourable friend Mr. Jamnadas Mehta. Mr. Jamnadas Mehta said that, when I had a voice in this House, I would not appoint him as Finance Minister. Well, Sir, I never imagine for a single moment, nor am I so presumptuous, however ambitious I may be, to imagine that I have that power or that I shall ever have that power to be able to appoint a Finance Minister of this Legislature. But I never said that, and I believe that he is so disappointed that his feelings are hardened against me. (Mr. Jamnadas M. Mehta: "I might not accept you at all.") I never was a candidate and I am not a candidate for any post. (Mr. Jamnadas M. Mehta: "Not even for forming a Government? I do not want to be one of them.") I know the Honourable Member is very much offended because I refused to appoint him a Finance Minister and he said that he would not have me. Then he went further and he made a statement. He said he had a great feeling or regard for me as a Nationalist leader but that feeling of his has now hardened because I have become a leader of communal strife. (Mr. Jamnadas M. Mehta: "That is perfectly right.") It is absolutely false and Mr. Jamnadas ought to know that. I, Sir, stand here with a clear conscience and I say that I am a nationalist first, a nationalist second and a nationalist last. (Applause.) Statements of this character, which are made for outside consumption, will not deter me from doing my duty; and I give my friends from whom we differ honestly credit for holding to their honest convictions. Give us the same credit. That is all I claim. I will not, Sir, villify, I do not wish to misrepresent, anybody, and I once more appeal to this House, whether you are a Mussalman or a Hindu, for God's sake do not import the discussion of communal matters into this House and degrade this Assembly which we desire should become a real national Parliament. Set an example to the outside world and our people. Sir, I have done with regard to that.

Now, I shall deal with my friend Mr. Patel. In Mr. Patel, Sir, I see the Congress man. I do not see eye to eye with the present policy and the programme of the Congress. Nevertheless, I have profound reverence for those men who are working in that organisation. But, Sir, I do resent misrepresentation. Now, Sir, we know perfectly well that in 1916 the Congress-League scheme of reform was adopted at Lucknow. In 1917

* Speech not corrected by the Honourable Member.

we had the Congress at Calcutta. The Montagu-Chelmsford Report was published in this country, and after that a special Session of the Indian National Congress was called and was held in Bombay and Mr. Patel served as one of the representatives who represented the Indian National Congress view before the Joint Parliamentary Committee. What was he asked to do by the Congress? The original scheme of reforms, as a first step towards complete responsible Government which was adopted by the Congress, was modified by the Congress after the Montagu-Chelmsford Report. They pronounced their verdict. What was their verdict? I will read it to the House.

Mr. A. Rangaswami Iyengar: Is that the Bombay or the Delhi Resolution of the Congress?

Mr. M. A. Jinnah: I am reading, Sir, the evidence of Mr. Patel who put the views of the Indian National Congress before the Joint Parliamentary Committee. This is what he said:

"That to put it shortly is our position. The modifications I am not going to deal with in detail. The modifications suggested by the Congress are briefly speaking as follows:—"

—(The modifications referred to were modifications of the Montagu-Chelmsford Report which were reproduced in a Bill.)—

"*First*, we say that there should be full provincial autonomy or, to be strictly correct, full responsible government in the provinces. The Reform report proposes to transfer only a few subjects in the provinces. We demand that all the subjects should be transferred.

Secondly.—The Reform report proposes no responsibility in the Government of India. We claim that in the Government of India there should be introduced some measure of responsibility and we have defined what that measure should be. We say that the army, the navy, the air force, the peace and treaty, foreign affairs, relations with Ruling Princes and subjects affecting the peace, tranquillity and defence of the country, subject to what we call the declaration of rights and about which I shall have to say something later on, all these subjects should be reserved to the Executive."

Mr. Ranga Iyer: Declaration of rights.

Mr. M. A. Jinnah: If Mr. Ranga Iyer will not display this impatience, let me, Sir, tell him that this interruption is totally irrelevant. I am perfectly aware of the question of "declaration of rights." To continue Mr. Patel's evidence:

"All these subjects should be reserved to the Executive and the remaining subjects, which practically are all the subjects regarding internal affairs, should be handed over to the representatives of the people. That is the responsibility that we ask for in the Government of India. Then, *thirdly*, we ask for something, fiscal autonomy, and so on."

Now, Sir, even Mr. Patel who represented the views of the Indian National Congress *did* suggest that certain subjects should be reserved in the Central Government. Now, Sir, what is Mr. Patel's own personal opinion that he mentioned before the Joint Parliamentary Committee? Has he forgotten that? I will read it:

"Supposing (*this is the question put to him*) you were speaking for yourself, have you any views to express as to the imperfections of the present Bill short of the very large demands you have made as the authoritative spokesman of the Congress? Supposing, much to your regret, you found you were not going to get everything you have asked for to-day, is there any alternative improvement in the Bill you can suggest!"

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Mr. Patel's answer was:

"I would, if your Lordship permits me, express very strongly the need for reforms in the Central Government and the transfer of all subjects in all the provinces except law, justice and police. Provided, of course, the reforms suggested by the Congress in the provinces are not going to be granted and taking it that I am speaking in my personal capacity, and not as a representative person, I would say that I strongly urge upon your Lordship's Committee to grant the reforms asked for in the Central Government, and to transfer all the subjects in the provinces except law, justice, and police. With regard to the Central Government, again, if the reforms suggested by the Congress are not accepted by this Committee, I would ask the Committee to look to our original Congress scheme. There we did not ask for Ministers, as you now propose, in the provinces. There we asked for the control by the Legislature of the Executive Government both in the matter of finance and in the matter of legislation," and so on.

I am quite content that Mr. Patel's personal opinion was that he was content to have dyarchy in the provincial Governments, namely, that law and order should be reserved.

Mr. V. J. Patel: I challenge my friend to prove that I have ever made any statement that dyarchy could succeed. That is what I want to know. (Laughter.)

Mr. M. A. Jinnah: Sir, if a man, standing there as a representative of his reputation and fame and calibre says: "This is my personal opinion and I want you to do this," I say it is more than saying that it will succeed. That is merely an expression of opinion whether it succeeds or whether it does not; but here was a great proposal made by Mr. Patel as his personal opinion.

Pandit Motilal Nehru: May I ask the Honourable Member whether it is not true that opinion was expressed in answer to the question which was framed something like this: "Supposing the reforms that were asked for by the Congress were not granted, and supposing that all that Mr. Patel wanted could not be given, what then will be his personal opinion?"

Mr. M. A. Jinnah: No. I have read his evidence and I will make a present of this volume to Pandit Motilal Nehru. (*Pandit Motilal Nehru:* "No, thank you.") I have read it, Sir, the whole of it.

Now, Sir, with regard to the suggestion or rather the statement that I made before the Joint Parliamentary Committee that dyarchy would succeed. Now, Sir, I ask this House—what was the object of that statement being made here? I certainly have not been able to understand it.

Mr. V. J. Patel: Just to tease you. (Laughter.)

Mr. M. A. Jinnah: My Honourable friend says, "Just to tease me." Well, for the matter of that, this is not his own expression which he has used just now. He borrowed it from me. I asked him: "What was your point?" He said: "I got puzzled." I said: "You were trying to tease me." He said: "Yes." Now, he has repeated that statement. If it is to tease me, then, of course, I am not hardened against Mr. Patel, although he is really the master of the pupil who is hardened against him. (*Mr. Jamnadas M. Mehta:* "I am quite proud of him.") That is exactly what I am saying. I would certainly not even take notice of it. If my Honourable friend wishes to tease me, he is always welcome to do it. But, Sir, I do ask him that even when he wants to play these frivolous pranks in the House, he must not forget that they may do some injury

to those whom he does not wish to injure. Although I have shaken hands with him, I think I must satisfy the House, the statement having been made, what is the exact position with regard to that statement. Sir, Mr. Patel did not read the answers to the written questions which were in my own hand-writing, signed by me and handed over to the Joint Parliamentary Committee. But I will read a few lines. The question was:

"If you have any other method to suggest, does it (1) provide possibilities of advance by stages and facilitate the 'progressive realisation of responsible government,' and, if it does, in what way? And (ii) does it afford means of judgment (a) to the electors and (b) to the Statutory Commission which is to examine and report on progress of the success or failure in results of the control exercised by the Legislature and those who represent it in the Executive?"

And the answer was:

"We have no other method to suggest. Dyarchy fits in more with the order of things as they exist at present in India, and it can be justified on the ground that it is for a transitional period."

Mr. Patel quoted a few lines after that, and remember that I was there dealing with the Central Government and not the Provincial Governments. And only a few lines after what Mr. Patel quoted, there is the question:

"You said that you were in favour of a dyarchy or dual system of government?"

And the answer was:

"Yes I am; I am driven into it."

And further:

"Q.—You mean there should be a division of functions, in which Ministers should administer a certain number of transferred subjects, and the Executive administer reserved subjects?"

A.—Yes.

Q.—You see no difficulty whatever in that?

A.—I cannot say I see no difficulty; but I say there is no other schema."

Mr. V. J. Patel: Will you read on?

Mr. M. A. Jinnah: I will read the whole of it if you wish. Mr. Patel is wrong because there is nothing in it

Mr. V. J. Patel: You have stated that dyarchy would succeed.

Mr. M. A. Jinnah: That is just it. Mr. Patel has picked up one little passage. I say it is not fair unless he wanted to misrepresent me. If he really wanted to make use of that statement, it was most unfair and it was a grave misrepresentation.

Mr. V. J. Patel: Go on, read on.

Mr. M. A. Jinnah: I have read the whole of it. I say therefore I will leave it there. Now, Sir, we know perfectly well what happened. I am always ready that every man should maintain his opinion. Put forward your opinion, stand by your convictions, assert them. Now, Sir, what happened? This was before the Act was passed. But the Act was passed in 1919. Does Mr. Patel want me to read out what happened in the Indian National Congress of 1919? What did they do? Shall I read that out?

Mr. V. J. Patel: I have no objection.

Mr. Ranga Iyer: The Indian National Congress asked for a "Declaration of Rights", and got Martial Law.

Mr. M. A. Jinnah: Sir, this is the amendment which was moved by Mahatma Gandhi. The Act was on the Statute-book and the question came up that we had to work it:

"Omit the word 'disappointing' at the end and add the following clause after clause (c) 'Pending such instructions, this Congress begs loyally to respond to the sentiments expressed in the Royal Proclamation', namely: 'Let the new era begin with a common determination amongst my people and my officers to work together for a common purpose and trust that both the authorities and the people will co-operate so as to work the Reforms so as to secure the early establishment of responsible government; and this Congress offers its warmest thanks to the Right Honourable E. C. Montagu for his labours in connection with that'."

Pandit Motilal Nehru: Quite right.

Mr. M. A. Jinnah: And I can tell my Honourable friends there that though it was the position, not only of Mr. Patel and not only of the Indian National Congress, but to be just and fair even our Moderate friends, the Liberal Party that they were not satisfied with the Statute to work, the Congress decided to work and ask for more. I do not wish really to detain the House and read the speech of Mahatma Gandhi. And this was the line adopted even by Mr. Das. Therefore the question now is: We feel that here is a Statute which has been tried, and now we have been further convinced, in the light of working, and with the help of the evidence which we have got, and have come to the conclusion that it cannot yield any further fruitful results to anybody. Now, Sir, I have done with that.

Now I get to the Finance Bill. I entirely agree with Mr. Patel in many things that he has put forward as very strong, very powerful grievances, not only of this House but of the people outside, against the Government. I agree to that extent, but the position I take up is this. We have, I repeat, to mark our most emphatic, unequivocal, protest against the policy of the Government. We had that general discussion on that one grant, and according to the procedure and the correct constitutional procedure, we have rejected that grant. We have already recorded our vote as a definite clear vote of protest and condemnation of this Government on the opposite side. Now, Sir, is that to be repeated again?

Pandit Motilal Nehru: Yes, again and again.

Mr. M. A. Jinnah: Now, Sir, with the greatest respect I have for Pandit Motilal Nehru, I say in my opinion that will make the protest less effective, less dignified than the one that we have already recorded. - We have said to the Government once solemnly, honestly, seriously, and I want no mistake to be made either on this side of this House or on the side of the Treasury Bench, or outside among the public, that we condemn the policy of the Government absolutely, and we have done it. Sir, I decline to be a party to a repetition of this character which in my judgment loses its dignity, loses its force. If one vote is not going to do anything, you may have 20 votes here. Carry them by a majority. We can; we are in the majority. (*An Honourable Member:* "You cannot.") I say this House can; the elected Members can if the majority so decides. But, Sir, just because of the mere fact that we have a majority on this side, I refuse

to utilise that majority purely for the purpose of repetition. We have discussed the grants; we have made out our case. Now we have got the Finance Bill, and I want this Finance Bill to be dealt with on its merits. Make any criticism you like; I welcome it. I want to learn even from Mr. Jamnadas, although he will not have me anywhere in his Government, but I hope that I shall have some place in this House to stand in even in his Government.

Mr. Jamnadas M. Mehta: If I had my way, you would not be here.

Mr. M. A. Jinnah: I therefore appeal to this House and to every Member here, that if it is only on the ground of repeating your vote of protest or condemnation, then in my judgment it is perfectly useless. You have done it. You lose your dignity; you lose the solemn nature of your protest, and you reduce it to something in the nature of a frivolity. But if you have any other object, if you have any other meaning, then say so. I sometimes hear very plain language from my friend Mr. Patel. He says, "I want to throw out everything. I am here to obstruct, I am here for continuous persistent obstruction". Well, Sir, I do not say that he is not entitled to that opinion. If he is convinced of it, if he believes in it, of course he is welcome to hold that view. I can say to my friends here and I can say in this House that standing here in the month of March 1925, I am not prepared to resort to any policy or any programme of obstruction to be put into operation here. (*Mr. V. J. Patel:* "Look back one year.") It may be, as I said the other day, that this Government and those who are responsible for the government of this country, may succeed in making me less patient than I am at present.

(*Cries of "The question be now put."*)

The Honourable Sir Basil Blackett: Sir, from the way this debate has proceeded there is little left for the Finance Member to say in reply and the House need have not any fear that they will be treated to any lengthy speech from me now. The subjects discussed have been mainly two: the political question and the exchange question. Speeches made on one side on the political question have been fairly completely answered from the other side; and the speeches made on the exchange question have I think been very admirably dealt with by the speech of my friend Dr. Hyder.

On the political question I propose to say hardly anything. It seems to me that the question before the House is a fairly simple one. Is this Bill to be discussed fully in this House and then signed by His Excellency the Governor General and enacted by and with the advice and consent of the Council of State and the Legislative Assembly, or is the Finance Bill to be left undiscussed in this House and to be certified by His Excellency the Governor General by and with the advice and consent of Mr. Patel? There is one thing in Mr. Patel's speech on which I must comment. I have spoken to him on the subject since and I understand from him that he had no intention to make the accusation against myself which he appeared to make. Therefore I must accept that it was not his intention

Mr. V. J. Patel: Excuse me. What I said was that I did not believe your statement unless you were prepared to produce the correspondence or the communications that passed between you and the Secretary of State. If you are satisfied with that statement I have nothing to say.

The Honourable Sir Basil Blackett: I am sorry to hear him repeat his statement as he does not seem to understand what he is saying. As the Honourable Member knows, it is contrary to principle to place before this House correspondence between the Secretary of State and the Government of India and for a very obvious reason. It would bring business to an end at once if that correspondence were conducted in the light of full publicity. That is quite obvious; Honourable Members need not see anything sinister behind it; their common sense will show that the relationship makes it quite impossible. That being so, I am told that a statement which I have made, a categorical statement, will not be believed by the Honourable Member unless I produce something to prove it which he knows I am debarred from producing. Now that is, I think, a statement which he ought not to have made, and I know he has no intention of calling me a liar because he has told me so. But I do put it to him that that is what he did—he accused me of being ready to come down here and make a statement which was not true and would only be proved true by my placing before the House correspondence which he knows I cannot.

Mr. V. J. Patel: If you have no objection, let me say that I do not believe the statement without your producing the correspondence. . . .
(*A Voice from the Government Benches:* "Of course he is objecting!")

The Honourable Sir Basil Blackett: As it is only Mr. Patel, my objection is not as strong as it would be in another man's case, but I do object to being accused of coming down to this House and making a statement which is not true and which cannot be proved and will not be believed till I produce correspondence to prove it. I will leave it at that. (*Mr. V. J. Patel:* "Leave it!")

Now let me come to the question of exchange. The Honourable Sir Purshotamdas Thakurdas will excuse me if I sum up his speech as being a loud paean in praise of the benefits of high prices. It bears a curious family relationship to some evidence given before the Babington-Smith Committee by a witness who was asked towards the end of his evidence:

"Do you put any limit to the point at which a rise in prices would be of advantage to India?"

and he answered:

"I think a steady rise is much better than a sudden dislocation, and I would advocate for India a very steady rise of prices of export produce covering the period of a generation."

He was then asked:

"But do you not put any limit to the rise?"

and he answered:

"Provided the rise is steady and not causing dislocation in business, I do not think there is any limit."

That I think sums up the whole of Sir Purshotamdas Thakurdas's argument. (*Sir Purshotamdas Thakurdas:* "According to you!") As we shall have another opportunity on his Bill to discuss this, I do not propose to deal with it further except that I hope that, before he brings his Bill

forward, he will consider some of the very strong arguments which he gave in his speech against his Bill being adopted.

I come now to Mr. Jamnadas Mehta. I really am puzzled by Mr. Jamnadas Mehta. I have considerable hope of gradually succeeding in convincing him that the policy which at any rate the present Finance Member is pursuing is the right one, because the whole of his argument seemed to me to be exactly my argument. He chose to obscure the issue by apparently accusing me of being responsible for the present rise in world gold prices, and apparently for the War as well; but the whole of his argument was that you should not rashly meddle with the operation of natural causes. That was also the whole of my argument. We are agreed on it entirely but in his argument for 1s. 4d. he seemed to forget that there has been a period of war and that for reasons as to which he and I might differ but for some reason we had got away from a fixed exchange and the problem is eventually to get back to it. His argument would have been germane if we had been suddenly getting away from a fixed exchange by an arbitrary action on my part. But as I have said, I have very great hopes of Mr. Jamnadas Mehta and I am sure if he sits down and talks to Dr. Hyder for a very short time he will eventually find himself in the same lobby with the Finance Member, even before he becomes Finance Member.

At this time of the night I do not propose to say anything more about the Finance Bill. We shall have full opportunities, I hope, of discussing it line by line and clause by clause in considering the amendments that are down on the paper; and I will therefore content myself now with asking the House not to miss the opportunity of having those discussions.

Khan Bahadur W. M. Hussanally (and other Honourable Members): I move that the question be now put.

Mr. President: The question is:

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to remit or vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to reduce the import and excise duties on motor spirit, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax, be taken into consideration."

Khan Bahadur W. M. Hussanally: I move that the question be now put, Sir.

Mr. President: When Mr. Jinnah sat down I heard voices from all quarters of the House moving the closure, but without putting that question I called upon Sir Basil Blackett to reply, which automatically brings the debate to an end.

I may remind the Honourable Member, the Leader of the Swaraj Party, that I asked his Chief Whip or Secretary last week to inform me of the subjects his party wished to raise to-day. I received no information whatsoever except the single fact that Mr. Patel was to move the rejection of the Finance Bill. If Honourable Members will not assist the Chair in the conduct of the debate in regard to the subjects to be raised, they cannot expect the Chair at this late hour to continue the debate.

The question is:

"That the Finance Bill be taken into consideration."

Pandit Motilal Nehru: May I be permitted to ask whether it is open to a Member of this House to explain the way in which he has acted in reference to a remark made by the Chair? It comes to this: You were pleased to ask for certain information and you expected certain things, which things have not happened and therefore we are not to expect from the Chair at this late hour of the night to be accommodated in any way. What you were informed of was that Mr. Patel would move that the motion to consider the Bill be rejected. You were pleased to observe that your information stopped there. I beg to submit, with due deference to you and the Chair, that that did not preclude any Member of the House from rising and seeking an opportunity to speak upon the motion. When you were pleased to call upon Sir Basil Blackett to reply, one second before that, I saw about a dozen Members standing in their places and I did not hear the moving of the closure. (*Voices:* "The closure was moved several times.") Even if that be so, when a dozen Members are standing in their places expecting to be allowed to speak and there is also a motion for closure, I expect, Sir, that that motion would first be put to the vote.

Mr. President: The Honourable Pandit has put his finger on a slight error on the part of the Chair. The closure would have precluded this little controversy; but I must remind him that, under our practice, he has no rights in the matter, for the Government reply normally closes the debate. I called upon the Honourable the Finance Member to deliver his reply and in doing so automatically brought the debate to a close. It was, moreover, the manifest desire of the House that the debate should close. The Honourable Member must be singularly hard of hearing if he did not hear the closure moved several times by at least a dozen Members both when Mr. Jinnah rose and when he sat down.

Pandit Motilal Nehru: Not before Sir Basil Blackett spoke.

Mr. President: Yes: both before and after! The Honourable Member must be well aware that when Mr. Jinnah sat down there were motions for closure from all sides of the House, and when I called upon Sir Basil Blackett to reply I rightly assumed that the debate was at an end.

As far as the other matter is concerned, I asked a Member of this House whom I regarded as his Chief Whip to be kind enough to inform me some days in advance if possible as to the subjects which his party particularly wished to raise under the Finance Bill. The Honourable Member will remember that I informed the House beforehand as a matter of informal arrangement that the whole field of Government administration would be open for discussion under the Finance Bill. Now it is obvious that we cannot conduct a satisfactory debate unless its range is limited to the subjects which the House is most anxious to discuss. I had a notice from Sir Purshotamdas Thakurdas and Mr. Jamnadas Mehta that they particularly wished to raise the question of currency. I was at the same time expecting to receive notice of other subjects from other quarters; but, not having received that, and having received intimation that Mr. Patel was to move the rejection of the Finance Bill, I called upon Mr. Patel. Mr. Patel, it will be observed, took some time over his motion. Therefore the Honourable Member may have some cause of quarrel with Mr. Patel but not with the Chair.

Pandit Motilal Nehru: I fully appreciate what you have said. But you will be pleased to remember that sometimes developments take place in the course of the debate which no one could have anticipated at the beginning.

(At this stage Dr. Lohokare got up to speak.)

Mr. President: My Honourable friend might well have anticipated it from the nature of the earlier part of the debate and particularly from the nature of Mr. Patel's speech; but there was no obligation on the Chair to encourage the House to sit late, for we have had this very debate not once but four or five times this session.

The question is:

"That the Finance Bill be taken into consideration."

The Assembly divided:

AYES—76.

- | | |
|---|--|
| Abdul Mumin, Khan Bahadur
Muhammad. | Joshi, Mr. N. M. |
| Abdul Qaiyum, Nawab Sir Sahibzada. | Kasturbhai Lalbhai, Mr. |
| Abul Kasem, Maulvi. | Lindsay, Mr. Darcy. |
| Ahmad Ali Khan, Mr. | Lloyd, Mr. A. H. |
| Ahmed, Mr. K. | Makan, Mr. M. E. |
| Aiyangar, Mr. K. Rama. | Marr, Mr. A. |
| Ajab Khan, Captain. | McCallum, Mr. J. L. |
| Akram Hussain, Prince A. M. M. | Mitra, The Honourable Sir Bhupendra
Nath. |
| Alimuzzaman Chowdhry, Mr. | Moir, Mr. T. E. |
| Ashworth, Mr. E. H. | Muddiman, The Honourable Sir
Alexander. |
| Badi-uz-Zaman, Maulvi. | Muhammad Ismail, Khan Bahadur.
Saiyid. |
| Bhat, Mr. K. Sadasiva. | Mutalik, Sardar V. N. |
| Bhore, Mr. J. W. | Naidu, Mr. M. C. |
| Blackett, The Honourable Sir Basil. | Nambiyar, Mr. K. K. |
| Burdon, Mr. E. | Pal, Mr. Bipin Chandra. |
| Calvert, Mr. H. | Patterson, Lt.-Col. S. B. A. |
| Chanda, Mr. Kamini Kumar. | Purshotamdas Thakurdas, Sir. |
| Chetty, Mr. R. K. Shanmukham. | Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed. |
| Clarke, Sir Geoffrey. | Ramachandra Rao, Diwan Bahadur M. |
| Cocks, Mr. H. G. | Rangacharar, Diwan Bahadur T. |
| Cosgrave, Mr. W. A. | Rau, Mr. P. R. |
| Crawford, Colonel J. D. | Reddi, Mr. K. Venkataramana. |
| Dalal, Sardar B. A. | Rhodes, Sir Campbell. |
| Das, Mr. B. | Rushbrook-Williams, Prof. L. F. |
| Datta, Dr. S. K. | Sarda, Rai Sahib M. Harbilas. |
| Fleming, Mr. E. G. | Sastri, Diwan Bahadur C. V.
Visvanatha. |
| Fraser, Sir Gordon. | Setalvad, Sir Chimanlal. |
| Ghazanfar Ali Khan, Raja. | Singh, Rai Bahadur S. N. |
| Ghose, Mr. S. C. | Sykes, Mr. E. F. |
| Ghulam Abbas, Sayyad. | Tonkinson, Mr. H. |
| Ghulam Bari, Khan Bahadur. | Venkataramaiah, Mr. B. |
| Gour, Sir Hari Singh. | Wajihuddin, Hajji. |
| Graham, Mr. L. | Webb, Mr. M. |
| Hira Singh Brar, Sardar Bahadur
Captain. | Willson, Mr. W. S. J. |
| Hudson, Mr. W. F. | Wilson, Mr. R. A. |
| Hussainly, Khan Bahadur W. M. | Yakub, Maulvi Muhammad. |
| Hyder, Dr. L. K. | |
| Innes, The Honourable Sir Charles. | |
| Jeelani, Haji S. A. K. | |
| Jinnah, Mr. M. A. | |

NOES—40.

Abdul Karim, Khwaja.	Misra, Pandit Shambhu Dayal.
Abhyankar, Mr. M. V.	Misra, Pandit Harkaran Nath.
Acharya, Mr. M. K.	Murtuza Sahib Bahadur, Maulvi
Aiyangar, Mr. C. Duraiswami.	Sayad.
Ariff, Mr. Yacoob C.	Narain Dass, Mr.
Chaman Lall, Mr.	Nehru, Dr. Kishenlal.
Duni Chand, Lala.	Nehru, Pandit Motilal.
Dutt, Mr. Amar Nath.	Nehru, Pandit Shamlal.
Goswami, Mr. T. C.	Patel, Mr. V. J.
Gulab Singh, Sardar.	Phookun, Mr. Tarun Ram.
Hans Raj, Lala.	Ranga Iyer, Mr. C. S.
Hari Prasad Lal, Rai.	Ray, Mr. Kumar Sankar.
Ismail Khan, Mr.	Roy, Mr. Bhabendra Chandra.
Iyengar, Mr. A. Rangeswami.	Samiullah Khan, Mr. M.
Kazim Ali, Shaikh-e-Chatgam Maulvi	Sarfraz Hussain Khan, Khan
Muhammad.	Bahadur.
Kelkar, Mr. N. C.	Shafee, Maulvi Mohammad.
Kidwai, Shaikh Mushir Hosain.	Sinha, Mr. Ambika Prasad.
Lohokare, Dr. K. G.	Sinha, Mr. Devaki Prasad.
Mahmood Schannad Sahib Bahadur,	Syamacharan, Mr.
Mr.	Tok Kyi, Maung.
Mehta, Mr. Jamnadas M.	Yusuf Imam, Mr. M.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 17th March, 1925.

LEGISLATIVE ASSEMBLY.

Tuesday, 17th March, 1925.

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

MEMBER SWORN:

Mr. Denys deSaumarez Bray, C.S.I., C.I.E., C.B.E., M.L.A.
(Foreign Secretary).

QUESTIONS AND ANSWERS.

SEPARATION OF AUDIT FROM ACCOUNTS.

1205. ***Mr. E. F. Sykes:** Referring to paragraph 28 of Vol. IV, No. 3, page 147 of their proceedings in which the Standing Finance Committee agreed to the provision of Rs. 1,43,882 for four experiments in the separation of audit from accounts, will the Government kindly say what the annual cost of the total separation of audit from accounts in all branches, including railways, is estimated to be?

The Honourable Sir Basil Blackett: It is impossible, at the present stage, to give an estimate which would be of any real value.

EMBARGO ON THE EXPORT OF WHEAT AND OTHER FOOD GRAINS.

1206. ***Mr. S. Sadiq Hasan:** (a) Are the Government aware of the fact that the prices of wheat and grains have considerably increased during the last few months?

(b) Are the Government aware of the fact that the prices of wheat and grains at the harvest time of 1925 are much higher than the prices ruling at the same time of 1924?

(c) Are the Government also aware of the fact that the export of wheat and other grains is nearly twice as much in 1924-25 as it was in 1923-24?

(d) If the answers to (a), (b), (c) are in the affirmative, are the Government prepared to consider the question of placing an embargo on the export of wheat and grains to foreign countries?

Mr. J. W. Bhore: (a) The price of wheat has risen since January but rice which is the other important food grain has fallen in price during the same period.

(b) Yes so far at any rate as wheat and rice are concerned.

(c) The Honourable Member's information is incorrect. The actual figures of export are:

	Wheat, Tons.	Rice, Tons.
April to last week of February 1923-24	636,912	2,206,321
Ditto ditto 1924-25	956,296	1,720,860

It will be seen that while export of wheat has increased by a little over 300,000 tons, export of rice has diminished by close upon 500,000 tons.

(d) Government do not consider that there is any justification in present circumstances for considering the question of an embargo on the export of foodstuffs.

Mr. Devaki Prasad Sinha: Will the Government be pleased to state whether or not a lowering of the rate of exchange from 1s. 6d. to 1s. 4d. will give a stimulus to the export of wheat and bring about a consequent rise in the price of wheat?

Mr. J. W. Bhore: That, Sir, is a question which should be addressed to the Honourable the Finance Member.

Mr. Devaki Prasad Sinha: I am addressing it to the Government and I want an answer.

The Honourable Sir Basil Blackett: I do not think question time is the time for a long explanation. I think if exchange were lowered to 1s. 4d. the price of wheat would go up in consequence.

Mr. Devaki Prasad Sinha: Will the Government take into consideration the effect on the rise in price of wheat and other food grains before they accept any proposal for lowering the rate of exchange from 1s. 6d. to 1s. 4d.?

The Honourable Sir Basil Blackett: I have no doubt Government will take all relevant facts fully into consideration.

INTERNATIONAL COMPETITION IN CONNECTION WITH THE ERECTION OF A NEW CONFERENCE HALL AT GENEVA.

1207. ***Mr. B. Das:** (a) Will Government be pleased to state whether they have received from the office of the League of Nations at Geneva copy or copies of the programme of the competition for the selection of a plan for a Conference Hall forwarded for the architects who are nationals of States members of the League of Nations?

(b) If they have not, will they, when they do receive the copies, place them on the table for the information of the House and also publish them for the information of the public?

(c) Will Government be pleased to state whether the international jury, consisting of architects, that will judge the designs submitted for competition, is adequately represented in regard to the interests of architects in India?

Mr. L. Graham: (a) Not yet.

(b) The Director of Public Information has already been asked to give general publicity to an announcement that copies of the programme will be supplied free of charge to *bona fide* competitors on application. The

League is charging 20 francs for the supply of copies of the programme to persons other than *bona fide* competitors and the publication of the programme, whether in the proceedings of this House or otherwise, would defeat the object of the League in imposing this charge.

(c) The International Jury is composed of six architects one each from Austria, Belgium, France, Great Britain, Italy and Switzerland. In the event of the Jury being equally divided or likely to be evenly divided or of any representative being absent one of two substitutes, previously appointed from nationalities not already represented on the Jury, may be added. Separate representation on the Jury of every member of the League would manifestly be impracticable and the Government of India have no doubt that the Jury will prove itself an entirely impartial body.

REOPENING OF THE POST OFFICE AT MILAN.

1208. ***Maulvi Muhammad Yakub:** (a) Are the Government aware that the post office at Milan in the district of Alnora, which was opened in July 1924 was closed after an experiment of only two or three months, on the plea that work at Milan did not justify the opening of a post office there?

(b) Are the Government prepared to consider the matter and to issue orders for the reopening of the post office at Milan and give it an experiment of at least full one year?

Sir Geoffrey Clarke: (a) and (b). The Honourable Member is referred to the reply given to Mr. C. S. Ranga Iyer's unstarred question No. 72 on the 2nd February, 1925.

UNSTARRED QUESTIONS AND ANSWERS.

RAILWAY ACCIDENT BETWEEN HOTWALA AND SAMASATA STATIONS ON THE NORTH-WESTERN RAILWAY.

256. **Shaikh-e-Chatgam Maulvi Muhammad Kazim Ali:** (a) Are the Government aware of the terrible accident which occurred on the North Western Railway between Hotwala and Samasata stations on Saturday the 21st February 1925?

(b) If so, whether the Government have duly inquired into the cause of the accident?

(c) If the answer to (b) is in the affirmative, will the Government be pleased to state who is or are really responsible for this accident?

(d) Did the motor car conveying 100 gallons of petrol from Bahawalpur really force a passage over the level crossing in front of the advancing passenger train?

(e) Is it a fact that the gates at the crossing were not closed? And if not, why not?

(f) Were there no doors at this gate for closing and who is responsible for this?

The Honourable Sir Charles Innes: (a) Yes.

(b) An inquiry is being held.

(c), (d), (e) and (f). Complete information is not yet available, as the proceedings of the official inquiry have not been received. The facts so far as Government are at present aware, are as follows:

At about 16 hours on 21st February 1925, No. 29 Up Passenger train collided at the level crossing at mile 3/10 (from Samasata) with a motor

lorry belonging to Bahawalpur State. This crossing is not fitted with gates but with chains, which were at the time of the accident correctly fixed, so as to bar the passage of road vehicles. The motor lorry apparently approached the crossing at great speed and burst the first chain, but was stopped by the second, thereby obstructing the line and causing the collision.

CASE OF MUNSHI GOLAM KADER AHMED, SUB-POSTMASTER, ANDERKILLA, CHITTAGONG.

257. **Sheikh-e-Chatgam Maulvi Muhammad Kazim Ali:** (a) Will the Government be pleased to state the dates when Munshi Golam Kader Ahmed, Sub-Postmaster, Anderkilla, Chittagong, and the present officiating Assistant Postmaster of the Chittagong Head Office, entered the Postal Department?

(b) Who is senior between these two officers?

(c) If Munshi Golam Kader Ahmed is senior why was his claim overlooked while both these officers were in the same office at the time of selection and he was not allowed to act in the selection grade as the Assistant Postmaster of the Chittagong Head Office?

(d) Is the preferential treatment of the present incumbent owing to some special qualifications of his or due to any fault of Munshi Golam Kader Ahmed?

(e) Are the Government prepared to enquire whether any injustice has really been done to Munshi Golam Kader Ahmed?

The Honourable Sir Bhupendra Nath Mitra: Government have no information. If the individual referred to has any grievance he is at liberty to appeal in the usual manner.

PROPER LIGHTING OF THE CHITTAGONG STATION ON THE ASSAM BENGAL RAILWAY.

258. **Sheikh-e-Chatgam Maulvi Muhammad Kazim Ali:** (a) Are the Government aware that the Calcutta Mail leaves Chittagong station at 8-45 P.M. (standard) and the lights in the mail train are not lighted before 8 P.M. (standard)?

(b) Is it a fact that the Postmaster, Chittagong, has drawn the attention of the Assam Bengal Railway authorities through the proper channel to remove this grievance at a very early date as the mail clerk who carries the mail to the railway station feels much inconvenience and has to wait till 8 P.M. as the R. M. S. officer cannot take charge of the mail bags for want of light?

(c) Is it not a fact that poor third and intermediate class Indian passengers, including women and children, suffer great inconvenience to enter and arrange proper accommodation for themselves in the dark compartments?

(d) Do the Government propose to inquire and take proper measures to remedy this public grievance of the Assam Bengal Railway passengers at a very early date?

The Honourable Sir Charles Innes: (a) Yes.

(b) The Postmaster reported the matter to the railway authorities.

DEATH OF KHAN BAHADUR M. SHAMS-UZ-ZOHA.

***Maulvi Abul Kasem** (Bengal: Nominated Non-Official): Sir, it is my mournful duty to inform the House of the sad news of the death of one of our colleagues, Khan Bahadur Shams-uz-Zoha, of which news was received yesterday afternoon. The Khan Bahadur was one of the leading Mussalmans of my province, and especially of the Burdwan Division, from which I come. Unfortunately, since his election to this House, he has been in indifferent health and could not therefore take that active part in its deliberations as was expected of him. But he had a very good record of public service in his own district and in the province, and he had the unique honour of being elected to this House unopposed at the last election. He was for very many years associated with local self-government in Birbhum, the district to which he belonged, and his services were recognised and appreciated both by the public and by the Government. I hope, Sir, that you will kindly convey to his family and other relatives the sense of the sorrow we feel at his sudden death. He was here only last week amongst us, and on his return home he expired on Sunday afternoon.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I beg to associate myself with all that has fallen from my Honourable colleague Maulvi Abul Kasem. I also happen to come from the same division as that which the Honourable Khan Bahadur represented, namely, the division of Burdwan. I also had the pleasure of knowing him for a long time, and although we worshipped in different temples in politics, still I knew him as a true Mussalman whom every one of us used to respect, and on behalf of my Hindu colleagues I beg to convey our deep sense of regret at his untimely death. The cruel hand of death has cut off a very useful career just in the prime of life. I request you to convey our deep sense of regret to the bereaved family.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I fully associate myself with the remarks which have fallen from my friend Maulvi Abul Kasem. I did not know Khan Bahadur Shams-uz-Zoha from before, but from what I have seen of him, in the Assembly, I can say that he took a very keen interest in the business of the House and though quiet worked with thoroughness and efficiency. With these remarks, I request the President to convey the sense of regret of this House to his family.

The Honourable Sir Alexander Muddiman (Home Member): Sir, on behalf of these Benches I desire to associate myself with the expressions of regret which have fallen from my old friend Maulvi Abul Kasem and other Honourable Members of this House. Our late colleague has a further claim on me personally in that he came from my own old Province, and I desire to join in expressing our sorrow to his relatives in the manner which has already been advocated by other Members of the House. I was not honoured with the personal acquaintance of our deceased friend, but I have always understood that he was greatly respected in his own locality and indeed his merit had been recognised by the Government by the conferment of a Khan Bahadurship.

* Speech not corrected by the Honourable Member.

Sir Campbell Rhodes (Bengal: European): May I also, as one who comes from Bengal and also on behalf of my non-official European colleagues in this House, associate myself with all that has been said by my friend Maulvi Abul Kasem. Our friend was one of those unostentatious, modest workers who are the backbone of the public life of every province and I sincerely associate myself and my colleagues with all that has been said.

Mr. President: I am sure that I shall be carrying out the unanimous desire of the House when I convey to the family of our late colleague the deep sense of regret which we all feel at his death.

MOTION FOR ADJOURNMENT.

***Diwan Bahadur M. Ramachandra Rao** (Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I beg for leave to move the adjournment of the House for the purpose of calling attention to the action of the Government of India in according sanction to the proposals of the Government of Burma for the imposition of a tax on sea passengers. From the Rangoon papers received this morning it will be seen that the Government of Burma has introduced a Bill for the imposition of a tax of Rs. 5 on all arrivals by sea into Burma. That, Sir, affects the question of migration, more specially from the northern districts of the province of Madras. The object of the Bill is either to discourage immigration into the province or to levy an impost upon labour which comes into the province from the districts opposite. I contend that the subject is a subject relating to emigration; and under the Devolution Rules, entry No. 29 in Schedule 1—"Emigration from, and immigration into, British India and inter-provincial migration"—is a central subject. The permission which has been granted is therefore either administrative or statutory. Apart from this there is also the question of the effects. Under the Devolution Rules no tax can be imposed by a Provincial Government excepting those mentioned in the Schedule—and this is not a scheduled tax—unless with the sanction of the Governor General. Therefore this must have received the approval of the Government of India or of the Governor General; and in either case I am entitled to raise the question of the action of the Government of India with regard to this measure and its serious consequences and implications. That is the reason I intend to move the adjournment of the House in these circumstances.

Mr. President: I understand from the Honourable Member that this is a subject in which the previous sanction of the Governor General is required before legislation can be introduced in the local Legislative Council; but that, it being a Bill relating to a subject in which the Governor General in Council is concerned, the previous sanction of the Governor General in Council is also required. My difficulty is that I am not quite sure that I understand where the Governor General in Council comes into this matter. The previous assent of the *Governor General* is required in a matter of this kind; but we are here only concerned with the action of the *Governor General in Council*.

Diwan Bahadur M. Ramachandra Rao: My submission is this. The administrative sanction to these proposals must have been given by the Governor General in Council, because it is a subject relating to emigration. My motion does not refer to the statutory action in sanctioning the

* Speech not corrected by the Honourable Member.

[Diwan Bahadur M. Ramachandra Rao.]

Bill. It refers more to the administrative sanction of the Governor General in Council in regard to inter-provincial migration on which this Bill before the Burma Council has a bearing. In these circumstances I contend, Sir, that the Governor General in Council has to deal with the subject of inter-provincial emigration, apart from the question of statutory sanction required from the Governor General for the introduction of the measure.

Mr. President: Is the Honourable Member referring to action taken by the Governor General in Council in relation to a subject in which they have overriding powers over the Local Government?

Diwan Bahadur M. Ramachandra Rao: Yes.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I think the Honourable Member is not entitled to move the adjournment of the House for reasons which I will state very briefly. The statutory control over the local Legislatures is contained in section 80-A of the Government of India Act. I will not trouble you, Sir, with the irrelevant portion of that section. The point in issue is in sub-section (3) of the section in question which lays down:

“The local Legislature of any Province may not without the previous sanction of the Governor General make or take into consideration any law (a) imposing or authorising the imposition of any new tax unless the tax is a tax scheduled as exempted from this provision by rules made under the Act.”

Now, in accordance with that section certain rules have been made which are known as the Scheduled Taxes Rules. The particular tax to which my Honourable friend has referred is not a tax mentioned in these Schedules and therefore the local Legislature cannot introduce a Bill, for that is what I understand has been done, without the previous sanction of the Governor General. Now, Sir, that sanction is a sanction within his personal discretion. The Governor General in Council is neither required to give that sanction nor can he prevent the giving of that sanction. Therefore I submit my Honourable friend is debarred from moving the adjournment of the House by rule 12 of our rules which says the motion must not deal with a matter on which a Resolution could not be moved. My Honourable friend could not have moved a Resolution, and therefore I submit to your better judgment that he cannot move the adjournment.

Mr. President: I am inclined to take that view myself, but the Honourable Member from Madras said it was a matter in which an administrative decision by the Governor General in Council had to be taken in order to enable the Government of Burma to take up the matter at all. It is not only a matter of the introduction of a Bill dealing with a matter requiring the sanction of the Governor General; I understand the Honourable Member suggested that before the Government of Burma could make proposals of any kind, not necessarily in the form of a Bill, they had to receive the assent of the Governor General in Council. If that is so, then it will be in order. If, on the other hand, it refers only to the assent of the Governor General to the introduction of the Bill, that will not be in order. Therefore I should like to know from the Government whether any action of this kind has been taken by them in relation to the proposals made by the Government of Burma.

The Honourable Sir Basil Blackett: No, Sir, it has not.

Diwan Bahadur M. Ramachandra Rao: Sir, the point that I wish to raise is this—whether before the Governor General sanctioned this measure for introduction in the Burma Legislative Council, the Government of India had no proposals from the Government of Burma administratively for the purpose of imposing this tax at all.

The Honourable Sir Charles Innes (Commerce Member): Yes.

Diwan Bahadur M. Ramachandra Rao: I still contend, Sir, that even then the action of the Government of Burma can be discussed by a motion of this House, because it deals in effect with the subject of inter-provincial migration between province and province. I do not know, Sir, whether even His Excellency the Viceroy's sanction to a legislative proposal can take away the power of this Legislature to deal with questions of inter-provincial migration or affect the powers of the Government of India on a central subject. This is really in a sense the subject of inter-provincial migration; it affects the migration to Burma of the residents of the Madras Presidency by sea, and I contend, Sir, that this is a subject reserved for the Central Government. In these circumstances, I contend, Sir, that I am entitled, even though His Excellency gives sanction for legislative measures affecting this subject in Burma, to raise this subject by way of a motion in this House.

Mr. President: The Honourable Member is not entitled to raise it in order to discuss the action of the Governor General. Any action taken by the Governor General apart from the Government of which he is the head—these are the words that appear in the rule—is outside the scope of debate in this House. Where the Government of India have any responsibility in the matter then immediately it is brought within the scope of this House. The Governor General, in the discharge of any of his functions or in the exercise of any of his powers as Governor General, and not as Governor General in Council, cannot be brought into debate in this House.

Diwan Bahadur M. Ramachandra Rao: May I submit, Sir, that even supposing the Government of India were not asked for administrative sanction, the effect of such a measure as introduced affects this subject, a central subject, namely, inter-provincial migration, with the administration of which the Government of India is charged; the fact that they were not consulted does not make any difference for the purpose of debate in this House.

Mr. President: I am not suggesting that the subject itself cannot be raised; my ruling is that the occasion which he has taken for discussing it is a wrong occasion. The actual subject of inter-provincial migration, as far as I can judge, is a subject which would be perfectly in order for discussion in this House; but as I say the point taken by the Honourable Member is not a point that I can uphold.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, the point of view I wish to suggest to you and to the members of Government is this: Is it or is it not the primary duty of the Governor General in Council to see that no restrictions are placed in the matter of emigration or immigration of the subjects of His Majesty in

[Sir Hari Singh Gour.]

India? We are not here concerned with what action the Governor General may take or has taken; but we here are concerned, so far as I understand Diwan Bahadur Ramachandra Rao to raise the question, with the right of a British subject in India to emigrate to Burma or to South Africa and to other places; and I submit as looked at from that point of view it is the primary duty of the Governor General in Council to protect the citizenship rights of the people of India. If therefore there has been any violation of that right or threatened infraction of that right, it is the duty of this House to call the attention of the Governor General in Council to it. The fact that some accidental step may have been taken by an authority outside the jurisdiction of this Assembly does not matter; but so far as and so long as the Governor General in Council is bound to protect the interests and rights of the people of this country, this House has the authority and the power to move the Governor General in Council to take such steps as are necessary to vindicate and safeguard the rights of the people of this country.

Mr. President: The Honourable Member is quite right in saying that this House ought to use its powers to move the Governor General in Council to protect the rights of the subjects of His Majesty in India; but this is not the occasion. The issue at this moment is much narrower, whether this House can discuss on a motion for adjournment the action of the Governor General in giving his assent to a certain measure introduced in a local Legislative Council, and I have to rule with regard to this matter put forward by my Honourable friend, Mr. Ramachandra Rao, that it is not in order here.

Diwan Bahadur M. Ramachandra Rao: May I amend my motion, Sir, in order to bring it within the rule? My amendment is this:

“That the House do adjourn for the purpose of calling attention to the failure of the Government of India to object to the proposals of the Government of Burma for the imposition of a tax on sea passengers.”

That leaves the Governor General outside the scope of this motion. The Government of India ought to have objected to the proposals of the Burma Government for the imposition of this tax, seeing this is a central subject; their policy could therefore certainly be a matter of debate in this House.

Mr. President: I am not aware that the Governor General in Council has failed in that respect. What has happened, so far as I understand it, is that the Governor General has given his assent to the proposition that a certain Bill be discussed in the local Legislative Council. It does not follow that thereby the Government of India have said their last word in the matter. The Government of India will no doubt have further opportunities to raise the matter with the Government of Burma, if they should so desire; and when these opportunities are taken by the Government of India, then this House will have its opportunity of saying whether the Government of India have acted rightly or not; but the Honourable Member by amending his motion cannot bring this particular matter in order.

Diwan Bahadur M. Ramachandra Rao: Up to date I contend, Sir, that the Government of India have failed to discharge their duty in regard to a central subject by not specifically objecting to the proposals made by the Government of Burma; and in that way I am entitled, Sir, to call the attention of this House to their failure up to date in not objecting to

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this specific proposal made by the Government of Burma, and therefore I think my motion to direct the attention of this House to this failure of the Government of India cannot be objected to.

Mr. C. Duraiswami Aiyangar: May I know, Sir, whether this question can be raised at the time of the passing of the Finance Bill to-day?

Mr. President: The Honourable Member is aware that the motion that the Finance Bill be passed gives an opportunity to review the action of the Government of India.

NON-RECURRENT GRANTS OUT OF THE SURPLUS OF 1925-26 TO BOMBAY, BURMA, THE CENTRAL PROVINCES AND ASSAM.

The Honourable Sir Basil Blackett (Finance Member): Sir, I desire with your leave and the leave of the House to make a statement on behalf of Government with regard to the Budget position. The House will remember that the Budget as introduced showed a surplus of Rs. 74 lakhs of which only 18 lakhs may be regarded as recurrent surplus. The Government have been greatly impressed by the representations made in this House as to the undesirability in present circumstances, when we are relying on contributions from the provinces, of carrying forward so large a surplus even if it is non-recurrent, and they have given most anxious thought to the question in what manner they could meet the wishes of the House without doing anything which can be regarded as financially improper. The difficulty has been that you cannot use a non-recurrent surplus in order to finance a recurrent loss of revenue. After very careful consideration and after consultation with the Secretary of State and informal consultation with the Provincial Governments the Government have decided that they will propose to this House that out of the surplus a sum of Rs. 50 lakhs should be set aside for the purpose of making non-recurrent grants in relief of the contributions of those provinces, namely, Bombay, the Central Provinces, and Assam which received no benefit from the recurrent relief in the Budget and also to Burma which gets recurrent relief only to the extent of Rs. 7 lakhs out of a total contribution of 64 lakhs. The objections to any such proposal are of course considerable. We do not want to get back to the system of doles to the Provincial Governments. At the same time the Government of India have felt that in the first year in which recurrent relief is being given under the Devolution Rules to some provinces and we have a non-recurrent surplus, the distribution of such a non-recurrent surplus might be regarded as on quite a different footing from remission of contributions under the Devolution Rules. All that is proposed, of course, is a non-recurrent reduction for one year only, and anything that is done will naturally be without prejudice to the distribution of future surpluses, whether recurrent or non-recurrent. The Government of India, therefore, propose that a non-recurrent grant should be made out of the surplus of 1925-26 of 22 lakhs to Bombay, 13 lakhs to Burma, 9 lakhs to the Central Provinces and 6 lakhs to Assam. These figures,—of course, any distribution must necessarily be somewhat arbitrary,—these figures have been arrived at after consideration, on the one hand, of the contributions paid by the Provincial

[Sir Basil Blackett.]

Governments concerned, and, on the other hand, of the non-recurrent expenditure included in the Budgets of those provinces. We have ascertained that in all cases the non-recurrent expenditure included in the provincial Budgets is greater than this sum in question, so that there is no difficulty that the provinces will be tempted to finance recurrent expenditure out of the non-recurrent grant. We have, as I say, informally consulted all the Provincial Governments. They have all of them expressed their view on the subject, most of the recipients with gratitude, the non-recipients in all cases except one, with acquiescence. The Punjab Government regards the objections as very strong and desires it to be known that it has not given its assent. I propose to circulate as soon as possible an amendment to the Resolution in order that this subject may be taken at the same time as the general Resolution, provided the House does not object on the ground of shortness of time.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): May I inquire, Sir, if the Honourable the Finance Member has consulted the Government of Bihar and Orissa before deciding upon this step?

The Honourable Sir Basil Blackett: Yes, Sir.

Mr. Devaki Prasad Sinha: Am I to understand, Sir, that the Honourable the Finance Member is establishing a new precedent of giving counter-contributions to those provinces for the purpose of pacifying their grievances arising from no relief being granted to them. If so, it is restoring the policy of giving doles to the different provinces

The Honourable Sir Basil Blackett: Is this the opportunity to discuss this matter? I think the opportunity for discussing it will come.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, we are thankful to the Honourable the Finance Member for such bits of information as he has given us as to the state of the Budget on subsequent information. What the House would have liked to know yesterday and what it would like to know to-day is, what has happened to the cuts which have been made by this House on the Demands for Grants. So far as I recollect, Sir, on the Railway Budget, there was a sum of 37 lakhs already withdrawn by the Honourable the Commerce Member himself in consequence of his withdrawing proposals for giving effect to the Lee Commission's recommendations. There was a sum of 35 lakhs which this House cut out in regard to the money set apart on account of Stores depreciation amount, and there was also a sum of about 20 lakhs in the capital borrowing programme which the House cut out, which would in all amount to an annual recurring saving of one lakh, I want to know (*Voices:* "One crore and not one lakh.") I mean one lakh by way of interest on that borrowing programme. The borrowing being less, the total amount payable every year on account of that borrowing from out of the revenue will be about one lakh. Therefore, Sir, I expect that, as a result of this, the total net revenue on the Railway Budget would be a sum out of which one-third ought to go in aid of the general revenues under Part II of the Budget. Nothing was said about it before the Finance Member made his motion to consider the Finance Bill. As I said, Sir, this House is entitled to know what the Government have done with it all before they can deal with the new taxation proposals which are

embodied in the Finance Bill, and I think the House has not been treated fairly by the Honourable the Finance Member in this matter.

The Honourable Sir Basil Blackett: As regards the Railway cuts first, the cut actually made was Rs. 78,100 under Railway Board, Rs. 39,00,100 under Railway working expenses, vote four, Rs. 35 lakhs under Railway working expenses, vote five, and Rs. 20 lakhs under Railway capital expenditure. In regard to the two cuts under Railway working expenses, the House will remember that it was stated that they were made on the understanding that supplementary estimates would have to be introduced if necessary. It is obvious,—and I already stated it in the House some little time ago,—that you cannot take those cuts as representing at this stage an estimated reduction in the expenditure of the Railways for the year. The cut in regard to capital expenditure does not appreciably affect the annual Budget. So far as regards the Railways, therefore, I do not think that we can take any additional credit to the General Budget in respect of cuts which at present are in such a position that they may have to be brought back to this House in supplementary estimates.

Mr. A. Rangaswami Iyengar: That is not our view.

The Honourable Sir Basil Blackett: That was the statement I had made.

As regards the other cuts, there is a cut of Rs. 77,000 under Customs, Rs. 100 under Taxes on Income, Rs. 100 under Salt, Rs. 100 under Opium, Rs. 17 lakhs under Stamps, and Rs. 62,000 under the head of Executive Council. The Government of India have not yet taken a formal decision as to the action that they propose to take in regard to these cuts, but it is obvious that the only cut which seriously affects the Budget position is the cut of Rs. 17 lakhs under Stamps. That was made not because it was desired that the expenditure should not be incurred, but because it was proposed that the expenditure should be transferred from revenue to capital. In view of the fact that the Government of India have not had time to decide what action they will take in regard to that particular cut, there is a possible doubt, perhaps not a probable doubt, as to the size of the surplus. If that charge were to be met from capital, some part of it would of course have to be met from this year's vote, some part of it would go to increase the expenditure of future years. The surplus, therefore, stands at 74 lakhs as in the Budget, subject to some possible addition perhaps not probable, in respect of the 17 lakhs cut under head of Stamps for the Security Printing Press at Nasik.

THE INDIAN FINANCE BILL.

Mr. President: The House will now resume the consideration of the Finance Bill. There are two amendments on the paper, one to reduce the salt tax to twelve annas and the other to reduce it to eight annas. I will take the larger reduction first.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, I rise to move:

“That in clause 2 of the Bill, for the words ‘one rupee and four annas’, the words ‘eight annas’ be substituted.”

[Mr. C. Duraiswami Aiyangar.]

Sir, we have all along been discussing on the floor of this House statistical juggleries and somersaults. Yesterday, it was a day of laymen's paradoxes. I found my Honourable friend Mr. Jamnadas Mehta proceeding to Sir Basil Blackett with a rupee and asking for an exchange. He gave him 1s. 6d., but Mr. Mehta returned 2 shillings and came back with 1s. 4d. Sir, to-day it is the poor man that is knocking at the door of Sir Basil Blackett. It is not an economist, it is not a Jevons or a Keynes who is sending a visiting card to you but it is the poor man who is rudely knocking at your door. This poor man was yesterday sitting in a corner of the visitor's gallery and heard an eloquent speech from my friend Maulvi Abul Kasem that Honourable Members on the Government Benches were not short of hearing, nor short of understanding. He shook his head and said that there was at least one Member on the Treasury Benches who was stone-deaf and that was the Honourable Sir Charles Innes. He said two weeks ago he knocked at his door for a conveyance on the railway. He found no response and he was told that poor passengers must pay for the convenience of the rich. To-day, Sir, I knock at the door of Sir Basil Blackett, who is quietly going away. I wish, Sir, he would at least be present to say "No" rather than go away quietly without saying "Yes" or "No".

Sir, it is Professor Fawcett who said that a man's right to eat salt must be as free as his right to breathe air or to drink water. But, in this Government, Sir, he cannot have his salt. I consider, Sir, frankly speaking, that any Government which goes to a poor man when he is about to swallow his gruel with a little salt in it and tells him, "You must pay me a pice before you can drink that", if that is the policy of any Government, it is melancholy meanness. I tell you, Sir, you have no right to tax a poor man's breakfast. You may tax anything you please. But, Sir, to say that he cannot have his breakfast before paying his pice or two-pice to you, I consider that, Sir, to be most unjustifiable. Sir, on the last occasion when I was moving in this Assembly for a cut, perhaps an alarming cut, in the Demand under Salt in order to press this question, I was stopped in the middle, but I proceeded so far as to satisfy this House that at least 20 lbs. per head is necessary to keep a healthy existence. I found no contradiction to it except that my Honourable friend Mr. Lloyd wanted me to give only a margin for babies. Sir, I proceed from that point and point out to you that this Government have not till this day chosen to give the poor man in India 20 lbs. of salt per head. In the year 1882 Lord Cromer made an analysis and stated that Madras was consuming 12 lbs. per head, Bombay 10 lbs., Bengal 9.16 lbs., the Punjab 7.5 lbs., the United Provinces 6 lbs., and Sind 5 lbs. That was the poor quantity of salt consumed, and he added a prayer and a pious wish that if only the salt tax was reduced the consumption would increase. (Mr. A. H. Lloyd: "When was that?") In the year 1882 when—I think the salt tax was at Rs. 2. Sir, instead of that, from the year 1888 up to 1902 you kept the salt tax as high as Rs. 2.8. But, Sir, it requires no argument to convince you that, as you reduce the salt tax, the consumption increases. In the year 1902 the salt tax was Rs. 2.8 and the consumption was 3.2 crores of maunds. In 1903-4 when the salt tax was reduced to Rs. 2, the consumption rose to 3.82 and 3.97. In 1906 when the salt tax was further reduced to Rs. 1.8, the salt consumption grew to 4.11. In 1907-15, when the salt tax was further reduced to Re. 1, the consumption of salt grew

from 4.27 to 5.22. *In 1916—22, when the salt tax was again raised to Rs. 1-4, the consumption came down and it was ranging from 4.41 to 5.12. In 1914 it was 5.22 and in 1921 it was 4.78, although I am sure the population was increasing. Sir, this shows conclusively that in the matter of levying salt tax you are not adopting that wholesome financial principle of raising an expanding revenue on an expanding consumption under a diminishing scale of duties.

Sir, if you compare the cost of production of salt with the tax that you levy and the price that the consumer pays, you will find that the figures are abnormal. The cost of production of one maund of salt is about one anna and a half or roughly two annas and not more. In one of your figures I found it to be 1.6 annas as the cost of the production of one maund of salt. Now, Sir, if on this cost you levy a tax of Rs. 1-4 you are levying a thousand per cent. In regard to the salt tax under the Act I know you are entitled to put even 2,400 per cent. on the cost of production of salt. If for the production of a commodity a particular cost is necessary, can the tax go to such an extent as 2,400 per cent. or even 1,000 per cent. as at present? And in the matter of the price which the consumer pays for this salt, you will find, Sir, that in 1922 in Madras the price per maund ranged from Rs. 2 to Rs. 3-4. In Bombay it was Rs. 2 to Rs. 3-8; in Bengal it was 3-1 to 4.1; in the United Provinces it was Rs. 2-8 to Rs. 3-9; in the Punjab it was Rs. 2-4 to Rs. 2-8; in Burma it was Rs. 2-9 to Rs. 5-4; in the Central Provinces it was Rs. 3-4 to Rs. 4-2; in Assam it was Rs. 3-7 to Rs. 4-5. If that be the exorbitant price which the consumer of salt has to pay for salt which does not require more than a couple of annas for production, Sir, is it justifiable that such a tax should be raised? It is said that after all a tax of Rs. 1-4 is not a heavy burden upon any tax-payer. Sir, the extent of the burden, as Caxton says, depends on the total amount paid by the consumer considered in relation to his income. And viewed from that standpoint, we find that at least four days' income of a man in India has to be set apart for the salt he consumes, whereas in France I am told half a day's income is enough and in Germany one day's income. Sir, I have already pointed out on a previous occasion, that if only you reduce the salt tax you are sure to increase the consumption of salt. You are thereby improving the health of your subjects. On the other hand, it is most regrettable to find that the Government of India do not recognise the virtues of salt. Sir, salt is the very nectar of life. Your liquor and opium is the very poison of it. But how do the Government of India deal with these two things? They place both salt and liquor on the same basis. Up to the 1st of April 1924 Salt and Abkari formed one department in all Provincial Governments. They were placed under the same agency. Fortunately, from the 1st April, 1924, they have separated the Salt Department from the Abkari Department, and I take it as a sign that the Government recognise that virtue and vice must be separated. If that, Sir, be your view, I think I have hope that you would march still further and make it your distinct programme that liquor must be diminished and salt must be increased.

Sir, I am told that if the salt tax is reduced, the revenue will suffer, and that has been the alarm of several people. I consider that if the salt tax is reduced, and the consumption of salt increased, there is not much fear about your finance. If according to my estimate India require 9

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crores of maunds of salt both for men and for cattle and if you gradually raise the production to that extent, I am sure your revenue will never suffer, even if you put the salt tax at eight annas, and I dare say that one day you must have the salt made free in this country. Leaving a margin of $1\frac{1}{2}$ crores, if you take 6 crores as the quantity of Indian salt that is consumed—because I can never say that India cannot produce as much as is necessary; if it is admitted by the Government that the salt mines in the Punjab are inexhaustible; it requires no admission from the Government that the sea on both sides is inexhaustible; there is absolutely no fear that the sea will ever become a fresh water pond, and so long as we have got the seas on both sides, so long as you have the Sambhar Lakes in Rajputana, so long as you have got the mines in the Punjab and Kohat, there is absolutely no fear that we will not be able to produce as much salt as is necessary for consumption in India, and even for export to other countries. But the unfortunate thing is with reference to the views of my friend Mr. Willson and Mr. Neogy or Mr. Kabeerud-Din Ahmed. I should not forget him, otherwise he will interrupt me. (Laughter). Sir, they are very anxious that they must have only Liverpool salt. They will have German salt. Why? They have not examined the chemical components of that salt. They have not examined what exactly the Liverpool salt contains and what the Indian salt does not contain. They are carried away probably by the colour of it. They think that the Indian salt, the Madras salt, is coloured salt, that it is black salt, whereas they want white salt. They want white salt to lord over black salt. I ask them, why not the white race to lord over the brown race? If the white race is not going to lord over the brown race, let not white salt lord over our coloured salt. In other respects, I can assure you that chemical analysis has not shown Indian salt to be inferior to imported salt, but you are not going to take that. All the same I can tell you that with 6 crores of Indian salt, you can raise 3 crores of your revenue, and for the $1\frac{1}{2}$ crores which you are importing into Bengal, you must necessarily levy a tax of Rs. 2 per maund and raise 3 crores. Both these will thus give you Rs. 6 crores. Now, Sir, what is that partiality for the imported salt? Is it a protection for the foreign salt? This policy is not of this day. I find that this policy was enunciated in the year 1836. The East India Company then endeavoured to hold the balance evenly between both the salt manufactured in India and the salt imported into India.

The Honourable Sir Basil Blackett (Finance Member): I rise to a point of order, Sir. Is this speech in order on this motion to reduce the salt tax?

Mr. C. Duraiswami Aiyangar: I knew, Sir, that the Honourable Member was aiming to raise a point of order. I am not asking him to raise the tax to Rs. 2. That is not my motion at all. I am only suggesting the way in which a deficit in the revenue can be made good by their own policy. I am not at all asking him to raise the tax over the imported salt at present. That is not the demand which I now make. I already knew that it will be irrelevant in a Finance Bill and knowing that I once sent in a draft Bill for amending the Indian Tariff Act, but unfortunately His Excellency the Governor General did not give sanction to it. I know that I can not

ask this House now to raise the tax on imported salt. I am only suggesting to the Government how the financial aspect will not suffer if only they adopt these methods, and it is in their hands to adopt these methods.

Now, Sir, originally the imported salt bore a duty of 5s. to 6s. whereas Indian salt had only to pay 1s. 6d. a maund. Then the East India Company laid down that policy in 1836. There were protests as usual, and Lord Dalhousie, Governor General of India, in a minute, dated September 11th, 1852, said:

"Under the existing system no injustice is done to the importer of salt, but a great and growing injustice is inflicted on the Indian producer of the article."

But there was, as usual, a row in Manchester and in Lancashire. The cotton manufacturers wanted to lessen the import duty and they wanted to make up the deficit by the salt duty. There were other interests in England which agitated about this matter and the result was it has been equalised. It is not the fault of India, and I ask the Honourable Member to rectify it, if he thinks that the finances will suffer. But all the same, I must admit that, so far as the Indian salt is concerned, I want the tax to be 8 annas for the present. As for making good the financial deficit, as I said, the matter is entirely with Sir Basil Blackett. It is open to him to get sanction at any time and to give notice of a Bill to amend the Indian Tariff Act. But he must not say as Sir John Strachey said, whose words I always remember. He said:

"I have not ceased to be an Englishman because I have spent the greater part of my life in India and have become a member of the Indian Government. * * I am not ashamed to say that while I hope that I feel as strongly as any man the duties which I owe to India there is no higher duty in my estimation than that which I owe to my own country."

That is what he said with reference to the cotton excise duty. I ask the Honourable Sir Basil Blackett to take a different view. He was born in India, and therefore I have no doubt that he will find his way to see that the finances are equalised by a change in the system of duty between Indian salt and English and other imported salt.

Now, Sir, far from making the Indian production of salt satisfactory, what is it you generally do? You are reducing the production of salt in India and you are increasing the import from other countries. In 1921-22, Madras sent to Bengal 622,176 maunds of salt. In 1922-23, they sent only 397,374 maunds. In 1923-24 Madras sent absolutely nothing to Bengal. Why? The reasons are given by the Madras Government to be "larger imports of foreign salt, high freights demanded for transport by sea from Tuticorin, etc., want of *gola* accommodation in Calcutta for Madras salt, and enhanced rate of salt duty in 1923-24." These are all causes which are avoidable, which are in the power of Government to avoid. On the other hand, Sir, how does the imported salt stand? In answer to a question of mine Sir Basil Blackett said:

"The quantity and value of foreign salt imported during the last four years is as follows:—

	Tons.	Value. Rs.
1920-21	620,934	2,28,13,450
1921-22	473,427	1,51,68,057
1922-23	512,133	1,68,79,854
1923-24	474,696	1,10,33,070 "

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But the more material part of his answer is this:

"The chief obstacle in the way of Indian salt displacing foreign salt is neither the incapacity of the factories in India to produce a sufficient quantity nor (in the case of some Indian salts) the superiority of the imported article; it is the question of freight. Foreign salt is usually imported in vessels which come to India for export cargo and it is not possible"

Mr. President: The Honourable Member is straying away from the salt tax. He is now dealing with the whole business of the manufacture and transportation of salt, which is not in order.

Mr. C. Duraiswami Aiyangar: I am only showing that by raising the indigenous production to 9 crores there would be no fear of losing finance by a reduction of the tax.

Mr. President: As I have pointed out, the Honourable Member is entitled to indicate that as a part of his argument, but he is not entitled to make it the main part of his argument, which he is now doing.

Mr. C. Duraiswami Aiyangar: I shall only finish that sentence; otherwise Sir Basil Blackett's answer will remain incomplete in the proceedings—

" . . . either for coasting ships or for the railways to quote freights which can compare with the favourable rates offered by vessels which would otherwise have to come to India in ballast."

Sir, that is no justification for not producing a large quantity of salt. It is your duty to conduct a propaganda that the eating of more salt is healthy to the people. It is by starting a large number of factories that you can make people consume more salt. The more salt people eat the more healthy they are, and if they are more healthy they will give you taxes in other ways and you need not be anxious about that. I am anxious, therefore, that we must make the manufacture of salt a private enterprise on a modified license system, which will solve the unemployment problem to a great extent, and people will become more prosperous and pay more taxes in other ways. It is often said that the salt tax is the only tax which can reach the masses directly and it is the Duke of Argyll I believe who started that pet theory to which Lord Olivier gave a death-blow. But I ask, is the poor man paying only the salt tax to you and no other tax? Is there any tax of Government to which the poor man does not contribute? Is he not paying his quota to your stamp revenue? Is it not the poor man that is driven into courts more than the rich man and is not a large number of the judicial and non-judicial stamps bought by them? Is it not the poor man that really pays you the income-tax? Is it the creditor that pays you or the debtor? It is taken from the debtor and paid you. The hand of the rich man pays to you but it is the purse of the poor man that really pays you. What about land revenue? Is it not contributed by the poorest agriculturist? Is there any tax under this Government to which the poor man does not make his contribution directly or indirectly? Then, Sir, what is the justification for your saying that we must charge salt tax, otherwise the poor man will not pay any tax at all? There is no man who is exempt from making a contribution to the finances of the country. On the other hand, I would go a step further and say that the poor man has absolutely no necessity to pay you any tax. He has nothing to safeguard. He cares not for your police or the military. It is

the rich man that requires your police and not the poor man. Still I am paying you and why do you want me to pay more? And why do you take away even a portion of my food for the benefit of the rich people and for the benefit of your administration? I may say to Sir Basil Blackett that it is entirely in his hands to make his Budget balance. It is entirely in his hands if he overcomes all kinds of embarrassment that he comes across in the course of his duties. Generally in a humorous way at the time of presenting the Budget in this House he tells us that he feels an embarrassment whenever there is a surplus. That is not the embarrassment that he really feels. The embarrassment is all in his chamber before he prepares his finance statement, and that was given out frankly by one of his predecessors, Sir Edward Baker. He said:

"I have now been connected with the Finance Department of the Government of India for five years continuously and during the whole of that period I do not believe that a single day has passed on which I have not been called upon officially to assent to an increase of pay of some appointment or group of appointments, to the reorganisation of some department, or to an augmentation of their numbers."

Have you overcome that embarrassment? If you have, you will show a greater surplus to us here. If you reduce the salt tax and want money, here is my Honourable friend, Mr. Rama Aiyangar, for whose figures I have always had a trembling admiration. He has got the duplicate keys of your iron safes with him and he will show you where you can get money from your safes. Drop once for all the idea of levying the salt tax for revenue purposes. If you are commercialising your Postal and Railway Departments, commercialise the Salt Department if necessary and make it self-supporting. But do not ask for any revenue from it for your other administration purposes. I beg of you therefore on behalf of the poor to reduce the salt duty to eight annas.

Mr. N. M. Joshi (Nominated: Labour Interests): I have great pleasure in supporting this motion. This is not the first time that I have spoken in the House on the question of the salt tax. Only a few days ago I stated that the salt tax is a tax on the manhood of this country. Every one has to take salt whether he is poor or rich, and if you tax salt, you tax everybody. It is a poll tax which was hated in this country even in historic times.

I feel, Sir, that the right principle of taxation is that it is only those people who have got some surplus over and above what is required for the maintenance of themselves and their families that should be taxed. People who have not enough money to maintain themselves and their families must not be taxed at all. Those people who do not earn sufficient for their maintenance and the maintenance of their families, I believe, owe nothing to this Government or to any Government. It is the duty of every Government to see that all human beings under its care are fed properly and clothed properly, and as long as it is not done, that Government does not perform its duties towards those people. I therefore strongly feel that it is not right for any Government to impose a tax which falls upon people without any reference to their income or their ability to pay the tax after maintaining themselves and their families. From this point of view, there cannot be any tax worse than the salt tax and I shall therefore oppose the imposition of that tax even to the smallest extent. It has been said that the incidence of the salt tax is a very small one, that it is only three annas or four annas per head. But there are a number of people in this country,

[Mr. N. M. Joshi.]

and their number is very large, who should not be taxed at all. The burden may be small, but that burden cannot be placed upon people who cannot bear any burden at all. Then, Sir, my Honourable friend Mr. Duraiswami Aiyangar has already pointed out that the burden of the salt tax is not the only burden upon the poorest people. The largest part of your import duties falls upon them. The Honourable representative of the Indian Merchants' Chamber and Bureau has, I am told, given some statement to the Honourable the Finance Member. I find that that statement as regards the incidence of the customs duties is not yet published, but if that is published and is in my hands, I am quite sure I shall be able to show that the largest part of the customs duties is paid by the poor and not by the rich people. Sir, there are many items in our customs duty which fall upon the poorest people. We have a large import duty on cloth. We have a large tax on kerosene. We tax matches and several other articles which are very necessary for the masses. All this burden falls upon the poorest people without any reference to their ability to pay the tax. I therefore say that the salt tax is not the only tax which the masses in this country pay. The burden of taxation upon them is very heavy. Unfortunately every time a small tax is levied, Government and those who support them say that the burden is very small. Sir, that was stated in this House in the Simla session when the steel duty was levied. Then, Sir Charles Innes on behalf of the Government stated that the duty on agricultural implements will fall upon the people by only one anna per man or some such thing. Then again the duty on wire nails will be also half an anna or one anna. Sir, there are hundreds of such duties which fall upon the masses in this country by one-anna and two annas and these small bits make a very large amount. I therefore think that although no burden should fall upon people who do not get sufficient to maintain themselves and their families, the burden which falls upon them to-day is very heavy. The Honourable the Finance Member may say that he wants money and money must be forthcoming. There is no doubt that if the State wants to spend money on several objects money must be forthcoming, but he must take that money from those people who can afford to pay. Our income-tax has not yet reached its limit. It is the lowest perhaps in any part of the world. There is a source from which you can get money. There are several other luxuries which you are afraid to tax. If there is a tax on motor spirit, you show your greatest anxiety to reduce it.

Pandit Shamlal Nehru: That affects the poor also.

Mr. N. M. Joshi: If it affects the poor, it affects the rich more. That is the reason why Government are very anxious to reduce it. I therefore feel that it will not be difficult for Government to get the revenue which they may lose by the reduction or even the removal of this salt tax. Moreover, Sir, in this year's Budget the Honourable the Finance Member has set apart a sum for the avoidance of debt. I do not know why the Honourable the Finance Member should be in a hurry to pay off our national debt before taxes which are absolutely wrong in principle, such as the salt tax, are removed from the Statute-book. After all, the national debt of India is not a very large one. If you compare our national debt with the national debts of other countries you will find that we are in a very good condition. I therefore do not know why the Honourable the Finance Member should set apart a large sum of money for the avoidance of debt.

before removing the salt tax. The Honourable the Finance Member may say that if we do not pay our unproductive debt we may be throwing a burden on future generations. Sir, I am not prepared to throw an unreasonable burden on future generations, but if there is an unproductive debt which we owe to others certainly we have got in our possession large properties, as was shown by one of the Members of this House, which will be valued at more than our unproductive debt. I therefore think that it is a wrong policy on the part of the Honourable the Finance Member to set apart a large sum for the avoidance of debt before those taxes, which are wrong in principle, are removed.

Then, Sir, my Honourable friend Mr. Duraiswami Aiyangar has pointed out that if you reduce the salt duty by 12 annas or to any amount, your income from the duty will be proportionately larger on account of the larger consumption of salt, which is in the interests of the good health of the people of this country. I therefore think that even from the point of view of revenue the loss on account of the reduction of duty will not be proportionately the same; the loss will be much less. I therefore think that this motion made by my Honourable friend Mr. Duraiswami Aiyangar should be carried by this House.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, a similar amendment stands in my name and after what has fallen from Mr. Duraiswami Aiyangar and Mr. Joshi I need not dwell at length on the many aspects of the question that is before this House. I only want to say one or two words with respect to my amendment. It has been said that the finances of the country will suffer unless you impose this tax. This tax cannot be justified on moral grounds, because no man far less a Government has any right to steal. I say advisedly that no one has any right to steal. This tax is nothing but stealing the poor man's food. I have seen in Rajputana and Bengal, labourers taking their bread or rice simply with salt and nothing else and they cannot have a sufficient quantity of it. In Bengal the labouring classes have no other food but a few morsels of rice and some vegetables which are to be found on the river banks or tanks. These things they boil and they cannot eat them without salt and you deny it to them by imposing a tax on salt. No Government has any right to tax the food of the poor people of a country and I am not aware of any country in the world where a tax on salt is to be found. I therefore submit that this is a tax which cannot be justified on moral grounds.

Further we have to remember that India is an agricultural country and that agriculture is carried on by cattle and the quality of the cattle has been deteriorating at least in Bengal. Why? Because they cannot give the cattle a sufficient amount of salt. Not only that. For the raising of the crops a certain amount of salt is necessary in various parts of Bengal. That being so, you are not only helping the deterioration of the cattle of the country but also helping in the growing of less crops owing to want of manure. Such being the case, I think it is high time that we, the representatives of the people, those who come here with the votes of those who really feel the pinch of this tax, think it is our moral duty to see that their food is not taxed and therefore I enter my humble protest against the levy of any salt duty; and, as we know the temper of the Government at the present moment which is not inclined to abolish the tax, I propose a reduction to 8 annas per maund and I move the amendment which stands in my name for reducing the salt tax to 8 annas.

Kumar Ganganand Sinha (Bhagalpur, Purnea and Santhal Paraganas: Non-Muhammadian): Sir, my amendment is to substitute 12 annas for Rs. 1-4-0 but I would like to make my remarks at the present stage of the debate and vote for it when the time comes. While agreeing with the contentions as to the undesirability of the salt tax, I look at the question from another standpoint also. I want to do away with the consumption of foreign salt in this country. Although I hate the salt tax very much, I hate the consumption of foreign salt much more and I shall confine my remarks to that aspect of the question. Those who listened to the debates on the Demands for Grants under the head Salt and on the salt policy of the Government, last week, and those who have interested themselves in this question, will agree with me when I say that India can produce salt in sufficient quantity to meet her own requirements. India eats foreign salt not because she does not possess enough salt but because she has to undergo an unfair competition with the foreign countries which send salt to her. In spite of the fact that some of the Indian coasts, notably Orissa, are unworked, in spite of the high freight at which it is possible to carry it from one part of the country to another, in spite of the country's being handicapped in every possible way, it must be noted that only one-fourth to one-third of the salt consumed in India is imported and almost the whole of that is consumed by only the provinces of Bengal, Bihar and Orissa, Assam and Burma. My intention is to manipulate the tariff in such a way as to frustrate the advantages of the tramp ships that come from the United Kingdom, Germany, Spain, Egypt, Aden and Dependencies, Italian East Africa and other countries loaded with foreign salt; and I shall try to show to the House before I sit down that it is possible to enable India to eat her own salt, it is possible for the Government to avert the scarcity of salt, like the one that took place during the great European war, and it is also possible to do these things without any loss of revenue. We have inexhaustible supplies of salt in this country; if only we could work them and distribute it throughout the land it would be enough. We can obtain salt from solar evaporation, boiling and from rock mines that are rich and abundant. We have only to overcome the obstacle of freight. We can do so by reducing railway freight or by giving bounties. But I do not want to enter into the question of reduction of railway freight at this moment, and there may be some who may object to the giving of bounties, for they may contend that it will diminish our revenues. I would therefore suggest another way to the House. My suggestion is that the duty on imported salt should be raised by the Government to Rs. 2-8-0 per maund; and I would ask the House to agree with me that the duty on manufactured salt be reduced to 12 annas per maund. Let us calculate its effect on the next year's revenue. From the Memorandum that has been given to us along with the Budget estimates we find that the revenue from manufactured salt chiefly for the budget estimate of 1925-26 is expected to be from North India Rs. 1,79,71,000, from Madras Rs. 1,48,10,000, from Bombay Rs. 1,64,55,000, making a total of Rs. 4,92,36,000 which is expected from the consumers of manufactured salt. The amount of salt extraction which that represents is approximately 394 lakhs of maunds. That is so far as manufactured salt is concerned. Now as to imported salt, which is consumed chiefly in Bengal and Burma. The total duty expected on this kind of salt from Bengal and Burma is Rs. 2,11,67,000, which means that approximately 168 lakhs of maunds of salt will be imported into the country. Now 394 lakhs of maunds of manufactured salt at 12 annas per maund will bring in Rs. 2,95,00,000 in all; and 168 lakhs of maunds of imported salt at

Rs. 2-8-0 per maund would yield approximately Rs. 4,20,00,000. The aggregate revenue from both would therefore be about Rs. 7,15,00,000 in all, which is very largely in excess of the total salt revenue estimate of this year, so that, there will be no loss of revenue if the Government adopt this course. It will further make imported salt more expensive than the manufactured indigenous salt and will give an impetus to an indigenous industry of the country, thereby making it possible for Indians in most parts of the country to eat Indian salt at a comparatively lower cost than they can at present. Now, Sir, it might be said that Bengal and Burma will suffer. I have little hesitation in saying, since I heard my Honourable friend Mr. Fleming the other day, that Burma will be the last to object to anything which will be conducive to the growth of the indigenous salt industry. It is no pleasure to her to eat foreign salt, and I venture to say that the enhancement of the import duty on foreign salt will give an impetus to the development of her lost salt industry, and when it has been established she will be in the happy position of buying her salt cheaper than even the present rate. Then I turn to appeal to Bengal. I know she will not be taxed more than what she has already been taxed. Up to the year 1903, we know, she had been taxed Rs. 2-8-0 per maund for her salt, and again in 1922 and 1923 she was taxed the same amount, and it was by the desire of the Government. Now I appeal to Bengal in the interest of the revival of the salt industry in this country, in the interest of giving increased employment to the labourers, as well as for the sake of removing the odium that India takes foreign salt. I would remind her of the declaration she made during the Swadeshi movement days and hope that she will have no objection to the rate of tariff proposed by me. She shall undoubtedly have to pay a little more, but compared with the relative advantage to the industry of the country as a whole I am sure she will not grudge it. I once again appeal to Bengal's self-sacrifice and political sagacity, and hope that she will have a broad outlook and greatness of purpose.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-Official): Sir, Mr. Duraiswami Aiyangar in moving his Resolution fired off words as hard as he could for no less than 25 minutes on a subject which comes before this House year after year. I listened to him with some attention but I was unable to discover that he produced a single new argument beyond those we have heard each year hitherto. Mr. Joshi, whose interest in the subject is shown by his absence at this moment, also thought it his duty as the poor man's champion to address the House, but he fortunately let us off with 8 minutes, and he also has disappeared from the House. Sir, the argument that Mr. Duraiswami Aiyangar tried to make was that well-worn old one about taxing the poor man: and of course he brought in the free breakfast table cry. Now, I shall take him up on that, because I hope to-morrow to put before him a very much better case for the alleviation of taxation of the poor man on foodstuff. However, the point that I want to make is the hollowness of this debate. The House is obviously bored with it after so many years, and will note the inconsistency with which the Honourable Member from Madras can get up to-day and seriously argue this case when in the debate on the 7th March for a cut of Rs. 100 in the Salt Vote, he did not see his way to vote against the Resolution put up by Mr. Venkatapatiraju wherein a concrete proposal was made that the duty on imported salt should be raised up to Rs. 2 and that there should be a reduction of the tax on the local article.

[Mr. W. S. J. Willson:]

Sir, I do not propose to take up the time of other Members of this House. The only other point I want to make is this. I considered it a mistake last year that the House unfortunately did itself out of a certain amount of revenue which we might have had, had the Government's proposal of a Rs. 2 duty been then accepted. We should then have had a much larger reduction of the provincial contributions, which should have begun last year, and we should have had a second reduction of the provincial contributions this year. We should then by this means have been about half way through with their extinction now. The point then, it seems to me, resolves itself into this. If you want to reduce the duty on salt, all you do is practically to give each family something like one pie per week—some perfectly ridiculous figure which they cannot trace in their budget, and which they cannot see. What happens is, that it will merely go into their ordinary purse and disappear again without their being any the better off. If we maintain the salt tax, as I think we ought to do, and put the money into the Provinces by a reduction of the provincial contributions as often and as much as we can, that would be far better. The reduction of the provincial contributions practically means that the Provinces will spend the whole of that money on education and sanitation for the benefit of the poor man. Let us leave to them the spending of that money instead of giving it in useless dribbles to an imaginary object; let us give it to the Provinces that they may spend it, not dribble it away in revenue but spend it in capital expenditure on irrigation, water-works, drainage and the improvement of education, health and sanitation throughout the country.

Mr. Narain Dass (Agra Division: Non-Muhammadan Rural): Sir, there is a similar motion which stands in my name, and I beg to move:

“That in clause 2 (1) of the Bill, for the words ‘one rupee and four annas’ the words ‘twelve annas’ be substituted.”

Sir, I do not look upon this problem of salt as a hackneyed one. In spite of the very confident assertion from the official Benches, in spite of the vast literature that they have built up in support of this tax, the instinct of every man prompts him to say that it is the most unjustifiable tax. In addition to what has been said by the other previous speakers, I will try to draw the attention of the House to a few aspects of the question. In 1923-24 the salt duty stood at Rs. 2/8 a maund, and what do we find? The total consumption of the year somehow or other came down to be narrowed to 3.80 crores of maunds. We find, in spite of all the arguments advanced in support of overstocking and understocking, that the total consumption of salt during the year 1923-24 came down to only 3.80 crores of maunds. (*The Honourable Sir Basil Blackett*: “What does the Honourable Member mean by ‘consumption’?”) Sir, the total issue of salt came down to about 3.80 crores of maunds. Well, I think some allowance must be made for the factors of understocking and overstocking, but the vast difference disclosed cannot be explained away in that way. What is the implication? The clear implication is that the people consumed less than two-thirds of what they did when the salt duty stood at Rs. 1/4 a maund, and it clearly shows, Sir, that this duty is in many ways hampering the free use or rather the full use by the people of this most necessary article of diet. Sir, it is not a question of salt duty only. We know that this Government are committed to certain views in the matter of finance.

Whenever any reduction is urged, they require of us that an alternative tax, an equivalent substitute, should be given to them. That means that their financial system, their system of taxation, is so well arranged, so well calculated, and in fact they are living from hand to mouth, and that the least difference or the least change in any item would break down the whole edifice of their financial system. Well, Sir, that is not right. Most of us think that certain objectionable forms of taxation must go even at the sacrifice of some revenue. It is no business of ours to find out an alternative tax. But in this matter, at any rate, looking at it from the point of view of consumption, there is every likelihood that the consumption, if you bring down the duty to a lower figure than Rs. 1-4, will go up. It may be that in the long run we may not lose any part of the revenue budgeted for the year 1925-26. Even supposing that we may have to lose a part of it, I do not think that that would mean a mere waste of money. Sir, the manufacture of salt before the Government made it a monopoly was a very common industry in India. Almost every district, or I should say most districts could easily manufacture their own salt. There are old people living even now who say that most of the Indian States and most of the districts used to manufacture their own salt. And then there is another aspect of the question, and that is that the manufacture of salt as a monopoly of Government has gone in several ways to raise its selling price. Let us consider the position. Salt is issued from two or three centres only. We cannot have it at Muttra, which used to manufacture it in large quantities; we cannot have it at Bharatpur, which used to manufacture it in even larger quantities. We must go to the Sambhar Lake or we must go to the Punjab. If any of us prefers the taste of the imported salt, then we shall have to go to Calcutta or Madras. It has been narrowed down to a few places of manufacture, and there comes in the question of freight also which certainly makes such a vast difference in the selling price of salt. Well, Sir, that factor at least was utterly wanting when the Government monopoly had not come in, when every district or at least those districts where conditions were favourable, could manufacture it. At least the prices were more equal. There was not this vast difference between the prices. Sir, as this is a question where the Government can easily find money for a trifling reduction that I am proposing, it really passes my imagination how they could set up a plea of want of funds. I may simply refer to a few aspects, in passing, of the Budget that we are just dealing with. This Government can afford to waste a lot of money in Waziristan in making roads and in putting garrisons here and there. It can very easily write off our loans and advances to Persia, although it may be called only a book adjustment. And when this Government come to deal with the recommendations of the Lee Commission, the question of the finances does not arise at all. A crore and a quarter drop in anyhow. It may come from certain economies, from certain reserves or from certain reservoirs, but the money is forthcoming all the same. At any rate, the question of the lack of funds does not arise at all. Sir, what the Government are committed to is this. In spite of the vast fresh burden of taxation which is variously estimated at 50 crores a year, Government's financial formula is that so long as the provincial contributions are not wiped out, no tax, however burdensome, can be taken off. We do not stand for this view. It is not merely the question of salt, it covers a wider field of financial operation. They want to retain a huge burden of fresh taxation. They want to spend money on so many other things. They want to raise the pay of the higher services. They want to pay them handsome allowances and supply them with medical aid

[Mr. Narain Dass.]

and what not. In their military enterprise they will go on wasting or spending or throwing away crores of rupees on Waziristan and other neighbouring countries. But when it comes just to give a very little relief, they say that that is not an item in their fiscal gospel. Well, Sir, it is to demolish that financial formula and just to allow the voice of the people to be heard which, at least in this matter, finds a very good expression in so many amendments that stand on the paper for the reduction of the salt duty, that I appeal to the House to carry this motion through. With these words, Sir, I move my amendment.

Several Honourable Members: I move that the question be now put.

Mr. A. H. Lloyd (Member: Central Board of Revenue): Sir, the merits and the demerits of the salt tax have been the tilting ground upon which numerous conflicts have been fought and I am not going to enter into conflict in that arena myself. What we are faced with to-day is the passing of a Finance Bill which, amongst other things, is designed to fix the rate of duty on salt, and the Bill is introduced in order to enable the Government to collect the revenues during the coming year which will meet the expenses that are anticipated, leaving any surplus that may result to be disposed of as may be decided in consultation with the House. I would merely remark on the question of the general merits of the salt tax that it is a tax which we have always had with us—and that it is a tax which is resorted to by very many countries other than India. Mr. Amar Nath Chutt, when he made a statement to the contrary, was, I am afraid, only exhibiting the incompleteness of his studies of the subject. Kumar Ganganand Sinha and the Honourable Mover of this amendment have shown quite clearly that for their part the proposal is at least as much designed to force the Government to impose a protective tariff against imported salt as it is designed to relieve the poor man of the incidence of a duty to which they object. This, again, is a point which it is hardly appropriate at the present moment to discuss on its merits. I shall merely draw the attention of the House to the financial results of the suggestion. In the first place, I must point out that Mr. Duraiswami Aiyangar is not innocent of performances such as he describes as statistical jugglery and somersaults when he attempts to prove that the reduction of the duty to 8 annas would yield such an enormous increase in the consumption as from 5 crores to 9 crores of maunds in a year. Figures for the past show that this is quite unduly optimistic. When the salt duty was Rs. 2-8 a maund in 1902-03, the average consumption per head of the population was 5 seers. When it was at Re. 1 a maund, 10 years later, the average consumption was only 6 seers per head of the population. Some increase in consumption must be allowed for, but that it could be so large as Mr. Duraiswami Aiyangar has anticipated it is, I think, quite unreasonable to believe. If there were no increase at all, the annual cost of this proposal would be $3\frac{1}{4}$ crores. Well, Sir, we have not got $3\frac{1}{4}$ crores a year to throw away. If Mr. Duraiswami Aiyangar's anticipations are fulfilled and the consumption were to increase to 9 crores of maunds, the cost in rupees would still be nearly 2 crores. If we take as the most optimistic possible view that I at least can imagine, that the consumption would ultimately increase by 20 per cent. to 6 crores of maunds, the recurring loss of revenue would not, even in the long run,

fall below 3½ crores a year. Well, Sir, 3½ crores is more than we can expect to have available to meet the proposed reductions of provincial assignments that are to be discussed later on in the course of the present debate. I think therefore, Sir, that in the face of these difficulties it is not necessary for me to do more than to oppose this reduction on the ground that the finances of India are such that we cannot afford to accept it.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Sir, the Honourable Member who has just replied to the motion of my friend Mr. Duraiswami Aiyangar has very conveniently quoted the figures for an average increase in the consumption of salt with the reduction in the tax on salt. Sir, it is always very dangerous to go merely by figures of average consumption. May I ask him to tell me what are the figures of the total consumption of salt and increase or the decrease in the taxation of salt? I have got here some figures which will give an idea. In the pre-war time, when the salt tax was at the rate of one rupee, consumption was 5½ crores of maunds, approximate figures. When the tax was raised from Re. 1 to Rs. 1-4, consumption became 40 lakhs of maunds less. Then when it was again raised to Rs. 2-8, the consumption became 4¼ crores of maunds, that is to say, about a crore less than when the tax was at one rupee. Again in the current year, when the tax came down to Rs. 1-4, the consumption became 5½ crores of maunds. And, Sir, I have been informed by some of those who actually take part in the manufacture and distribution of salt that if this duty is reduced, the consumption of salt in provinces like Bihar and Orissa and the United Provinces would go up considerably. Well, Sir, that is with regard to the figures. But my objection to this duty is based upon something more important and something higher than a mere financial objection. My Honourable friend Mr. Willson has ridiculed the idea of opposing this taxation on the ground that it would bring relief to the poor. He says it is an imaginary evil, if I am quoting him aright; and he said it would bring a relief of one pie in the rupee in each family. Well, Sir, one pie in the rupee may not matter much to Mr. Willson, who I understand is a capitalist with a large balance in his bank, (*Mr. W. S. J. Willson*: "Debit balance") but it does matter to those whose income is not more than a few rupees in the year. Besides this there is another aspect of the question which my Honourable friend Mr. Willson has entirely forgotten, and that is this; that in determining a system of taxation, what we have to keep in view is this, that when we impose a tax, we reduce the marginal sacrifice made by each tax-payer to a level of equality. It is true that we cannot attain that ideal system of taxation, but my submission is that this year, when we have for the first time after many years a surplus in the actual, a surplus in the revised, and a surplus in the estimates, that section of the tax-payers which constitute the largest class in the country has the first claim on this surplus. Well, Sir, we have in this House heard loud and persistent appeals about giving relief to only a section of the tax-payers. I need not refer to that on this occasion, but I must express my opinion strongly that, if there is any tax which deserves to be reduced on account of the surplus in the finances of the Government of India, it is the salt tax. The reasons are, firstly, that it touches the largest number of people in this country, and secondly, that in its nature and its quality, this tax is the most immoral tax that exists in the finances of the Government of India. I shall make a present to my friend Mr. Willson of an opinion expressed by one of the predecessors of Sir Basil Blackett when he spoke

[Mr. Devaki Prasad Sinha.]

in introducing the budget estimates as far back as the year 1877, when the salt duty was not what it is to-day. He says:

"I have a strong belief that more than 100 millions of people fail now to obtain a full supply of salt. I do not for a moment assert nor do I believe that the actual supply is insufficient for the preservation of health nor do I at all agree with those who maintain that the salt tax presses with extreme severity on the poorest classes; but"—*this is the more important part of it*—"but however this may be it is a great evil that the supply of this necessary of life should be restricted and the restriction is not only mischievous in respect of human consumption but in this way also that there is little salt for the cattle and little for any of the manufacturing processes in which it would be useful."

Well, Sir, we have not as yet in the course of the debate heard any expression of opinion on behalf of members of a very important party in this House called the Independent Party; but I take it, Sir, that the Members of that party subscribe to the views that were expressed so eloquently by the Honourable Pandit Madan Mohan Malaviya when last year he moved for the rejection of the Finance Bill. (*Mr. K. Ahmed*: "And what about this year? They have decided they will pass it".) (*Pandit Madan Mohan Malaviya*: "Let him finish".) My Honourable friend knows what he said. (*Mr. K. Ahmed*: "What is the use of quoting it?") He said:

"It so happens that in the present Finance Bill there is one item which deeply touches the poorest in the land, and that is the salt tax. He has unfortunately not been able to appreciate the position of us Indians with regard to the salt tax. He has quite seriously appealed to us more than once to take a calm, statesmanlike view of the salt tax, and not throw away the money that would be available by raising the rate to Rs. 2."

I need not quote further but I hope the Independent Party, one of the leaders of which is undoubtedly Pandit Madan Mohan Malaviya (*Khan Bahadur W. M. Hussanally*: "Why not leave the matter in the hands of the Taxation Inquiry Committee and the Economic Inquiry Committee?") Well, Sir, my Honourable friend may be very much enamoured of the Taxation Committee but he knows that there is a certain section of public opinion in this country and a very important section of opinion in this House which does not expect anything out of the Taxation Committee. My ground for supporting my Honourable friend Mr. Duraiswami Aiyangar is quite obvious, that this year there has been a surplus in the revised as well as in the original estimates; therefore this is the first tax which ought to be reduced and the benefits arising from this surplus should go in the first instance to those who are consumers of salt in the country. When there is a surplus we have to compare the claims of different claimants. I am sure that if the different claims could be judged in the scales in an unbiassed and unprejudiced fashion, the claims of the salt consumers of this country will undoubtedly come first and foremost. Well, Sir, my Honourable friend Mr. Joshi has spoken of the burdens falling upon the poor. My Honourable friend Mr. Willson evidently does not care to think seriously of the burdens of the poor. This House has been time and again urging the abolition of the duty on cotton piece goods produced in this country. Well, Sir, if there is any justification for the abolition of the cotton excise duty in this country, I submit that there is ten times greater justification for the abolition of the salt duty. There is a very interesting passage in a book written by my friend Mr. Hammond on the "Indian

‘Candidate and Returning Officer’. At the beginning of that book he has quoted from one of the propagandist political pamphlets issued by a candidate during the British elections. That pamphlet says:

“TAXES

upon every article which enters into the mouth or covers the back or is placed under the foot;

TAXES

upon everything which is pleasant to see, hear, feel, smell and taste;

TAXES

upon warmth, light and locomotion;

TAXES

on everything on earth and the waters under the earth or everything that comes from abroad or is grown at home;

TAXES

on the raw material;

TAXES

on every value that is added to it by the industry of man;

TAXES

on the sauce which pampers men’s appetite and the drug that restores him to health;

on the

Ermine which decorates the Judge and the Rope which hangs the Criminal;

on the

Brass nails of the coffin and the ribbands of the Bride;

at

Bed or at Board—Couchant or Levant,

WE MUST PAY.

The school boy whips his taxed top;

The beardless youth manages his taxed horse with a taxed bridle on a taxed road;

and the dying Englishman pouring his medicine which has paid

7 PER CENT. into a spoon which has paid 30 PER CENT;

Throws himself back upon his chintz bed which has paid

22 per cent. makes his will

and expires in the arms of an Apothecary, who has paid £100 for the privilege of putting him to death.

His whole property is then taxed from 2 to 10 per cent.;

Besides the probate, large fees are demanded for burying him in the chancel; his virtues are handed down to posterity on

TAXED MARBLE;

and he is then gathered to his fathers to be taxed

NO MORE.”

(Cries of “Divide.”) Well, Sir, this is in very small print and that is why it has taken such a long time to read; but I feel that the
 1 P.M. condition of the poor Indian tax-payers is very materially the same. Everything they buy, everything which they use for their ordinary food and clothing, on everything they have to pay a tax, while the large mass of the big land-owners in the country inherit their large stock of wealth without paying anything to the State; the profiteers who derived millions during the time of the war at the cost of the poor tax-payers are allowed

[Mr. Devaki Prasad Sinha.]

to go with very light taxes. It is the poor people that have to suffer the brunt of the burdens imposed by the necessities of deficits in the Budget. I submit, Sir, that although my Honourable friend Mr. Lloyd says that the remission of this taxation or the reduction of it to eight annas would cost the revenues of the Government of India Rs. 3½ crores, I submit that the surplus of this year which is about Rs. 3½ crores should justly be utilised for the purpose of reducing this duty to eight annas. I have therefore very great pleasure in supporting it and I hope that Honourable Members will not be influenced by any imaginary fear or real fear of the abandonment of the proposal to remit provincial contributions, but that they will come forward and support this in the interests of the large mass of tax-payers in this country. This will be the great test, the acid test for determining how far Honourable Members are prepared to give relief to the poor consumers in the country. It is always possible to talk of patriotism when it concerns only the pockets of a few interested parties; but, Sir, we must apply that test when occasions like this arise and when a demand to reduce duty on an article used by the largest number of poor consumers is made. I have great pleasure in supporting this motion for reduction.

An Honourable Member: I move that the question 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 clause 2 stand part of the Bill."

Since which an amendment has been moved:

"That in clause 2 of the Bill, for the words 'one rupee and four annas', the words 'eight annas' be substituted."

The question I have to put is that that amendment be made.

The Assembly divided:

AYES—50.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Abul Kasem, Maulvi.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Ariff, Mr. Yacoob C.
 Badi-uz-Zaman, Maulvi.
 Bhat, Mr. K. Sadasiva.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Datta, Dr. S. K.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Goswami, Mr. T. C.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Joshi, Mr. N. M.
 Kazim Ali, Shaikh-e-Chatgam Maulvi
 Muhammad.
 Kelkar, Mr. N. C.
 Kidwai, Shaikh Mushbir Husain.
 Lohokare, Dr. K. G.
 Mehta, Mr. Jamnadas M.

Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Narain Dars, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Piyare Lal, Lala.
 Ranga Iyer, Mr. C. S.
 Rav, Mr. Kumar Sankar.
 Sadiq Hasan, Mr. S.
 Samiullah Khan, Mr. M.
 Sarda, Rai Sahib M. Harbilas.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gava Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Sinha, Kumar Ganganand.
 Svamacharan, Mr.
 Tok Kvi, Maung.
 Yusuf Imam, Mr. M.

NOES—62.

Abdul Mumin, Khan Bahadur Muhammad.	Lindsay, Mr. Darcy.
Abdul Qaiyum, Nawab Sir Sahibzada.	Lloyd, Mr. A. H.
Ahmed, Mr. K.	-Mahmood Schamnad Sahib Bahadur, Mr.
Ajab Khan, Captain.	-Makan, Mr. M. E.
Akram Hussain, Prince A. M. M.	Marr, Mr. A.
Alimuzzaman Chowdhry, Mr.	McCallum, Mr. J. L.
Ashworth, Mr. E. H.	Mitra, The Honourable Sir Bhupendra Nath.
Bhore, Mr. J. W.	Moir, Mr. T. E.
Blackett, The Honourable Sir Basil.	Muddiman, The Honourable Sir Alexander.
Bray, Mr. Denys.	Muhammad Ismail, Khan Bahadur Saiyid.
Burdon, Mr. E.	Naidu, Mr. M. C.
Calvert, Mr. H.	Pal, Mr. Bipin Chandra.
Clarke, Sir Geoffrey.	Purshotamdas Thakurdas, Sir.
Cocke, Mr. H. G.	Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Cosgrave, Mr. W. A.	Raj Narain, Rai Bahadur.
Crawford, Colonel J. D.	Ramachandra Rao, Diwan Bahadur M.
Dalal, Sardar B. A.	Rangachariar, Diwan Bahadur T.
Das, Mr. B.	Rau, Mr. P. R.
Fraser, Sir Gordon.	Reddi, Mr. K. Venkataramana.
Ghazanfar Ali Khan, Raja.	Rhodes, Sir Campbell.
Ghose, Mr. S. C.	Rushbrook-Williams, Prof. L. F.
Ghulam Abbas, Sayyad.	Sastri, Diwan Bahadur C. V. Visvanatha.
Ghulam Bari, Khan Bahadur.	Setalvad, Sir Chimanlal.
Gour, Sir Hari Singh.	Singh, Rai Bahadur S. N.
Graham, Mr. L.	Sykes, Mr. E. F.
Hira Singh Brar, Sardar Bahadur Captain.	Tonkinson, Mr. H.
Hudson, Mr. W. F.	Webb, Mr. M.
Hussanally, Khan Bahadur W. M.	Willson, Mr. W. S. J.
Hyer, Dr. L. K.	Wilson, Mr. R. A.
Innes, The Honourable Sir Charles.	Yakub, Maulvi Muhammad.
Jinnah, Mr. M. A.	
Kasturbhai Lalbhai, Mr.	

The motion was negatived.

Mr. President: The original question was:

“That clause 2 stand part of the Bill.”

Since which an amendment has been moved:

“That in clause 2 for the words ‘one rupee and four annas’ the words ‘twelve annas’ be substituted.”

The question I have to put is that that amendment be made.

The Assembly divided:

AYES—50.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Abul Kasem, Maulvi.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Ariff, Mr. Yacoob C.
 Badi-uz-Zaman, Maulvi.
 Bhat, Mr. K. Sadasiva.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Datta, Dr. S. K.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Goswami, Mr. T. C.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Joshi, Mr. N. M.
 Kazim Ali, Shaikh-e-Chatgam Maulvi
 Muhammad.
 Kelkar, Mr. N. C.
 Kidwai, Shaikh Mushir Hosain.
 Lohokare, Dr. K. G.

Mehta, Mr. Jannadas M.
 Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi Sayed.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Piyare Lal, Lala.
 Ranga Iyer, Mr. C. S. :
 Ray, Mr. Kumar Sankar.
 Sadiq Hasan, Mr. S.
 Samiullah Khan, Mr. M.
 Sarfa, Rai Sahib M. Harbilas.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Sinha, Kumar Ganganand.
 Syamacharan, Mr.
 Tok Kvi, Maung.
 Yusuf Imam, Mr. M.

NOES—63.

Abdul Mumin, Khan Bahadur
 Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Ahmad Ali Khan, Mr.
 Ahmed, Mr. K.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Alimuzzaman Chowdhry, Mr.
 Ashworth, Mr. E. H.
 Bhore, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Clarke, Sir Geoffrey.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Dalal, Sardar B. A.
 Das, Mr. B.
 Fraser, Sir Gordon.
 Ghazanfar Ali Khan, Raja.
 Ghose, Mr. S. C.
 Ghulam Abbas, Sayyad.
 Ghulam Bari, Khan Bahadur.
 Gour, Sir Hari Singh.
 Graham, Mr. L.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Hudson, Mr. W. F.
 Hussanally, Khan Bahadur W. M.
 Hyder, Dr. L. K.
 Innes, The Honourable Sir Charles.
 Jinnah, Mr. M. A.
 Kasturbhai Lalbhai, Mr.

Lindsay, Mr. Darcy.
 Lloyd, Mr. A. H.
 Mahmood Schamund Sahib Bahadur, Mr.
 Makan, Mr. M. E.
 Marr, Mr. A.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir Bhpendra
 Nath.
 Moir, Mr. T. E.
 Muddiman, The Honourable Sir
 Alexander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Naidu, Mr. M. C.
 Pal, Mr. Bipin Chandra.
 Purshotamdas Thakurdas, Sir.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Raj Narain, Rai Bahadur.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Rau, Mr. P. R.
 Reddi, Mr. K. Venkataramana.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V.
 Visvanatha.
 Setalvad, Sir Chimanlal.
 Singh, Rai Bahadur S. N.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.
 Yakub, Maulvi Muhammad.

The motion was negatived.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadian Rural): Sir, I beg to move:

"That (i) in clause 2 (1) the words 'and four annas' be omitted.

(ii) In clause 2 (1) for the words 'salt manufactured in or imported by land' the following be substituted:

'salt manufactured in any such part and two rupees per maund of similar weight of salt imported by land'."

Mr. President: The second part of the amendment is out of order. I called the Honourable Member to move his first part, namely, reduction to one rupee.

Mr. K. Rama Aiyangar: Then, Sir, I move only the first clause. I suggested the second clause in order to show to the House that the finances can be balanced in that way. But since that is not in my power to move, I shall confine my remarks to the first clause. If the discussion on the provision for debt redemption had taken a proper turn, I am sure it would have given the necessary amount to make up this reduction. By this cut of four annas in the salt duty the revenues of the country would be reduced by Rs. 125 lakhs. The increased consumption of salt consequent on the reduction would bring in about Rs. 25 lakhs, thus leaving Rs. 1 crore to be found by us. Even taking the full amount of Rs. 125 lakhs, I submit that the cut on which the House divided must be taken by the Honourable the Finance Member as almost a sure indication that the Assembly did not agree to the provision of Rs. 77 plus 24 lakhs, or Rs. 101 lakhs in respect of debt redemption. I dare say that the Honourable the Finance Member is not going to interpret that particular day's vote as an assent on the part of the Assembly to his taking away Rs. 101 lakhs and putting it unto the debt redemption. The scheme of 4 crores itself was not agreed to by the Assembly

Mr. President: We cannot go back to debt redemption. The Honourable Member must stick to salt.

Mr. K. Rama Aiyangar: I merely indicated the sources from which the Honourable the Finance Member can find this amount. If he wants to take the Assembly along with him he will reduce the provision he has made for debt redemption by Rs. 101 lakhs. That is one source. The other one that I wish to point out is even more specific according to the Honourable the Finance Member's statement. He refers to the fact that the military expenditure of the three years

Mr. President: I will allow the Honourable Member formally to move his amendment in order to take the sense of the House. He may give his reasons why he is prepared to move a reduction to one rupee and not to twelve annas, but now he is roaming over the whole of the Budget and if he continues that way I shall have to ask him to desist altogether.

Mr. K. Rama Aiyangar: I will reserve that to a later occasion. I merely wanted to show that he himself expects at least Rs. 1½ crores. Therefore it will be very proper on the part of the Assembly if it accepts my amendment.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, having given a silent vote on the two previous divisions, I feel that it is incumbent on me to explain the reasons why I chose to go into what is called the Government lobby on those two divisions. The

[Sir Purshotamdas Thakurdas.]

Honourable Mr. Jamnadas Mehta asks me whether it is necessary for me to do so. I feel much oppressed by the fact that I had to go into a lobby where expressions of opinion as construed to be those of the public are voted down, and I do feel, Sir, that I cannot give a silent vote on any other further division on this question of salt duty without expressing my views to this House. The first division for 8 annas was to my mind one which did not require any words to oppose it. If I recollect correctly, the duty of 8 annas prevailed round about the year 1840 and if anybody seriously believes that we can still to-day put back the duty to 8 annas and expect the Government to carry on the administration, all that I can say is that I beg most respectfully to differ from him.

Pandit Shamlal Nehru: What about the excise duty?

Sir Purshotamdas Thakurdas: I will come to that if my friend Pandit Shamlal Nehru will allow me to proceed.

Pandit Shamlal Nehru: I will.

Sir Purshotamdas Thakurdas: I will preface my remarks with this, that if I voted against Pandit Shamlal Nehru on the two previous divisions I voted against him with a very heavy heart but with a sound and absolutely unflinching conviction. I hope that Pandit Shamlal Nehru will allow me to submit my views for his consideration, if he wishes to consider the question with an open mind yet. The question of 12 annas would roughly mean a reduction of 2 crores in revenue. Reduction to one rupee will mean a reduction in revenue of one crore. I do not still forget what I said that in this Budget as presented by the Finance Member, if this Assembly could have run through all the various Demands for Grants in a manner which I hope will develop before very long, we might have been able to assert our views and to show to the Government where we think that the Budget concealed a bigger surplus than what was shown to us. If you remember, Sir, on the very first day, when you suggested that I had an opportunity of speaking, regarding exchange, on the Demands for Grants, I pointed out to you that it would mean helping to put more items under the guillotine and I felt that on the discussion of Demands for Grants we should only discuss, barring of course one question which the House was mostly agreed we should discuss, finance from the strictly financial and practical aspects of things. Things having turned out as they are, we did not discuss more than ten items and the rest had to come under the guillotine with the result that money has been voted by the majority of the House in spite of the cries of "Noes" of my Swarajist friends. I fully sympathise with my Honourable friend Mr. Rama Aiyangar when he says that we could have helped to put before the Finance Member a couple of crores perhaps which would have enabled us to consider the various amendments now without the embarrassment which would be put before us immediately that by reducing the tax materially in any direction you are asking us to budget for a deficit. I therefore feel that ever so willing as I may be to have the salt duty put down to one rupee or even lower, ever so willing as I may be to put down the rates of postage, etc., etc., the voting on the Demands for Grants, as it has gone through, precludes me from doing so.

Pandit Madan Mohan Malaviya: Does it?

Sir Purshotamdas Thakurdas: Yes, Panditji. It may not preclude you and you will have an opportunity of putting your view before the House. But it does preclude me from voting down any of these items of taxation.

Mr. Devaki Prasad Sinha: What about the excise duty?

Sir Purshotamdas Thakurdas: The Honourable Member is oppressed in season and out of season with the cotton excise duty. If he will remember I then prefaced my remarks with two or three things. If he is disposed to be fair he will remember that I said that if Government find that they have not got surplus enough, let them come to this House if they want it to be substituted by any other tax. I ask the Honourable Member what is the good of bringing this out to-day. However, Sir, that does not matter. Now, Sir, the Honourable Pandit Malaviya for whom I have very high respect has asked me if it does preclude me. Having considered the question of a material reduction in taxation I with all respect to him say "it does". I will tell him the mentality which prevails in my mind when I say "No" to him. I, Sir, wish . . .

Mr. Devaki Prasad Sinha: We know that mentality.

Sir Purshotamdas Thakurdas: I am very glad that you are not the only Member in this House to control it. I, Sir, wish to say frankly the view I take of my vote on any item in this House. It is as follows. I try to put myself into the place of the person who has to run the show. (Laughter from Mr. Rangaswami Iyengar.) I submit to my Honourable friend Mr. Rangaswami Iyengar that he also might do the same.

Mr. A. Rangaswami Iyengar: I wish I could.

Sir Purshotamdas Thakurdas: Well, I am very sorry that there is that difference between him and me. I hope that he will prove himself to be in the right. I wish that every Member in this House when voting on matters of money, the sinews of war, in this case for carrying on of the civil administration I wish that every Member could take this view. What would I expect others to do if I was in the same position, and I submit that the only conclusion I can come to and that I have deliberately come to after giving the matter the most serious thought, after realizing my responsibilities to the public, after realizing the misunderstandings to which I may be exposed before the public—and I have the greatest respect for the bar of public opinion—is this. I have come to the conclusion that having voted the money for expenditure it does not lie in my mouth to make such a cut in taxation as will expose me to the charge that I am not looking at the question from a sound businesslike point of view.

Pandit Shamlal Nehru: May I ask why he forgot all about his responsibilities when the excise duty was being discussed here?

Sir Purshotamdas Thakurdas: I submit again, Sir, to the Honourable Pandit Shamlal Nehru that I did not. I am prepared to reconcile what I say here to-day with what I said on the cotton excise duty, and I offer to the Honourable Member a very respectful invitation to discuss it again. But, Sir, even these interruptions will not discourage me from the path which I conceive is the only path which I can follow. (Hear, hear.)

I, Sir, claim that I rank second to none in this House in my anxiety to have the tax on salt, the tax on every other thing that is used by the large masses and the working classes reduced as early as possible. (Mr. Devaki

[Sir Purshotamdas Thakurdas.]

Prasad Sinha: "Question?") I will give way if the Honourable Member has anything to say. (*Mr. Devaki Prasad Sinha*: "I question that.") Oh, you question that. (*Mr. B. K. Shanmukham Chetty*: "He questioned your mentality also.") I claim, Sir, that I have come here to get my way, to get the way of people who think like me by every method which is not only constitutional but which is reasonable and which I can explain to myself. If I had to vote on the Demands for Grants, on the motions for cutting out say a crore or half a crore here and there, I, Sir, should this year have weighed the scales definitely in favour of the man who wanted the greater cut. But to-day, Sir, when it comes to a question of voting the money for carrying on the administration, the expenditure of which this House has by a majority sanctioned, if there is any sacredness in the vote of this House—although I disapprove of the system of guillotine and I wish the Government would give us more days to discuss the Grants—and taking things as they are I submit that we cannot help voting the taxation which will enable the administration to be carried on.

Mr. K. Rama Aiyangar: That is the capacity of this constitution,

Sir Purshotamdas Thakurdas: I agree with my Honourable friend Mr. Rama Aiyangar, the capacity of this constitution is not great. Let us therefore either try to work it as it is or let us leave it to itself and make room for others who are willing to come in and work it. We cannot sit here and say the capacity is small and therefore we are going to take the wrong course. Let us be fair and straight-about it. Either we come here to work the constitution as it is or not. I want many changes, but I am not prepared at the moment to say that I will clear out from here, and I am prepared to go out. I am prepared to give my little help, such as it may be, for the purpose of carrying on the administration in a manner that is open to me at present until we can get it changed. I therefore feel, Sir, that in spite of my greatest anxiety, in spite almost of my great partiality to get the taxation removed and reduced by any method possible, I think that I cannot resort to, I cannot agree with, I am afraid I cannot support, any motion which will expose our action in having voted the money on the Demands for Grants to the charge that we vote the expenditure but would not vote the income for it. I therefore feel, Sir, that whether it is a question of the reduction of four annas or eight annas, the question to be solved is, how is this to be made considering that we have committed ourselves to the expenditure as signified by our voting the Demands for Grants. I hope, Sir, that I have not unnecessarily occupied the time of the House, but I shall be quite willing, Sir, to learn from the views of any Honourable Member here that I am in the wrong and that the right course would be to adopt any other course than the one I adopted on the two previous divisions.

Several Honourable Members: I move that the question be now put.

Mr. President: Pandit Madan Mohan Malaviya.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I rise to make a few remarks as to what the Honourable Sir Purshotamdas Thakurdas has said regarding what would be the correct attitude for us to adopt. My Honourable friend has laid great stress upon the fact that the Demands have been voted, and has opined

that this House having voted the Demands for expenditure, it will not be proper for it to suggest a reduction of taxation, the result of which will be that the Demands which have been voted cannot be met. My Honourable friend is a business man, and I am surprised that he did not note the difference between a Demand being voted and the expenditure on that Demand being actually incurred. The mere fact that certain Demands have been voted does not mean that the expenditure on those Demands has been incurred. It is still in the power of the Government to consider whether all the expenditure that has been voted should in the circumstances of the case be incurred or be not incurred; and I submit, Sir, that that makes it possible for the Finance Member and the Government of India to still revise the whole Budget, or such portion of it as may be necessary, to consider how best to meet the wishes of this Assembly. The wishes of this Assembly have been expressed on many matters, and I am quite aware that it will not be possible for the Honourable Finance Member to give effect to the wishes of the House as they have been expressed on many questions without reduction of expenditure in some directions and without interfering with the proposed reduction of provincial contributions. But I suggest, Sir, that the Honourable Finance Member should be pleased to take into account the opinions which have been expressed in this House and revise the Budget where it may be necessary. I understand—I am not sure, I speak subject to correction—that in the House of Commons after the Budget has been discussed, the opinions expressed in the House are referred to a Select Committee to see how the Budget should be revised to bring it into conformity with the opinions so expressed. The Honourable the Finance Member shakes his head, and I take it that I am not correctly informed with regard to this matter. But I still suggest that the Honourable the Finance Member might well take the Members of this House into consultation, or at any rate that he should consult his own colleagues on the Executive Council to see how, within the amount which will be available as surplus if the Government of India will accept the views which have been expressed in this Assembly how he can best dispose of the surplus and in doing so, I hope that he will be good enough to take into account the circumstances under which the voting on motions relating to the provision for reduction of debt took place. I hope, Sir, that the Honourable Finance Member might yet feel inclined to reduce the amount provided under that head by a crore and 5 lakhs. If he should take that view the surplus which would be available will of course be much larger. I fully see that even if that is done all the recommendations which are going to be placed before him cannot be given effect to. I see that but I submit that if there is a strong feeling in favour of the reduction of the salt tax by 4 annas per maund, that fact also should be taken into account. The matter for him to consider then will be whether it should be the salt tax which should be reduced or whether the postal rates should be reduced or what other taxation should be reduced within the amount which will be available to him. I do not think that there is any constitutional difficulty in the way in voting upon this question. If this is a general feeling that there should be a reduction of 4 annas per maund in the salt tax, as that will bring relief to the largest number of people in this country, I say that that is a matter which should certainly receive the consideration of the Assembly and the Government. And in that view, Sir, I submit that any Member who feels that the Government should be requested to consider the alternative proposal for the reduction of taxation on salt is perfectly

[Pandit Madan Mohan Malaviya.]

entitled to vote in favour of the motion before the House, there will be nothing wrong in doing so. It will certainly not mean that we want to embarrass the Finance Member. We only mean to place before the Government the different views which are held on the different proposals for the reduction of taxation. After having all these opinions before them the Government will be in a better position to see how best to adjust their budget. It is open to the Honourable the Finance Member to do so if he wishes to do so. There is no constitutional difficulty that I see in his way. It is in that view that I question the correctness of the view expressed by my Honourable friend Sir Purshotamdas Thakurdas on this question.

Several Honourable Members: I move that the question be now put.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I quite appreciate the nervousness of my friend Sir Purshotamdas Thakurdas to set himself right with public opinion. He has voted on two occasions, on the 8 anna reduction and the 12 anna reduction, against the popular view and he feels he is called upon to explain why he did so. I do not know what he is going to do on the present occasion. He has not signified his intention. (*Sir Hari Singh Gour*: "He has. He says he is going to oppose it.") I thought he was open to conviction.

Sir Purshotamdas Thakurdas: I am always open to conviction right up to the time the division bell rings.

Pandit Motilal Nehru: I am very glad to hear that. I am glad that even the hard test which my Honourable friend Sir Purshotamdas Thakurdas has laid down for himself is fully satisfied in the case of every Swarajist in this House. Every Swarajist in this House has voted against the expenditure which my friend says that the House

Sir Purshotamdas Thakurdas: The Honourable Member will remember I said so myself.

Pandit Motilal Nehru: That is why I say that even if the test proposed by my friend is to be applied, it can only apply to Members who are not Swarajists.

Sir Purshotamdas Thakurdas: If the Honourable Member will not mind my interrupting him may I ask him if he will agree that, if the Swarajists had voted for the Demands for Grants, my argument stands.

Pandit Motilal Nehru: It will not stand at all. But I begin by saying that assuming that his is a good test, quite a valid test, it does not apply to the Swarajists. They will not be doing their duty and they will not be consistent if they do not vote in support of this reduction.

Now, coming to the merits of that test, I say that I do not agree with my learned friend. What is the principle that he relies upon. The principle is this. This House has voted certain expenditure. It will be wholly unreasonable for this House not to find the supplies for that expenditure. My Honourable friend added the remark that if he had been in the position of the Finance Minister he would consider it necessary that these supplies should be given.

Sir Purshotamdas Thakurdas: On the voting of the grants as it takes place.

Pandit Motilal Nehru: Now, Sir, I should have been glad if my friend Sir Purshotamdas Thakurdas had the ambition to take the Finance Member's place a little earlier in the debate, that is to say, when he was arguing, and most effectively arguing, in this House that the Finance Minister has cores lying by here, there and everywhere. I wish him to take the place of the Finance Member for all purposes and not only for the purpose of finding supplies. I have no doubt whatever, Sir, that even amongst us, the Swarajists, there are men who, if the balancing of the Budget is left to them, would probably make the two ends meet without any salt duty at all. It is most unfair to argue that because the House has voted so much expenditure, therefore the House must also vote supplies. Now, Sir, the supplies and the expenditure both have to be controlled. It is expecting us to close our eyes and then dash forward to the place where you want us to go. For that reason I say the analogy of my friend is quite incomplete. What about the 80 per cent. of the expenditure in this Budget which is non-votable? Has it the sanction of this House?

The Honourable Sir Basil Blackett: 80 per cent.?

Pandit Motilal Nehru: Nearly.

The Honourable Sir Basil Blackett: A little over 50.

Pandit Motilal Nehru: After the separation of the Railway Budget. Now it will be something like 52 or 53 per cent., nearer to 50 than 45 any way. Anyhow keeping this circumstance before us, that there is 50 per cent. of the Budget as to which we cannot say a word, how is any one able to say that we have passed the expenditure and must find the supplies? That is the reason why I voted for the reduction to 8 annas, that is why I voted for the reduction to 12 annas, and that is why I and my party are going to vote for the reduction to one rupee. I must say one word as to the speech of my friend the Honourable Pandit Malaviya. I do not associate myself with the appeal *ad misericordiam* he has made to the Finance Member. I do not care whether the Finance is embarrassed or not; I do not care whether he can carry on the Government or not. No taxation unless our grievances are redressed, and again I rely upon the doctrine of no supplies before grievances.

The Honourable Sir Basil Blackett: Sir, I wish only to say a few words in this debate which has rather unexpectedly arisen. As regards the Honourable Pandit, his position is perfectly clear. He wishes to make restoration by and with the consent of the Swaraj Party a normal part of our constitution

Mr. A. Rangaswami Iyengar: Until it disappears.

The Honourable Sir Basil Blackett: Until the Swaraj Party disappears. That is not the view taken by the majority in this House. The view taken by the majority in this House is, whatever grievances they may have against this constitution, they are here to try and work it until it becomes a better constitution, and to try and induce the Government to move faster than perhaps the Government may think fit, but they are here to work the constitution. Sir Purshotamdas Thakurdas in a very courageous way stood up to justify the vote which has been given by him and his party in regard to the salt tax

Mr. M. A. Jinnah: May I point out to the Honourable Member that it was not made a party question so far as the Independent Party is concerned.

The Honourable Sir Basil Blackett: I will speak only in regard to Sir Purshotamdas. He knows, as every Member in this House knows, that the salt tax has been a political cry for a considerable time, that to vote for the salt tax is to give a vote that will be misinterpreted, and deliberately misinterpreted, throughout the constituencies. Therefore, I think it is a courageous action to get up and justify that vote in this House, although I believe every Member in this House knows in his heart that the unkindest thing you could do for the poor people of this country would be so to cut the salt tax as to increase the difficulties of remitting the provincial contributions.

I do not wish to revive an old controversy but I will point out to the House that if the salt tax were Rs. 2-8-0 there would probably be no provincial contributions this year; and I believe you will do far more at the existing stage of India's educational development by giving money to the provinces to spend on education than you can possibly do by the remission of a tax which I believe is an essential and just portion of our present system of taxation, the effect of which remission will be to put an infinitesimally small sum, invisible to the recipient, into the pockets of the people whom you are failing thereby to provide with educational opportunities and sanitation. The doctrine that was put forward by Sir Purshotamdas Thakurdas is, I think, entirely the correct one. In dealing with the Budget the House has two functions. The first is to vote supply and the other to vote ways and means. That is the constitutional position as it is understood in the House of Commons. I would point out that in the House of Commons the system is that the greater part of supply comes after ways and means and to a very large extent the Government's estimates are accepted, subject to some criticism on details, as being the best estimates that can be framed of the probable expenditure of the year. They come under discussion week after week in the course of the session even after the Finance Bill has been passed into law. Ways and means are dealt with separately and supply, as it is called, that is voting the Demands for Grants, is an opportunity both for questioning details of the estimates and for raising general discussions of policy such as have been raised in the House during the last week. I would ask Honourable Members once more to put themselves in the position of the Finance Member. The Finance Member is responsible for the estimates that are put before this House. They have run the gauntlet of the Finance Department's scrutiny; they have been cut down wherever possible by the Finance Department. They are put before the House as the best estimates, given the policy, that the Finance Department can frame of the probable expenditure of the year. Now you cannot take up estimates of that sort and make large cuts in them in the way that has been suggested by my Honourable friend Mr. Rama Aiyangar or Pandit Madan Mohan Malaviya. Certainly you may question a policy and point out that if a certain policy is not pursued a certain cut in expenditure might be obtained. You can point out that the Government may have a tendency to overestimate, that they have overestimated, and call upon them to justify their estimates of expenditure. But it is an impossible position to put the Finance Member in to say that he will bring forward estimates in which he can afterwards make large cuts. (*Mr. A. Rangaswami Iyengar:* "That answers Sir Purshotamdas Thakurdas.") I do not agree with Sir Purshotamdas that large cuts can be made in this way; but I do agree with him when he says that having voted the supply it is up to the House to vote the ways and means. If they do not agree with the taxes proposed by the Government, it is up to them to put forward a suggestion for a substi-

tute there and then or to leave the matter till next year. I cannot too strongly urge upon the House the importance of coming to a right decision in matters of this sort. It is easy enough to create prejudice against a tax and against a person who votes for a tax; but it is a much more statesman-like thing and much more compatible with the responsibility of Members of this House to the people of this country (*A Voice*: "We have no responsibility") that they should weigh the value of every vote they give and see that in giving that vote they are doing the best within their lights for the interests of the people of India.

Several Honourable Members: I move that the question 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 clause 2 stand part of the Bill."

Since which an amendment has been moved:

"That in clause 2 (1) the words 'and four annas' be omitted."

The question is that those words be omitted.

(While the division bell was ringing.)

Sir Purshotamdas Thakurdas: I want to make a personal explanation, Sir, regarding one question from the Honourable Pandit Motilal. He asks me, as he put it, why I did not take the place of the Finance Member earlier in the discussion on the Budget. May I remind him that I was one of those who criticised the Honourable Finance Member strongest on the Budget, but the Demands for Grants having been voted by the House 2 P.M. the position changes, as explained by me earlier.

The Assembly divided:

AYES—61.

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| <ul style="list-style-type: none"> • Abdul Karim, Khwaja. • Abhyankar, Mr. M. V. • Abul Kasem, Maulvi. • Acharya, Mr. M. K. • Ahmad Ali Khan, Mr. • Aiyangar, Mr. C. Duraiswami. • Aiyangar, Mr. K. Rama. • Ariff, Mr. Yacoob C. • Badi-uz-Zaman, Maulvi. • Bhat, Mr. K. Sadasiva. • Chaman Lall, Mr. • Chanda, Mr. Kamini Kumar. • Chetty, Mr. R. K. Shanmukham. • Datta, Dr. S. K. • Duni Chand, Lala. • Dutt, Mr. Amar Nath. • Ghose, Mr. S. C. • Ghulam Abbas, Sayyad. • Goswami, Mr. T. C. • Hans Raj, Lala. • Hari Prasad Lal, Rai. • Ismail Khan, Mr. • Iyengar, Mr. A. Rangaswami. • Jeelani, Haji S. A. K. • Joshi, Mr. N. M. • Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad. • Kelkar, Mr. N. C. • Kidwai, Shaikh Mushir Hossain. • Lohokare, Dr. K. G. • Makan, Mr. M. E. • Malaviya, Pandit Madan Mohan. • Mehta, Mr. Jamnadas M. | <ul style="list-style-type: none"> • Misra, Pandit Shambhu Dayal. • Misra, Pandit Harkaran Nath. • Murtaza, Sahib Bahadur, Maulvi Sayad. • Mutalik, Sardar V. N. • Narain Dass, Mr. • Nehru, Dr. Kishenlal. • Nehru, Pandit Motilal. • Nehru, Pandit Shamlal. • Patel, Mr. V. J. • Phookun, Mr. Tarun Ram. • Piyare Lal, Lala. • Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed. • Ranga Iyer, Mr. C. S. • Ray, Mr. Kumar Sankar. • Reddi, Mr. K. Venkataramana. • Sadiq Hasan, Mr. S. • Samiullah Khan, Mr. M. • Sarda, Rai Sahib M. Harbilas. • Sarfaraz Hussain Khan, Khan Bahadur. • Shafee, Maulvi Mohammad. • Singh, Mr. Gaya Prasad. • Sinha, Mr. Ambika Prasad. • Sinha, Mr. Devaki Prasad. • Sinha, Kumar Ganganand. • Svamacharan, Mr. • Tok Eyi, Maung. • Venkatapatiraju, Mr. B. • Yakub, Maulvi Muhammad. • Yusuf Imam, Mr. M. |
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NOES—56.

Abdul Mumin, Khan Bahadur Muhammad.	Lindsay, Mr. Darcy
Abdul Qaiyum, Nawab Sir Sahibzada.	Lloyd, Mr. A. H.
Ahmed, Mr. K.	Mahmood Schammad Sahib Bahadur, Mr.
Ajab Khan, Captain.	Marr, Mr. A.
Akram Hussain, Prince A. M. M.	McCallum, Mr. J. L.
Alimuzzaman Chowdhry, Mr.	Mitra, The Honourable Sir Bhupendra Nath.
Ashworth, Mr. E. H.	Moir, Mr. T. E.
Bhore, Mr. J. W.	Muddiman, The Honourable Sir Alexander.
Blackett, The Honourable Sir Basil.	Muhammad Ismail, Khan Bahadur Saiyid.
Bray, Mr. Denys.	Naidu, Mr. M. C.
Burdon, Mr. E.	Pal, Mr. Bipin Chandra.
Calvert, Mr. H.	Purshotamdas Thakurdas, Sir.
Clarke, Sir Geoffrey.	Raj Narain, Rai Bahadur.
Cocke, Mr. H. G.	Ramachandra Rao, Diwan Bahadur M.
Cosgrave, Mr. W. A.	Rangachariar, Diwan Bahadur T.
Crawford, Colonel J. D.	Rau, Mr. P. R.
Dalal, Sardar B. A.	Rhodes, Sir Campbell.
Das, Mr. B.	Rushbrook-Williams, Prof. L. F.
Fraser, Sir Gordon.	Sastri, Diwan Bahadur C. V. Visvanatha.
Ghazanfar Ali Khan, Raja.	Setalvad, Sir Chimanlal.
Ghulam Bari, Khan Bahadur.	Singh, Rai Bahadur S. N.
Gour, Sir Hari Singh.	Sykes, Mr. E. F.
Graham, Mr. L.	Tonkinson, Mr. H.
Hira Singh Brar, Sardar Bahadur Captain.	Webb, Mr. M.
Hudson, Mr. W. F.	Willson, Mr. W. S. J.
Hussanally, Khan Bahadur W. M.	Wilson, Mr. R. A.
Hyder, Dr. L. K.	
Innes, The Honourable Sir Charles.	
Jinnah, Mr. M. A.	
Kasturbhai Lalbhai, Mr.	

The motion was adopted.

Clause 2, as amended, was added to the Bill.

The Assembly then adjourned for Lunch till Five Minutes Past Three of the Clock.

The Assembly re-assembled after Lunch at Five Minutes Past Three of the Clock, Mr. President in the Chair.

Mr. President: I understand that on clause 3 the Honourable the Commerce Member wishes to take the general debate on the change proposed to be made in Schedule I together with clause 5. We will get on with clause 3.

The Honourable Sir Charles Innes: My suggestion, Sir, was that we should take clause 5 of the Bill and items 2 and 3 of Schedule I together.

Clauses 3 and 4 were added to the Bill.

Mr. M. A. Jinnah: Sir, in this case I understood that the amendment stood in the name of Mr. Devaki Prasad Sinha and I only tried to look at it more from the legal point of view. Therefore, Sir, I think that, with your permission, Mr. Devaki Prasad Sinha might move his amendment and then, if there is any question of drafting, I might speak on it later.

The Honourable Sir Charles Innes: There is a motion for clause 5 being omitted.

Mr. President: A motion to omit a clause is not the proper form: the question here is put the other way round, namely, that clause 5 stand part of the Bill.

Mr. Devaki Prasad Sinha: May I move my amendment? Sir, I move the amendment which is No. 11 on the list:

"That in Schedule I to the Bill, the proposed amendment No. 3 to Schedule II to the Indian Tariff Act, 1894, be omitted and the subsequent amendments be renumbered accordingly."

Mr. President: The question before the House at this moment is that clause 5 stand part of the Bill. I cannot at the present moment put the question that the Schedule stand part of the Bill. I understood that it was the general desire that the debate upon the question arising out of clause 5 and items 2 and 3 in Schedule I should be taken together. We have passed clause 3.

The question now is that clause 5 stand part of the Bill.

Mr. Devaki Prasad Sinha: Sir, may I ask what the effect of that will be? Supposing after the clauses are disposed of we take up the paragraphs in the Schedules and the amendment to Schedule I is passed, then clause 5 will be entirely useless.

Mr. President: If there are amendments to the Schedule and these amendments were carried, clause 5 would be affected. It is therefore in order to explain on clause 5 the effect of any amendment either of the clause itself or of the pertinent items in the Schedule.

Mr. Devaki Prasad Sinha: May I speak on clause 5, Sir? My objection to clause 5 applies equally to paragraphs 2 and 3 of Schedule I. I would state my objections very briefly. It is proposed to bring the duty on motor spirit, whether imported or produced in this country, to a uniform level of 4 annas per gallon. Now, Sir, I quite appreciate the value of motor industries and of making it convenient to carry on motor trade and manufacture. I also realise that it is essential for a proper development of trade and manufacture in this country to introduce easy means of transport. But, Sir, what I desire to bring to the attention of this House is this, that the manufacture of motor spirit and petrol in India is, as it is in most of the other countries of the world, in the hands of a few capitalists who have entered into a big combine or ring or trust. Well, Sir, the ordinary law of economics in regard to prices does not apply in such cases. When prices are regulated by monopolists or by owners of trusts they go by certain well-defined formulæ which suit their interests. Prices in the case of an article manufactured by monopolists is not regulated by the ordinary laws of supply and demand that govern the markets of the world. (*Mr. K. Ahmed:* "Why not form a limited company from the Swaraj Fund?") Therefore, my first objection to this is that if we reduce the duty to 4 annas per gallon, it would neither affect the price of petrol sold in India nor would it bring about any improvement in the means of transport or trade. It may be contended, Sir, that the reduction of the duty to 4 annas will enable the monopolists to bring down the price of petrol to about 2 annas per gallon. But I would again submit

[Mr. Devaki Prasad Sinha.]

that the monopolists in regulating the price of their products are guided not by the cost of production nor by the ordinary principles of demand and supply for the article produced by them, but they are guided by their own principles. Therefore by reducing the tax on petrol to 4 annas at present, we shall be undergoing a loss in our revenue, howsoever insignificant it may be, without bringing any appreciable advantage to the consumers. Secondly, Sir, what is more important is this. I want to know whether Government think it at all desirable at the present moment to bring about some kind of public control over these big monopolists and trusts that regulate and control the supply of motor spirit in India. If we examine the figures of the price of petrol in this country as well as in other countries, a very curious fact would arrest our attention and that curious fact is this, that Indian petrol, which goes to some other countries, sells cheaper there than in India. As a matter of fact, the cost of production of petrol either in India or in the United States is much less than the price which the producer gets for one gallon of petrol. It is all due to a vicious combination for the purpose of exploiting the consumer of motor spirit. Not only we in India but people in France, in the United States of America, and even in England are suffering from the vicious effects of the big trusts and combines that control the manufacture and the supply of petrol. I submit, Sir, that the Government will be failing in their duty if they do not introduce some measure of control over those manufacturers, over those monopolists who at present exploit to their hearts' content the consumers of petrol and motor spirits. I understand from a book that is in my hands, that the question was raised in the year 1915 by the Board of Revenue who suggested something to the India Office. But so far no serious attempt has been made to tackle this problem. It is a public nuisance if we allow these monopolists, these trusts and combines to grow into such enormously powerful bodies so that they can at their own sweet will regulate the price of petrol and motor spirit and also regulate the supply of petrol in India. The very fact that Indian petrol sells cheaper in other countries than it does in India is a thing which needs inquiry and careful examination. I submit there is absolutely no case for reducing the tax on petrol and motor spirits. (*Mr. K. Ahmed*: "Why not send up a memorial?") The sending of memorials is your business and not ours.

Colonel J. D. Crawford (Bengal: European): Sir, while I sympathise very much with the motive of my Honourable friend, Mr. Devaki Prasad Sinha in drawing attention to the possibility of combinations working oil at the cost of the consumer, I think we want to remember that the monopolists have quite recently brought down their petrol by at least 6 annas a gallon. Whilst I think Government should do all they can to get the oil combines in Burma to give special consideration to the particular needs of India, and whilst we might appeal ourselves to them on those grounds. I do not feel that it exactly enters into the question of the present reduction of the excise duty by two annas.

Now, Sir, what was the origin of the introduction of this particular duty? If I may turn up Mr. Darcy Lindsay's speech on the Budget last year.—and I think that we have much to thank Mr. Darcy Lindsay for for his advocacy of a reduction of this excise duty on petrol, which has at last been taken notice of by Government.—the following are the reasons which

are given in his speech for the increase in the excise duty which was put on. He said:

"This duty was, as the House is aware, introduced purely as a War measure and has remained as a tax for revenue. In his reference to this tax in his Budget speech of 1917, the then Finance Member, the late Sir William Meyer, said:

'The imposition of an excise duty of six annas a gallon with a like addition to the customs duty on imports were taken at the request of His Majesty's Government in order to conserve the supply as far as possible for war purposes and economize freight.'

That was the sole reason for the imposition of the tax."

Now the war is gone and yet we find that the small industries in this country which use motor fuel and the motor transport in this country are still handicapped by the retention of this additional excise duty and I think that it was the duty of Government to have taken off this duty long ere this. The object of that particular duty was to restrict consumption and if you take it off your consumption of petrol will increase and your revenue from excise even at the lower scale will probably counterbalance your loss. Even if the excise on the petrol does not do so, the additional stimulus given to the motor trade will lead to a higher customs receipts on motor cars, tyres and the accessories of the motor industry. As regards the export duty, I would like to point out to the House that the sole quantity of petrol imported into the country in the ten months, from the 1st April to the 31st January, is only 3,486 gallons. We therefore need hardly take any notice at all of the reduction in the import duty on motor spirit. Now, Sir, I hold that this reduction of two annas is a business proposition. It is going to lead to an increased consumption of petrol. It is going to lead to increase in the import of motor cars, of motor accessories and instead of causing us any loss of revenue is actually going to prove remunerative to us. There are those who say that this duty will, if it is taken off, benefit the rich man. I presume Members of the House know what their monthly consumption of petrol is. Shall we say 20 gallons? And, the rich man is therefore going to get a benefit of 40 annas a month, which is not of any account from his particular point of view. Therefore you can wipe it out as a question of any benefit to the rich man but what we are asked to-day is to encourage motor transport in this country. We are going to add to our means of transportation which must assist in the development of this country. As I have gone through the mufassil I have realised that gradually the motor buses are beginning to run into the villages and into the country and that anything that we can do which will assist the expansion of motor transport in the country is very much to the benefit of the people. In addition to that you have also this question of your small industry which uses motor fuel. They are the people who are going to benefit to a very great extent, and I know this House is very much in favour of doing all they can to help the small industry. A large portion of your petrol consumption is already due to various departments of Government. The Army for instance takes 6½ lakhs of petrol per annum. The Post Office takes a similarly large quantity and any reduction in excise will therefore bring back money into our own pockets in the shape of reduction in expenditure under various Government departments. It is on these grounds that this slight reduction, slight though it is, is going to be the beginning in the direction of assisting an industry which is going to help in the expansion of the means of transport in this country. I would therefore urge the House to accept it as it stands as a benefit to the masses in India in the long run.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Having cast my vote on the last occasion against the further reduction of the salt duty, it ill becomes me to support this motion on behalf of Government to surrender any portion of their revenues which they now have got at their disposal. The view I take of this matter is this. Our attempt should be that the central revenues should be made to stand on their own legs and should not be made to depend upon provincial contributions or such other extraneous aids. At the time the provincial contributions were fixed, there were certain definite sources of central revenue which were taken into account in fixing the contribution of the provinces. The underlying idea was that directly the central revenues are sufficient to meet the expenditure of the Central Government, the surplus should firstly, secondly and lastly, as my Honourable friend Sir Purshotamdas Thakurdas put it, go to relieve the provincial contributions. That being the central point of view I opposed the reduction of the salt duty from Rs. 1/4 to Re. 1 because I felt that the immediate effect of that vote would be to divert the surplus the first time it is available to purposes for which it was not intended.

Mr. A. Rangaswami Iyengar: Was there a Rs. 2/8 salt duty when the provincial contributions were fixed?

Diwan Bahadur T. Rangachariar: Certainly not. The duty was Rs. 1/4 at the time the provincial contributions were settled. So it was on that basis that the Meston Award was made; it was on that basis the central revenues were settled; it was on that basis the provincial contributions were fixed. Sir, I was the first to raise my voice against the enhancement of the salt duty, and it was on my motion that the Rs. 2/8 was reverted to Rs. 1/4. Sir, beyond that I am not prepared to go, whatever my view may be as to the vicious nature of the salt duty. Sir, we must wait for another occasion to reduce the salt duty. What is our first duty? Have our votes here in this House any meaning? That is the question I wish to put myself before I record my vote: I do not cast my vote in one way in the hope or expectation that Government will not act on it. Sir, I am sorry I was premature in taking upon myself the responsibility of thanking the Government of India for promising the substantial reduction of the provincial contributions this year. I find I was mistaken. I thought I was voicing the feelings of my fellow representatives from my province when I thanked the Government of India in that respect. My first duty I therefore felt was that, as soon as any surplus is made available, it should go towards the relief of the provinces. Sir, last year my Honourable friend Mr. Moir twitted me with giving up my province and opposing the Government proposal to fix the salt duty at Rs. 2. I did so, Sir, because there the Government were proposing to enhance the salt duty from Rs. 1/4 to Rs. 2.

Mr. T. C. Goswami: On a point of order, Sir, Are we dealing with the salt tax?

Diwan Bahadur T. Rangachariar: Sir, I think my Honourable friend might leave me to myself as to the questions which I think relevant to the argument in support of the position I take up. Sir, the position now is this. These central revenues are there. You have no right to disturb them; that is the view I take. You have no right to disturb them as they stood at the time of the Meston Award till you have got rid of the provincial contributions. This is an attempt to disturb the central revenues in that

direction. Whatever may have been the nature or the origin of the imposition of this duty, at the time the Meston Award was made these duties existed and they must remain till the provincial contributions are discharged. Sir, I wish to know from the Honourable the Finance Member what the result of the last vote may mean in respect of the provincial contributions, whether it is going to endanger the relief to the provincial contributions or if it has already endangered it. I do not like to take the further unpopular step of opposing the reduction of postal rates, but my present inclination is not to support the motion to reduce post-cards to the three pies rate; because my feeling is, whatever may be the probabilities which may arise in the course of the year on account of expansion of revenues or on account of reduction of expenditure—the point of view I take is, I should first consider what will be the immediate result of my vote. If I record my vote in favour of that reduction, that means that it reduces the available surplus. That means endangering the provincial contributions. (Mr. A. Rangaswami Iyengar. "Not necessarily.") Well, my Honourable friend says not necessarily. Does he expect the Government to restore the salt duty to Rs. 1/4? He says he expects the Government to cut their coat according to their cloth? We do not expect the Government of India to cut their throat. I do expect also, I do honestly and earnestly expect the Government of India to cut their coat according to their cloth. That is what we have been trying to help them to do. (A Voice: "No.") If we have not succeeded in that attempt, and if I have failed in that attempt, I daresay my Honourable friend, Mr. Misra who cries "No" might succeed better if he really threw his heart into that work. But he does not do it. He merely goes to the lobby. That, Sir, is another province of our work. I must now consider what is the immediate effect to be produced on the surplus. My Honourable friends say, why should not the Government of India adopt this method or that other method. Take my Honourable friend, Mr. Rama Aiyangar. He proposes the transfer of this sum or that sum from revenue to capital. He says, 'Reduce expenditure here, retrench expenditure there, and make another Budget for the year! Sir, that stage is passed, the stage of fixing the Budget, framing the Budget, has gone now. For the year 1925-26 we have to proceed upon the Budget as it has been passed I take it by the vote of this House. (A Voice: "Not by my vote.") That is all right, by our vote. But I cannot disclaim my responsibility in the way, in the manner, in which my Honourable friend has done it. I do admit that I was a party to the passing of the Budget and I admit therefore my responsibility for finding ways and means to see that that Budget is maintained. That is the view I take of it, and therefore I feel, Sir, strongly—and my feeling is sincere and strong about it—that the provinces require relief at once. I do not want to record my vote for any reduction of revenue in any direction. If my friend, the Honourable Sir Basil Blackett, whom I heard to say, immediately after the last vote was announced, that the remission of the provincial contributions must go, is going to stick to that, then, Sir, let me also have the credit of voting for a popular verdict although I have voted for the unpopular side in connection with the salt duty. If there is going to be any disturbance of the arrangements for the provincial contributions, then let me vote at once for the popular side and earn cheap popularity. I am here to exercise my responsibility according to my judgment, and that judgment tells me that I should not do anything this year which will endanger the remission of the provincial contributions; but if it is already endangered by the last vote, I wish to take the liberty of changing my mind in that direction. Sir. I oppose the clause.

The Honourable Sir Charles Innes (Commerce Member): Sir, I suggested to you that we should take the motor spirit duties as a whole because I feared that if we took these individual amendments one by one, the House would not really understand the position. I should just like to explain very briefly what the present position is. Under section 3 of the Motor Spirits Act we charge an excise duty of annas 6 per gallon upon motor spirit produced in India. Under section 6 of that Act that excise duty is charged on motor spirit imported into the country in addition to any import duty which we levy under the Tariff Act. Under the import Schedule to our Tariff Act we charge an import duty of $2\frac{1}{2}$ annas per gallon; and therefore the present position is that in respect of our motor spirit produced in India we have a duty of six annas per gallon, and upon motor spirit imported into India, we have an excise duty of 6 annas per gallon *plus* the import duty of $2\frac{1}{2}$ annas per gallon, or a total duty of $8\frac{1}{2}$ annas per gallon in all. Now the object of the amendment which the Government put up was to reduce the excise duty on spirit produced in India to four annas a gallon and so to amend our law that the spirit imported into India should also pay four annas a gallon, *i.e.*, it should pay exactly the same as locally produced spirit pays. Now the reason why we made that proposal is this. As Colonel Crawford pointed out, we get no revenue at all from the import duty on imported motor spirit. The fact of the matter is that with that $2\frac{1}{2}$ annas per gallon duty in addition to the excise duty, foreign motor spirit cannot come into India and compete with the locally produced spirit. Therefore we get practically no revenue at all from that duty. And also I think the House will agree with me that there is no reason why we should give the locally produced spirit the additional protection of the $2\frac{1}{2}$ anna per gallon duty. I think the House will agree with me that probably it would be a good thing for India if foreign spirit could come into this country and compete with the locally produced spirit; the consumer might then benefit. I think I have shown that this import duty serves no purpose in the way of getting revenue and that there is no reason why we should have any protective duty. That is the reason why we proposed that the excise duty and the import duty should be precisely the same. Whether the House accept our proposals to reduce the excise duty from 6 annas to 4 annas or not,—I admit that this is an arguable proposition,—I think they will agree with me that at whatever rate we fix the excise duty, we should fix the import duty at the same rate and that imported spirit should not pay in addition to import duty excise duty also. That is the first proposition I have to put to the House.

Now, if Mr. Rama Aiyangar's proposal to omit clause 5 of this Bill were adopted as it stands, and if no other amendment were made in the Bill or in the Schedule, the effect would be that locally produced motor spirit would pay an excise duty of 6 annas and that imported spirit would pay an excise duty 6 annas *plus* the import duty proposed in our Bill of 4 annas, altogether 10 annas. It is dangerous to take these amendments individually and that is why I am asking the House to look at this problem as a whole.

I now come to our proposal to reduce the excise duty on motor spirit from 6 annas to 4 annas and to fix an equivalent import duty. It has been represented that the proposal benefits the rich man rather than the poor. It has also been represented that we are throwing away the money which we can ill afford to spare. Now, Sir, in the Commerce Department of the Government of India we did not look at the problem in this way.

We did not have any intention of conferring any benefit upon the rich man rather than the poor. We were looking at this as a commercial problem connected with the state of the motor trade in this country. Now, I would ask the House to remember what we have done to the motor trade since 1921. Since 1921 we have increased the duty on motor cars from 7½ per cent. to 30 per cent. We have increased the duty upon motor lorries from 7½ per cent. to 15 per cent. We have increased the duty upon tyres and tubes from 7½ per cent. to 30 per cent. and in addition we have this excise duty of 6 annas per gallon upon petrol. In this connection I should just like to correct a slight mistake made by Colonel Crawford. It is quite true that in 1917 the motor spirit duty was put on purely as a war measure. But it was put on for a limited time. And I think it was in 1919 or 1920 that the duty was definitely continued by the Legislature because the Legislature at that time could not afford to give up the revenue which it brought in. So, it is not correct to say that we are keeping on a duty which was imposed purely and solely for war purposes. As I have said just now, we have, owing to the exigencies of our financial position, been compelled since 1921 to impose very heavy burdens upon motor spirit; and in this House and elsewhere representations have been made to us continuously for the last two or three years to do something to relieve the burden which we have put upon that unfortunate trade, and we have been considering in what way we could help the trade. We decided that we could not reduce the duty upon motor cars. I do not say a motor car is a luxury, but it is a fact that people who keep motor cars can afford to pay taxes, and we did not feel justified in reducing merely the duty upon motor cars. But we decided that we could help the trade without hurting ourselves at all by reducing the petrol duty. We discussed the question very carefully in July 1923, and we were then informed on expert authority that we should not do any real good unless we could bring the price of petrol down by 8 annas a gallon. We were told that if we could bring the price of petrol down by 8 annas a gallon, we should probably stimulate consumption and stimulate other branches of the motor trade so much that we should not lose money, except possibly temporarily. That was the reason why at this time last year we proposed to make a beginning by a reduction on motor spirit. Since then the position has developed. As Colonel Crawford pointed out, the price of motor spirit in India has come down by upwards of 6 annas a gallon, and if the House accepts this proposal of mine to reduce the motor spirit duty from six annas to four annas, we shall have effected that reduction of 8 annas a gallon in the price of petrol which we were informed would stimulate the motor trade.

Mr. Darcy Lindsay: Has there been any increase in the consumption of petrol since the reduction in sale price by six annas?

The Honourable Sir Charles Innes: The effect, as my figures of consumption show, of all the duties we imposed upon the motor trade reduced the consumption, or at any rate checked the growth in the consumption of petrol for a time, and that as the result partly of the reduction in price of petrol, and partly in the reduction in the price of cars, and of tyres and tubes, the consumption of petrol has begun to pick up again.

Mr. A. Rangaswami Iyengar: May I know how much revenue you are likely to drop by this reduction?

The Honourable Sir Charles Innes: I am coming to that. I said just now that the motor trade shows signs of being stimulated. We get these signs in the increased import of motor cars. We get the signs in the

[Sir Charles Innes.]

beginning of the increase in the consumption of motor spirit, to which I have just referred, and what is an important factor in the situation, we have another sign in the very largely increased import of motor lorries. In the first 10 months of this year up to January last, we have imported no less than 1,776 motor lorries. In the corresponding period last year the figure was 818 and the year before it was 436, and in the year before that it was 373. That is why we decided to propose this further reduction of 2 annas in the motor spirit duty. We thought, coupled with the reduction in price which has already taken place, we should bring the price of petrol down by that figure of 8 annas to which we attach importance for the reason I have already given. We were satisfied that, by doing that, we should stimulate the motor car trade generally, and the consumption of petrol in this country. We were satisfied, and to this I attach very particular importance, that this reduction would do considerable good to the motor transport companies and the motor-bus companies which are springing up more and more all the country over. It is perfectly true that, as Colonel Crawford said, to the ordinary motor car owner this reduction will only mean something like Rs. 25 to Rs. 40 a year; but this reduction of 2 annas per gallon coupled with the reduction in price which has already taken place will mean a very great deal to the motor-bus companies and motor transport companies all over India. We are satisfied—at least we hope—that by this reduction in the duty though we sacrifice, we estimate, about 15 lakhs in the current year, yet that sacrifice in revenue will only be temporary. We do not regard our proposal as of benefit to the rich man only. We regard it purely as a business deal. We do not believe it is right to have your taxes any higher than would bring in the revenue you require, and we are satisfied we shall recover the revenue we are temporarily giving up not only by the increased consumption of petrol but also by the increased consumption of tyres, tubes, etc., and increased imports of motor cars. Every motor car that comes in pays a 30 per cent. duty; the same with every tyre and every tube; and looking at the problem as a whole in that way, as I say we are proposing this reduction because we are satisfied that it is purely a business deal; that the sacrifice of revenue which we estimate at 15 lakhs in the current year will be purely temporary and that in the course of probably not more than two years we shall recover all the revenue we have lost not only by increased consumption of petrol but also by an increase in our receipts from the duty on motor cars and motor tyres and tubes. That, Sir, is my case; but I do put it to the House that whether or not they accept our proposal to reduce the excise duty from 6 annas to 4 annas, they will accept our other proposal that the import duty should be the same.

*Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, whatever might have been my inclinations before this House recorded its vote on the reduction of the salt duty, it would have been impossible perhaps for the Honourable Sir Charles Innes to impress me with his arguments more. But on those grounds I have heard him, Sir, with great attention and I quite agree that this tax was never intended to be permanent and I quite agree that the motor car business, the motor trade, is in a very depressed condition and already heavily taxed in the way of duty on the cars and tyres and tubes and various other articles and accessories. But,

*Speech not corrected by the Honourable Member.

Sir, we have got to consider our provision for this year and, however much I may agree with this desire that the motor car trade should be given early relief, I feel I am compelled to oppose this proposed reduction. Sir, we have already, as I said, reduced the salt duty and that I believe will take away something like between 50 and 60 lakhs. (*Diwan Bahadur T. Rangachariar*: "1 crore and 20 lakhs.") My Honourable friend will probably allow me to state it as my opinion. I may be wrong but that is my information; as far as I have been able to gather, it will take away 50 or 60 lakhs. But if it is one crore, the case which I am supporting is all the stronger because then I think there are still greater difficulties to be met. I therefore feel, Sir, that although the Government have come forward with this amendment to reduce this tax, I think no man likes to pay any tax if he can help it and I am sure if we have to determine between the various claimants, as to who should stand first in this respect and as to which tax should be reduced first, it will be a very difficult problem to decide. Therefore, Sir, what I think is this, that we cannot this year be a party under these circumstances to allow the Government to give preference to this claimant, namely, the petrol trade. Sir, Mr. Devaki Prasad Sinha wants to oppose clause 5 of the Bill and I quite agree that the amendments as they are put before this House might lead to some confusion. But there are two proposals now which this House can deal with; first, we object entirely and say that clause 5 should be deleted; and also when we come to the Schedule, that the third item should also be deleted. In that case the effect will be that the duty will remain exactly what it is to-day; namely, the protective duty of 2½ annas on imported petrol and six annas excise duty both on the spirit produced in India and that which is imported into India. But I cannot understand why we should impose a higher duty when they combine together, namely, the import duty and the protective duty. I do not see why we should place a higher duty on the petrol which is imported into India. It can only be justified on the ground of a protective tariff, namely, that the spirit produced in India requires protection. Now, Sir, the spirit produced in India requires no protection. On the contrary, the greater the competition the better the position of those who have to use petrol, and therefore I hope that my friend, Mr. Devaki Prasad Sinha, will agree with me that while we maintain the six annas duty on petrol produced in India we should have the same rate combined in the case of imported petrol; that is, we should take away the protective duty of 2½ annas, and keep the six annas excise or *vice versa*. Therefore, Sir, what I suggest is, if it is the desire of the House, the amendment should be this:

"For clause 5 of the Bill the following clause shall be substituted, namely:

'5. With effect from the first day of April, 1925 section 6 of the Motor Spirit (Duties) Act, 1917, is hereby replaced.'

That keeps section 3 of the Act. It is only section 6 of the Act which we want to repeal. Then we are concerned with the Schedule. In the First Schedule, in the third amendment to be made in Schedule II to the Indian Tariff Act, for the word 'four' the word 'six' shall be substituted. That is our proposal

Mr. Devaki Prasad Sinha: May I submit that Mr. Jinnah cannot do that? He cannot increase four to six under the rules; you can omit it altogether, but you cannot suggest an increase.

Mr. M. A. Jinnah: I think Mr. Sinha does not quite follow me. Let us take section 5. Clause 5 of the Bill says:

"With effect from the first day of April, 1925, the following amendments shall be made in the Motor Spirit (Duties) Act, 1917, namely:

- (a) in sub-section (1) of section 3 for the the words 'six annas' the words 'four annas' shall be substituted;
- (b) section 6 shall be omitted."

What I propose is this. Instead of clause 5 substitute the following: Clause 5 will then read:

"With effect from the first day of April, 1925, section 6 of the Motor Spirit (Duties) Act, 1917, is hereby repealed."

That is, section 6 of the Motor Spirit (Duties) Act is repealed. Then I propose to come to the Schedule and to correct the Schedule in this way:

"In Schedule I, in the third amendment to be made in Schedule II to the Indian Tariff Act of 1894, for the word 'four' the word 'six' shall be substituted."

Therefore you will get six annas for both.

Mr. Devaki Prasad Sinha: I respectfully ask Mr. Jinnah whether we can do it. If we can do it, it would be all right; but can we increase from four to six annas in a Finance Bill?

Mr. M. A. Jinnah: Here is the amending Bill. If Mr. Devaki Prasad Sinha will look at the Bill, clause 3 says:

"With effect from the first day of April, 1925, the amendments specified in the First Schedule to this Act shall be made in Schedule II to the Indian Tariff Act, 1894."

Then you turn to the Schedule. It says:

"Schedule I.

3. After Item No. 40 the following item shall be inserted, namely:

'40A. Motor Spirit. Imperial Gallon 4 annas.'

So what this Bill which is now before the House purports to do is to amend the two Statutes. One is the Tariff Act and the other is the Motor Spirit (Duties) Act of 1917, and therefore, if what I am suggesting is acceptable to the House and to the Government, instead of having six annas and 8½ annas, you will have six annas for both. The question is whether you should have six annas for the spirit produced in India and 8½ annas for the spirit imported into India. If you desire that, then my amendment is not acceptable to the House. If you desire what I am suggesting, then this is the only way to amend it. Now, I say my amendment is preferable for the simple reason that it certainly does not give any protection to the petrol produced in this country, and therefore a man who has to buy petrol has some chance of getting it cheaper by means of competition, and we know perfectly well that the company which is selling petrol in this country has the monopoly of it, and we also know that the same petrol is sold cheaper in England. It goes all the way over there and yet it is sold much cheaper there than we can get it in this country. Therefore, I submit, Sir, there is no ground for giving any protection to this company which produces petrol in this country and sells it to monopolists. I hope therefore, the House will support this amendment.

Mr. President (to Mr. Jinnah): Do you move the first amendment?

Mr. M. A. Jinnah: Yes, Sir.

Mr. President: Amendment moved:

"That for clause 5, the following be substituted namely:

'5. With effect from the first day of April 1925, section 6 of the Motor Spirit (Duties) Act, 1917, is hereby repealed.'

The Honourable Sir Basil Blackett: Sir, I have been asked from more than one quarter what would be the financial effect of the reduction of the salt tax from Rs. 1-4-0 to Re. 1-0-0. The best estimate that I can make is that we shall lose 90 lakhs this year and 125 lakhs thereafter. The first year there are some credit sales which reduce the actual amount of loss; that is to say, we lose 90 lakhs out of this year's estimates of revenue and 125 lakhs thereafter. . . .

Mr. W. S. J. Willson: What do you mean by this year?

The Honourable Sir Basil Blackett: I mean 1925-26. After that, the loss will be 125 lakhs. The immediate effect of course is that I do not propose to move the Resolution that is down on the paper in regard to provincial contributions, at any rate in the form in which it stands until further consideration, as time has to be given for further consideration of the matter. It is obviously impossible for the Government to face a loss of 125 lakhs recurrent revenue without making some change in their proposals in regard to the provincial contributions, and it is no good weeping salt tears about it. That is the obvious fact.

I will now turn for a moment to the question of petrol duty and put a consideration before the House which is, I think, germane to the discussion of this subject. We have got in the petrol duty as it stands at present a tax which is too high from the point of view of getting the maximum revenue. After a year or a little more than a year, it is almost certain that a slightly lower tax will produce a higher revenue. It is always a mistake to keep a tax on at a high rate at which it brings in less revenue than if you reduced it. There must be a period during which

there is a small loss of revenue. We have put it down as 15
 4 P.M. lakhs this year. I am not at all sure that that is not an over-estimate and that our real loss will not be something less than 15 lakhs. But I would point out to the House that in this year's Budget there is already a large figure which represents non-recurring surplus and the action of the House in regard to salt adds to our difficulty in that matter. We have a further amount of difference between our recurrent revenue this year 1925-26 and our non-recurring revenue or expenditure, so that the result would be that the gap between the amount which we can give away permanently and the amount which we have as surplus in this year is increased by the action of the House this morning in regard to the salt tax, assuming that it remains as it is. But even apart from that, we have already a largish sum which I think is 56 lakhs difference between our recurrent and non-recurrent surplus. This year, therefore, is rather a good year in which to make a reduction of this sort in the petrol tax. If you can afford a small loss, it will really be a loss which will not be a recurrent loss if our estimates are to be trusted; that is to say, in a year or more we shall more than make good or at least make good the loss, and the reduction will be to the benefit of transportation generally. You can afford, I think, to make this small change in duty for the benefit of all concerned.

Dr. K. G. Lohokare (Bombay Central Division: Non-Muhammadan Rural): I have only one small point to lay before the House, Sir. The carrying trade, especially among small villages in the remoter parts of the districts, is being captured by the motor trade. In India we all know, Sir, that the agricultural holdings are very small and the labourers on the agricultural land have only four months or five months on the land itself. During the remaining part of the year they do this business of the carrying trade with the animals that they have with them. This pushing in or encouragement of the motor industry has practically put these people to a loss. They have got this bye-trade by which they add to their living, at least in the smaller villages. If at all we want to look to the economic condition of the agriculturists, especially the agriculturists of small holdings. I have to request the House to give consideration to this item before we think of pushing in the motor trade in the country at such a rapid pace.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-Official): I hope that, if the House does not accept the Government proposition, it will at least go so far as to accept Mr. Jinnah's which is certainly the lesser of two evils. But I hope that the House will lend its entire support to the motion before the House on the part of the Government. I did not quite understand from Sir Basil Blackett his estimate of the sacrifice of revenue of 15 lakhs. The immediate point I would like him to interrupt me with is whether that loss of 15 lakhs includes the mere book loss on Government's own consumption. From the statistics published I find that in the 11 months from April to February last the excise duty on motor spirit amounted to 77 lakhs. Of that, of course, a good deal is paid by Government themselves and I am just in some little doubt as to whether the estimated loss of 15 lakhs includes something like 5 lakhs which might be the Government's, and that is to say our own, money, in which case, of course, the loss would be not 15 lakhs but a less figure.

Now, Sir, when you come to consider a tax on petrol, you are getting very near a particular fad of my own in regard to taxation, which is this. If you tax a thing the size of that chair Rs. 1/4 a maund, it is difficult to trace the incidence of that tax on the leg of it which somebody buys. But when you are dealing with a tax on petrol you have to deal with a fixed tax upon the consumer's own unit, the gallon, and therefore any allowance in reduction which you see fit to make does automatically and directly go into the pocket of the consumer. Sir Basil Blackett has always said, so far as I remember, that any tax on transport is a bad tax, and with that I entirely agree. The development of transport is one of the vital necessities of the country and at the present time, when city life is so expensive, there is a great desire in all the large cities of India for people to be able to go and live outside in the suburbs from motives of economy. But one of the greatest difficulties we have to face is that there are insufficient communications with those suburbs, and there have been efforts made to get busses—not trams—to run into the suburbs, and it has always been urged that the lowest fares are what we all want.

Now, Sir, there are other forms of transport in India which must not be lost sight of. For the moment I am referring to river transport. In the last few years there have been a number of motor launches introduced for the conveyance of passengers, ferry work in fact, and it is very important that these should be encouraged by reducing the cost of working to the greatest possible extent. Those motor boats have to import their motor

engines and we shall get additional revenue from the import taxes on engines. Up in this city of Delhi we have motor busses running. They are certainly the poor man's means of conveyance and anything you can do to lessen the cost of running the buses for the poorer classes, the greater the facilities you are giving for their transport. Sir Charles Innes has already referred, and Mr. Jinnah also referred, to the effect of opposition. Now, we certainly want the tax off the imported spirit, because, as we have a monopolistic industry in the country, it is highly desirable that we should do all we can to encourage some outside competition in order to persuade these monopolist gentlemen to cut their prices.

Sir Charles Innes 3 years ago, and Sir Basil Blackett likewise, refused to accept some figures which I put before the House showing that their failure then to appreciate the incidence of this motor industry taxation had had the direct effect of reducing the import of motor cars. I gave the figures and they did not accept them. I got them direct from the motor car trade. Unfortunately at the moment when I was pulled up in the House I was not prepared with the argument to give them, but I am very glad to see that the figures which Sir Charles Innes gave to-day entirely support the view I expressed 3 years ago, and I am very glad for this little bit of daylight.

The amount involved is in no sense high, even if it is 15 lakhs, as has been mentioned. But you cannot get over the fact that to develop the motor transport is good in itself for the purpose of conveyance. Secondly, it is far-reaching indirectly in the revenue which it is going to bring in on the more motor cars, more tyres and more tubes which will come in. I, therefore, Sir, lend my heartiest support to the proposal that the Government have brought in, and I hope that we shall not have the somewhat amusing spectacle of the House refusing to support a motion for a reduction of taxation proposed by Government.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhamadan Rural): Sir, I desire to intervene in the debate on this motion because, under the pretence of discussing the excise duty on motor spirit, Members from the Finance Member downwards have discussed the question of the salt duty in the one case and also that King Charles's head, provincial contributions. My Honourable friend Mr. Rangachariar pointed out that as the provincial contributions were a first charge upon the surplus of the Central Government, he was not going to be a party to any reduction of any tax under the Central Government until the provincial contributions were wiped off. That is a proposition which I for one do not want to subscribe to in a wholesale fashion. As our Leader has properly put it, everybody in this House is agreed that the provincial contributions must go.

Diwan Bahadur T. Rangachariar: In words, not in deed.

Mr. A. Rangaswami Iyengar: I deny that on the floor of this House, Mr. Rangachariar was talking quite heroically of the extent to which he was prepared to face unpopularity and to deny himself cheap popularity of the kind that other people wanted by voting for a reduction in the salt duty.

Diwan Bahadur T. Rangachariar: I did not say anything of the kind about other people. I wanted to have the liberty of voting for a three pie post-card which would be popular in case the provincial contributions question was already in danger.

Mr. A. Rangaswami Iyengar: But I may tell him, nor are we on this side affected by the extent to which we may be misrepresented on the question of the remission of provincial contributions. Our views are there all along, and I have certainly not shirked my duty in placing my views on the provincial contributions whenever the occasion demanded it. Therefore there is no use trying to draw a red herring across the path of this discussion by continually bringing up provincial contributions. When we are discussing the merits of the Finance Bill, we are told, "If you do this, it will touch the provincial contributions. If you do that the remission of the provincial contributions will go". At this rate we are entirely at the mercy of the Finance Member and we have only to take his word. Mr. Rangachariar said that it was our duty to make cuts in the expenditure to such an extent as would enable us to deal with the provincial contributions as well as with the reduction of the salt tax. Sir, that is a proposition. (*Mr. K. Ahmed:* "Cut your coat according to your cloth.") I am not going to be interrupted by you.

Khan Bahadur W. M. Hussanally: Can provincial contributions go unless and until the salt tax is restored?

Mr. A. Rangaswami Iyengar: So far as the question of making cuts is concerned, the Honourable the Finance Member has effectively answered Members on those benches who say that by making substantial cuts on the expenditure side we would be in a position to remit taxation. The Honourable the Finance Member repudiated that theory on behalf of Government. If that is correct, our making cuts of that kind—substantial cuts—would avail no purpose at all, would avail very little to enable us to reduce taxation. On the other hand, the Finance Member said that so far as the procedure in England is concerned, nobody ever bothers about examining the financial proposals made by the expert financiers on the Treasury Benches, but only questions of policy,—not only financial policy but also general policy—are discussed in the Committees of Supply. That is perfectly true, but to try to import principles of that kind when they are favourable to Government and to deny their application when they are unfavourable to them is most unfair on the part of Government.

Then, again, Sir, we have been told that so far as this Budget is concerned we on this side of the House should have framed a parallel Budget, we should have said under what heads expenditure should be reduced and under what heads therefore taxation could be reduced. I say, Sir, that is not a part of the functions of Members on this side of the House. Members who are responsible for producing a proper budget are those who sit on the Government Benches and so long as they sit there it is our duty to take their Budget to pieces and put before them the views of the people, that they, the people, do not want this salt tax which is an eternal injustice to them to remain to any extent, that they do not want high postal rates, that they do not want this huge military expenditure, that they want so many wrongs now disfiguring the pages of the Budget to be removed, before they could agree to the Budget of the Government. That is the position which the Swaraj Party take. We have no responsibility for framing the Budget. We have only the responsibility of placing before this House the views of the people, the feelings and opinions of the people. When we are placed in that position of responsibility, it will be time enough for us to go and tell our people what we have got to do.

Then, again, we have been told that reductions not having been effected on the expenditure Demands, it is not constitutionally right for us to

refuse to consider the Finance Bill. I say, Sir, that our position in regard to the reduction of expenditure and the reduction of taxation are inter-connected. If we say that the Government should not incur this expenditure, I say as a necessary consequence of that we are bound to say, *i.e.*, all those who voted for the cuts, for the omission of one or more Grants wholesale, are also logically bound, when they come to the Finance Bill to take that same position, namely, not to vote the taxes for the rejected, reduced or refused grants. It may be that the omission was pressed or carried in one instance or in two instances. Those who voted for them are bound to take the same position that follows from it and say, "We are not responsible, we condemned you for your policy when you made your Demands. We do so again on this Bill under one head or other". Therefore, that argument cannot stand; but so far as we are concerned, we are here to voice the feelings and the needs of the poor people of this land and I say that the relief of the provincial contributions is as much a poor man's affair as the reduction of the salt duty as also the reduction of postage.

Diwan Bahadur T. Rangachariar: And the reduction of the price of cloth?

Mr. A. Rangaswami Iyengar: Certainly. I do not deny that. We have not yet come to that. We have not yet discussed that, and so far as the petrol duty is concerned, in so far as it may militate against relief to the poor, I certainly agree with Mr. Rangachariar in not voting for a reduction of any revenue from the rich.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I do not wish to pose before this House as an expert on transportation, though of course the question of my own transport will be a matter for my very serious consideration (Laughter). I should like however to bring back the House for a moment to the actual point before us, which is whether this duty on motor spirit should be reduced or not. Now, Sir, I do not pretend either to be an expert on taxation. Nor have I any sympathy with motor car businesses or with the rich motor car owners. There is one aspect of this case however which interests me very much. I have been very much struck of late years by the increase in motor transportation between bazar and bazar. It is one of the things that have developed more than almost anything that I can recollect during the time of my service. This development of motor bus traffic between bazar and bazar and village and town seems to me a matter of very great importance. I have seen lovely villages cut off by want of communications and situated a long way from railway stations being brought within comparatively easy reach of civilisation and afforded the means by which the persons living there could obtain education, medical relief and other concomitants that go towards civilisation. I had not very many years ago occasion to visit a very remote city situated in the heart of the Indian desert. I think one year before I went there it was impossible to reach that place except by a journey on camels which lasted for 5 or 6 days and which involved an expenditure beyond the means of the ordinary person. Owing to the development of motor transport persons were able at the time I visited it to reach that city by paying a reasonable fare within the means of a poor man. Buses were run which used to get across the desert in the course of the day. The inhabitants therefore were brought into touch with the railway and all that the railway means by these motor buses. I do myself think that the House should seriously consider that anything which will promote the development of this motor

[Sir Alexander Muddiman.]

bus traffic between remote places and the railway stations is a matter which will really benefit the people of this country to a very great extent indeed and therefore on that ground I would ask the House to support the proposal put forward by my Honourable friend Sir Charles Innes.

There is one other point, if my Honourable friend will permit me to develop it. It was suggested by some gentleman on the other side of the House that the development of motor traffic might involve a decrease in the number of *bail-garries*. Sir, that is an argument which could have been employed against the introduction of machinery in any part of the world or in any age. It would involve the argument that our mails should now be carried by sailing vessels instead of steamships. It is an argument not really valid. What have we seen, we who used to keep horses; what has happened to the men who used to look after our horses? They are now taking up motor driving and are making a much better thing out of it than they used to do, judging from my monthly bills. (Laughter.)

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): I have a motion No. 7. Of course Mr. Jinnah has proposed an amendment on both. I would only like that the motion of mine and that clauses 2 and 3 of the Schedule are both deleted, so that the matter may be left as it was before. I would therefore amend my friend Mr. Devaki Prasad Sinha's motion by adding that clause 2 also be deleted along with my motion that clause 5 be elected. That will leave the position as it was. Of course it is not very far to see the reason of my motion. I only want to maintain the *status quo* when the finances are in this position. So far as the question of transport is concerned, I very much doubt if this small reduction in the price of petrol per gallon will do any good to the man who travels by motor bus. The motor bus contractors have their fixed charges and the reduction in the price of petrol is not likely to affect the small percentage of the population who travel by bus. In fact we have known the time when petrol was Rs. 4/8 a tin; we have known the time when it was Rs. 2/8 a tin, and now it sells at Rs. 3/14 a tin. I do not think the charges of the various bus fares between station and station will be considerably affected by the lower price of petrol. It may be that in some cases, where there is keen competition between a number of bus owners working on the same line, the charges may be reduced a little, but not in places where there is no competition or where the demand for buses is great. You will find the charges will not alter really very much because of the change in petrol prices. Therefore I refuse to believe that this cut of 2 annas will really interfere with the transport facilities which the poor man enjoys. Of course the rich man, the motor owner, as Sir Alexander Muddiman said, may benefit by it. But it is not of much consequence to people who use motor spirit for the purpose of driving machinery. I therefore think it is better to leave things as they stand.

Now I do want to say one word regarding the salt tax, having been responsible for putting that motion before this Assembly, because it has been made so much of by my Honourable friend Diwan Bahadur Rangachariar and by the Honourable Sir Basil Blackett. I do say, Sir, we are absolutely free to place our views before the Government, and the view put forward by the Government that they will change their views one way or the other now, on the question of provincial contributions, because of the division of the Assembly on salt duty is meaningless as that will depend on the vote of this Assembly as it puts forward its case on clear reasons

given here. The Assembly do not want to interfere with provincial contributions, and have put forward a case which has to be attended to by the Government. Not that they were likely to trifle with the provincial contributions, but they put forward a case which is to be considered by Government. I refuse to believe that any Member here on behalf of Government has a right to threaten us by saying that. I refuse to ask any Member to be irresponsible enough to say that when we want to put that case before this Assembly in one way, the effect of it will be to interfere with the provincial contributions. We do not want to press that view. But I do not want that the Government of India should threaten the people here by saying that they will expose themselves to their constituencies by the statement which they make. They are responsible for acting one way or the other to the best of their powers for the benefit of the country. We are here to say that you have got more money, you must remit an amount of tax this year. (Laughter.) I feel very strongly in the matter. Some Honourable Members of Government have already spoken to me on that matter, and I therefore tell them that I am not going to be discouraged by any such statement. And if Madras has to suffer because of the tactics of the Government of India, it should suffer. Let the whole population of India suffer if it comes to the tactics of the Government of India playing off the various representatives in this House against one another, setting people against each other. We do not want to be frightened by that kind of bogey here in this Assembly and we shall do our duty by the country to the best of our ability (Applause) without the least regard for any threats from the official Benches. I challenge the Government of India to say that they alone are responsible and that we are irresponsible. Let them do their duty to the best of their ability, and let us do our duty to the best of ours. We do say that you are unnecessarily spending money. We do say that the Committee that we asked to be appointed by the Government recommended that 19½ crores should be cut; you have not given effect to that, on the other hand you have added to the expenditure by another 4 crores

The Honourable Sir Charles Innes: On a point of order, Sir, the Honourable Member is now on the Incheape Committee's Report.

Mr. K. Rama Aiyangar: It is certainly relevant for the purpose of showing that the Government of India ought to look to their expenditure so as to give proper relief in the matter of taxation in a time of plenty when you are laying up so much money, and I am entitled to place before Government the possible methods of retrenchment so as to relieve the people of India of heavy taxation. I am prepared to stand any kind of criticism in respect of the arguments that I put forth before the Government of India. They should not go on with their policy without giving proper weight to the arguments, without considering the possibilities of retrenchment. The other day the Finance Member in his speech stated as if he did not know of the retrenchment of 3½ crores coming on within thirty days of his statement. I cannot understand the Finance Member. The same theory is now propounded in the present speech. He expects some tangible reduction next year. He however would not tell us what it is. He simply adopts the past expenditure for the current year and the next year also. I refuse to believe that he does not know it. If it is so, he is not doing his duty. I am here to do my duty to the public, and I therefore move the amendment that I have proposed that clause 5 be deleted.

Mr. President: The original question was:

"That clause 5 do stand part of the Bill."

Since which an amendment has been moved:

"That for clause 5 of the Bill the following clause be substituted, namely:

'5. With effect from the first day of April 1925 section 6 of the Motor Spirit (Duties) Act, 1917, is hereby repealed.'

The question I have to put is that that clause be substituted for the existing clause 5.

The Assembly divided:

AYES—38.

Aiyangar, Mr. K. Rama.
 Ariff, Mr. Yacob C.
 Bhaik, Mr. K. Sadasiva.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shaumukham.
 Dalal, Sardar B. A.
 Das, Mr. B.
 Ghazanfar Ali Khan, Raja.
 Ghulam Abbas, Sayyad.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Iyengar, Mr. A. Rangaswami.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kasturbhai Lalbhai, Mr.
 Kazim Ali, Shaikh-e-Chatgam Maulvi
 Muhammad.
 Lohokare, Dr. K. G.
 Malaviya, Pandit Madan Mohan.

Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Mutalik, Sardar V. N.
 Pal, Mr. Bipin Chandra.
 Patel, Mr. V. J.
 Purshotamdas Thakurdas, Sir.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Ray, Mr. Kumar Sankar.
 Reddi, Mr. K. Venkataramana.
 Sadiq Hasan, Mr. S.
 Setalvad, Sir Chimanlal.
 Shafee, Maulvi Muhammad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Sinha, Kumar Ganganand.
 Syamacharan, Mr.
 Tok Kyi, Maung.
 Venkatapatiraju, Mr. B.
 Yakub, Maulvi Muhammad.

NOES—50.

Abdul Mumin, Khan Bahadur
 Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Abul Kasem, Maulvi.
 Ahmad Ali Khan, Mr.
 Ahmed, Mr. K.
 Ajab Khan, Captain.
 Ashworth, Mr. E. H.
 Badi-uz-Zaman, Maulvi.
 Bhole, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Clarke, Sir Geoffrey.
 Cocks, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Datta, Dr. S. K.
 Fleming, Mr. E. G.
 Fraser, Sir Gordon.
 Graham, Mr. L.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Hudson, Mr. W. F.
 Hussanally, Khan Bahadur W. M.
 Hyder, Dr. L. K.
 Innes, The Honourable Sir Charles.

Ismail Khan, Mr.
 Jeelani, Haji S. A. K.
 Lindsay, Mr. Darcy.
 Lloyd, Mr. A. H.
 Mahmood Schamnad Sahib Bahadur,
 Mr.
 Makan, Mr. M. E.
 Marr, Mr. A.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Moir, Mr. T. E.
 Muddiman, The Honourable Sir Alex-
 ander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Nehru, Pandit Shamlal.
 Rau, Mr. P. R.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V. Visva-
 natha.
 Singh, Rai Bahadur S. N.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. B. A.
 Yusuf Iman, Mr. M.

The motion was negatived.

Clause 5 was added to the Bill.

Mr. President: The question is:

“ That clause 6 stand part of the Bill.”

Mr. Jamnadas M. Mehta (Bombay Northern Division: Non-Muham-madan Rural): Sir, I should like the House to realise what exactly this clause means. On the face of it it might appear to be a more or less formal clause, but the principles behind it are worth the attention of the House. If the House will turn to sub-section (7) of section 19 of the Indian Paper Currency Act, they will see that it is stated there:

“ As long as the value of securities created by the Government of India and issued to the Controller and deemed in accordance with the provisions of the foregoing sub-section to be securities purchased by the Governor General in Council exceeds one hundred and twenty millions of rupees, all interest derived from the securities in the Reserve shall, with effect from the first day of April, 1925, be applied in reduction of such excess holding of securities and the Auditor-General shall in every year grant a certificate of the amount of such interest and shall also certify whether or not it has been so applied. For the purposes of this sub-section securities so created and issued shall be deemed to carry interest at the same rate as other similar securities.”

Sir, this sub-section means that so long as in our Paper Currency Reserve there are what are called created securities which exceed 12 crores of rupees, the discount or the interest on those securities, as it accrues every year, shall be applied towards the reduction of those created securities, and it shall be continued to be applied in that manner until the said created securities are reduced to Rs. 12 crores. As the Honourable the Finance Member has told us, these created securities are merely paper securities, merely I.O.U.'s without any substantial backing behind them; and to-day these created securities are worth nearly 50 crores—that is, 49 crores and 65 lakhs. This Act says that we shall reduce those created securities until they amount to 12 crores of rupees, so that the House has been called upon by existing legislation to go on applying the interest or discount on those securities to the extent of 37 crores before they can stop applying that interest towards the reduction of those securities. But on account of the deficits of Government during recent years since 1923—practically since the Act was passed—this practice has not been followed and every year the interest or the discount as it accrues is credited to revenue instead of towards the reduction of the created securities.

Now, Sir, what are these securities? They are a paper currency reserve. They are securities for the safety of our note issue. They are the property of the man who holds our notes. We have to-day in circulation 183 crores of notes against which the metallic backing is something like 70 crores of rupees, 22 crores worth of gold and 6 crores worth of silver under coinage. That means we have nearly 98 crores of metallic backing against these 183 crores of notes in circulation. The rest of the notes are not covered by any metallic backing and to the extent of 49 crores and 65 lakhs they are covered by nothing except papers signed by the Government of India and handed over to the Controller of Currency as security. Therefore 49 crores and 65 lakhs of paper currency in circulation is backed by another paper of the Government of India. What does it mean? It implies that our Paper Currency Reserve is not genuine to the extent of nearly 50 crores and to that extent the holder of our notes are not safe. Their property in those currency notes which are in circulation to-day is not safe to that extent. Therefore this Act was enacted. Thereby Government were called upon to use the interest on those securities towards the reduction of

[Mr. Jamnadas M. Mehta.]

these securities. To that, Sir, the interpretation given by the Honourable the Finance Member is that you can reduce the created securities only by destroying those notes, namely, by withdrawing from circulation those notes; and last year I thought it my duty to point out that that was not the only course possible. Every year, as interest accrues on these securities, it is open to Government under this section, in fact I submit that it is the meaning and intention of this Act that the moment interest accrues (say at the rate of 3 crores every year) it is incumbent on Government to buy 3 crores worth of genuine securities and to put them in the place of these created securities. But because our deficits have been constant it has not been found possible to do so and Government have been crediting the interest on these securities to revenue. Well, Sir, in times of emergency we can allow this sort of thing, but in normal times when we are told that our Budgets balance, is it right that interest on these securities, which is not really revenue of the Government of India but belongs as I said to the holders for our notes, should be taken to the credit of revenue? But, Sir, my further objection is this, that the Honourable Finance Member has emphatically laid it down that even if he reduced the securities it can only be done by deflation, by cutting down these notes in circulation as the only means of reducing those created securities. I told him that the Act did not necessarily mean that. In the beginning of this session another debate arose on the Paper Currency Act (Amendment) Bill when again the same question arose. My Honourable friend Mr. Patel pointed out that it was not necessary that he should deflate, but that he should buy genuine securities and place them in the reserve. But the Finance Member again emphasised that the only way in which he could reduce these created securities was by deflation and nothing else. I again thought it my duty to intervene and told him that the Act did not contemplate anything of the kind. The Act contemplates merely a reduction of these created securities, not necessarily the cutting down of notes because the interest that we get every year out of these securities can be used towards the purchase of genuine securities in the market; but the Finance Member told us in his budget speech, paragraph 66 I think, what is the use of buying other genuine securities in the market? They are just as good as these created securities or I.O.U's. I say, Sir, there is a fundamental difference between these genuine securities in the market and the *ad hoc* securities although there is this similarity between them, that they are all Government of India securities. That is the only similarity. But the genuine securities have a value in the market which the *ad hoc* securities have not. You can buy the genuine securities with the money which has accrued to you as interest on these created securities and you cannot buy more. The created securities can be multiplied to any extent; you have merely to use the printing press and you can add fifty crores or more to the created securities; not so with the other securities which you can buy only according as you have got interest on these created securities and no more; and if the Honourable Finance Member contends that these securities are after all Government of India securities the objection can be met by purchasing gold or

Pandit Shamlal Nehru: What are the other securities?

Mr. Jamnadas M. Mehta: . . . other securities such as sterling securities and Government of India loans. . . .

The Honourable Sir Basil Blackett: Do you suggest that the money should be used to purchase sterling securities?

Mr. Jamnadas M. Mehta: Yes, I did not suggest that previously because we were not debating the subject then as now; all I told you then was that it was not necessary that deflation must be the inevitable result under the Act and the Honourable Finance Member has thought fit to challenge that. He says, "My policy has been challenged and therefore it is necessary to reply." Sir, it is one of the great gifts of the Honourable Finance Member to think that his critics are perverse and stupid and that there can be nothing wrong in his policy. He is the just man made perfect—who was so beloved of the Greeks. I told him that there was no authority in the Paper Currency Act for the position he was advocating. He did not agree and he returns to the charge in his budget speech; he thinks I am wrong; but he could not find in the Paper Currency Act any authority for the statement that the use of interest for the purpose of reducing created securities must mean deflation. He therefore turns to the Babington-Smith Committee Report and, Sir, he says as follows (paragraph 66 of the Budget speech):

"But the House will remember that the Babington-Smith Committee recommended that so long as *ad hoc* securities in the Paper Currency Reserve remained outstanding, these particular receipts should not be treated as revenue but should be applied to writing down the *ad hoc* securities."

Mr. V. J. Patel: Were there any *ad hoc* securities at that time?

Mr. Jamnadas M. Mehta: I am coming to that. Sir, I looked up and down the Babington-Smith Committee's Report and the recommendations not once, not twice, but several times; but this categorical declaration of the Finance Member that the Babington-Smith Committee had recommended deflation does not find any existence in those recommendations. In fact, I find that, not finding any support in the Paper Currency Act, the Finance Member simply drew upon his imagination and wanted to father upon the Babington-Smith Committee as their recommendation something which they had never recommended. I appealed to him to show me where the recommendation was and he admitted that the recommendation did not exist.

The Honourable Sir Basil Blackett: That is not true, Sir. I drew the attention of the Honourable Member to a paragraph which has that obvious effect.

Mr. Jamnadas M. Mehta: It is true; your words are, "That the House will remember that the Babington-Smith Committee recommended" and the further words are "the purpose which the Committee had in mind in making that recommendation"

Now my point is, that there is no such recommendation in the Babington-Smith Committee's Report. I may agree with the Honourable the Finance Member that that might be their objective, but to turn to the Babington-Smith Committee and say that they have made a recommendation is something quite different from what that Committee intended. I do not want to make much out of it, but I only wish to point out that even the Honourable the Finance Member with such expert staff, all of whom are paid by us very extravagant salaries, sometimes makes mistakes and misstatements, I hope he will be more tender to us if we make any mistakes in our statements, as he ought to know that the only assistance that we have is the electric lamp; but when Sir Basil Blackett with such expert staff as my friend Mr. Raghavendra Rao and my learned friend

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Mr. Lloyd makes misstatements, I can confidently appeal to him to be a little more tender to us when we also sometimes are betrayed into some inaccuracies. Anyway, I will drop that matter. The object that I have in mind is this, that by applying the interest which you earn out of these created securities to revenue, you are really endangering the safety of the holders of the paper currency notes, to the extent of 49 crores 65 lakhs. The amount of interest which we get is somewhere between 3 and 4 crores every year. The whole income from currency and mint is Rs. 4.08 crores. So I take it that the amount of interest on those *ad hoc* securities must be somewhere near 2 crores 50 lakhs or about 3 crores,—I do not know the exact figure. That is one point.

The second point is that in addition to this interest, the Honourable the Finance Member takes to revenue the excess of £40 millions in our Gold Standard Reserve. The moment our Gold Standard Reserve is in excess of £40 millions, that excess he appropriates to revenue and every year in that way he takes out of this Gold Standard Reserve something like 2 crores 20 lakhs. In this manner he uses as revenue a sum of about 5 crores 6 lakhs, an amount which does not genuinely belong to the revenues of this country. Now, what is the Gold Standard Reserve? The Gold Standard Reserve is a reserve for maintaining the gold value of the rupee at 16 pence. Everybody knows that the contents of the rupee are not worth more than 12 annas of gold and the remaining 4 annas are in the Gold Standard Reserve, so that whenever there is any necessity to export gold, every rupee is worth 16 annas, 12 annas being its intrinsic value and 4 annas being already deposited in our Gold Standard Reserve. That 4 annas cover has been supplied by the holders of the rupee in order that the exchange value of the rupee shall remain 16 pence, and therefore to the extent that you use the income of £40 millions of that reserve for revenue the security of these rupee holders is endangered in the international market. So, Sir, my submission is that the principle of taking credit to revenue for the whole of the interest on paper currency *ad hoc* securities and the whole of the excess over £40 millions in the Gold Standard Reserve is wrong, because in one case it endangers the security of the holders of the notes, in the other it endangers the security of the gold value of the rupee in international markets. My submission has always been that this amount does not genuinely belong to the revenues of this country, and therefore I tell the Honourable the Finance Member that his Budget was not a balanced budget because it was made up of odds and ends like these. Further he gets exchange profits of nearly 3 crores. That again is not genuine but I am not going into that. I wanted to point out, Sir, that these crores are not our genuine revenue.

Then, Sir, the Honourable the Finance Member in the latter part of paragraph 66 has been kind enough to refer to me by implication and complains of inconsistency and as usual with a superior smile on his face he thinks he has finished with me. (*The Honourable Sir Basil Blackett*: "I think he has.") Very well, I will quote the Honourable the Finance Member. What I said was that you had no right to use this for revenue but that you must use this for the reduction of the *ad hoc* securities not by deflation but by replacing them by genuine securities in India or to buy sterling securities and when sterling becomes at par with gold to change them into gold and very soon it is coming. So that he can make all our currency notes fully backed by gold instead of the I. O. U.'s of the Government of India. That was intended by section 19(7) of the Paper Currency Act and

that was also my point. He says to me in reply, "What is it that your proposal amounts to? You are complaining of my devoting too much money to reduction or avoidance of debt. What is it that you are proposing to do here?" You are taking away 3 or 4 crores of rupees and thereby reducing the debt. This is what he said:

"The net effect therefore of adopting this suggestion would be simply to increase the amount of our provision out of revenue for reduction or avoidance of debt. And I observe with interest" (*he is greatly interested in this*) "that the gentleman who made the proposal has followed it up by complaining that our provision for the reduction and avoidance of debt is already too high."

Sir, I hold fast to every word of what I said. I agree that if he accepts my suggestion he will have to use the interest on the *ad hoc* securities for buying genuine securities, and to that extent he will have provided for the reduction of our debt. But I say, Sir, that of the two kinds of debt redemption I prefer this, not his, and that is not in any way inconsistent. (*The Honourable Sir Basil Blackett*: "What is the difference?") The difference is that you are unnecessarily repaying our foreign debt without having regard to the interests of those who are holding our currency notes and those who are holding our silver coins. Why do you not first consider those who are holding four hundred crores of rupees which we have coined and 183 crores of notes which are in circulation? Are they not our genuine creditors? They are our creditors and in addition they are our fellow subjects and they have entrusted their property to us. They have the first right, and therefore, if there was a choice between one kind of creditors and another, I do hold, Sir, (in spite of the Finance Member finding a seeming contradiction that is not a real contradiction) that between the two creditors I would certainly prefer the creditors who have trusted us to the extent of 400 crores. What is the contradiction? I find none, Sir. When the Finance Member found no authority for his irregular procedure either in the Paper Currency Act or in the Babington-Smith Committee's Report, the only thing he has turned to is to look for some apparent contradiction which in genuine substance is no contradiction at all but the statement of the right principle. Because, Sir, the moment we allow the interest from these sources to be used for revenue, there are temptations to hold the Gold Standard Reserve in Securities. The Gold Standard Reserve was not created to be held in securities. It was to be a storage of gold to be used at the time when we required gold for our international payments, but by investing the Gold Standard Reserve in securities he has got a constant temptation to earn interest and to credit it to revenue thereby endangering as

5 P.M. I said the security in world markets of the holders of rupees which the Honourable the Finance Member himself calls notes printed on silver. That is my objection. The Honourable the Finance Member finds no support for his polemics either in the Paper Currency Act or in the Babington-Smith Committee's Report, nor in the views which this House has expressed. True when the Government were in an emergency, they created those *ad hoc* securities. I do not know what they are made of, whether they are revenue deficits or whether they were put in when the Reverse Councils were sold and deflation would have followed beyond a necessary extent. What these 49,65 lakhs are composed of I am not quite aware. But I do think they must be due either to our revenue deficits or the necessity to back our paper currency notes in order that they may not be unduly deflated. I do not know exactly how far the one or the other or both represent these 49,65 lakhs, but the

[Mr. Jamnadas M. Mehta.]

principle is, Sir, that this method of increasing our revenues and thereby showing surplus and showing that our Budgets are balanced is vicious, because this is not genuine revenue in any sense of the term. But I am willing, Sir, that the Honourable the Finance Member may go on doing this for some time. I do not mind his doing it. All that I wanted to say was that the Finance Member had no justification, either in law or even in our good faith to our creditors, to use these monies for the purpose of revenue. While I am on this question of debt redemption, I would like, if I may, to congratulate my Honourable friend Mr. Raghavendra Rao on his having the other day turned the tables on us. I agree on a re-examination of the question that he was right and I acknowledge my thanks to him for having pointed out our error. (Hear, hear). At the same time I must tell him that in substance we were and are still right and that he merely triumphed over us by a quibble which threw off their legs certain gentlemen who should have known better and made them nervous. In a moment of weakness they abstained from voting thereby losing to revenue 1 crore and 13 lakhs, which we could have used for the reduction of salt duty; but although it was a quibble, I acknowledge the adroitness with which Mr. Raghavendra Rao put it and I do admit, Sir, that technically he was right though in substance wrong. Sir, having said this, I have only one thing more to say. The Honourable the Finance Member regards this matter as a question of debt redemption. In paragraph 57, of his budget speech he has made a great deal of capital out of his having made conversion of our 7 per cent. sterling loan. He says, "Look here, what good am I doing to you. Your 7 per cent. sterling loan was to run at 7 per cent. I have reduced it to 6 per cent. by conversion whereby I have given £200 sterling for every £100 sterling worth of debt, and reduced your interest charge by 1 per cent." Sir, I do not know whether to thank the Finance Member or to sympathise with the country for this kind of debt redemption. This 7 per cent. sterling loan would have matured . . .

The Honourable Sir Basil Blackett: May I ask, Sir, if this is at all germane to the clause? I gather the Honourable Member is really arguing that the clause do stand part of the Bill, but this is not germane to the clause.

Mr. Jamnadas M. Mehta: I am not keen, if you object. I quite realise that this is not exactly germane to the clause. The point I have taken would not be perfectly germane, if you had not in your budget speech said that the reduction of created securities was a kind of debt redemption. I am simply comparing your two methods of debt redemption and not going into the question of debt redemption as a whole. You have called the reduction of created securities a kind of redemption and that is my justification for comparing one kind of debt redemption with another. But if the Honourable Member objects, I will not pursue the subject.

Sir, I only want to refer to this so-called conversion of the 7 per cent. sterling loan into 6 per cent. I say that you are making a gift of £100 for every £100 debt held in England with a nominal benefit of 1 per cent. reduction in interest knowing full well that the 6 per cent. interest will continue to be paid till eternity, while the 7 per cent. would have terminated in 1931 and we could have borrowed thereafter at a lesser rate, at 5 per cent. or 4 per cent. or even less. Instead we are now compelled to pay 6 per cent. until the time when the Finance Member makes up his mind to repay

the Conversion Loan holders and then he will have to pay to these gentlemen £200 for every £100 of debt which we have incurred, for the nominal benefit of a reduction of one per cent. in interest in the interval. I say that even in the matter of interest this country has been prejudiced, because 7 per cent. interest would have ceased in 1931 but this 6 per cent. will continue until this country is in a position to pay. From the way in which that conversion has been made, *i.e.*, at 3 per cent., it appears that he is not bound to repay, so that he will continue paying 6 per cent. for all time instead of paying 7 per cent. till 1931; after 1931 we could have repaid the 7 per cent. sterling loan by borrowing at 5 per cent. or 4 per cent. according to the market rate. So that on the one hand he cares nothing for our real creditors who are the holders of our currency notes and our rupees and on the other goes out of his way to make a gift of £100 for every £100 sterling for the nominal benefit of a reduced rate of interest from 7 per cent. to 6 per cent. though the former would not continue beyond 1931 while the latter will continue till eternity, and he makes a gift of £100 to those gentlemen who are the holders of that sterling loan. To bring up this important issue I tabled my amendment, but since I have discussed it on the original motion and can vote against it, I do not want to move my amendment.

The Honourable Sir Basil Blackett: I think the amendment is not in order and so the Honourable Member is not allowed to move it. That is the real position as regards that amendment.

As regards the last point, the Honourable Member is aware that the conversions to which he was referring were conversions under our contract with the people from whom we borrowed, over which we had no control. That they are conversions in the interests of this country I think is quite clear. The Honourable Member may not agree with me and therefore I leave that point which is quite without relevance to this clause.

There are one or two things which the Honourable Member has said, which, I think on reflection, he would wish he had not said. He said that our currency notes are based on something worthless and the holders of the notes are in danger, or words to that effect. He is the first in other connections to assert that our currency is in such a strong position that this, that or the other proposal made by myself is not necessary. But I do not think that he ought to get up in this House and make a statement in that way which may clearly mislead other people who do not understand the position as well as he ought to. The position will perhaps be a little bit clearer to the Honourable Member if he will remember that if you take the paper currency of the United Kingdom at the present moment, the British currency notes, out of approximately £280 million outstanding to the extent of about £220 millions are covered by what are practically *ad hoc* securities, and I do not think that anybody really troubles as to the soundness of the paper currency of the United Kingdom. The Honourable Member says that we have no title to take this money for our revenue. It is a practice that we have adopted for 4 years now; this is the fourth year in the case of the Paper Currency Reserve and the third year in the case of the Gold Standard Reserve. It is a practice which is universally adopted all over the world. I happened to be reading the *London Times* last night and then I noticed in the Comptroller and Auditor General's report on the Consolidated Fund for 1923-24 a statement to the effect that a sum amounting to about £6,430,000 had been credited to the revenues, being the net profit on the sale of stocks and interest on the securities held in the British Paper Currency Reserve. It is a very natural and proper

[Sir Basil Blackett.]

use to make of a very legitimate source of income. I do not propose to follow the Honourable Member further into his argumentation about the Babington-Smith Committee Report. He and I agree as to what they intended and I do not think there is much to quarrel about.

Mr. Jamnadas M. Mehta: I do not want to make much of that.

The Honourable Sir Basil Blackett: The Honourable Member called me so many names (he apparently spent some time under the electric light studying the dictionary for vituperative adjectives) that I thought he attached great importance to the point. Nor do I propose to repeat again what I have said more than once this session that in essence there is no difference between an *ad hoc* security and any other security of the Government of India when held in the Paper Currency Reserve. It is an obvious point and it only needs a little thinking to realise that it is so. If the Government of India use this sum, which amounts to about 5½ crores all told, to buy in the market their own securities, they would have to borrow in the market 5½ crores to make good the deficit, that would be caused in their ways and means, because they are always in existing circumstances borrowing and re-borrowing for productive purposes: and the net result of that would have been that they would have wiped out 5½ crores of *ad hoc* securities and replaced them by 5½ crores of securities purchased in the market and they would then have issued to the market 5½ crores of new securities, and I cannot see that any particular change has been made in the security either of the holder of the debt of the Government of India or the holder of the currency note by that entirely unnecessary and cumbersome round-about operation. The Honourable Member may perhaps take courage to himself because, as I have said, the amount of this provision is something over 5½ crores, and whatever his view may be it is that it should not be used for ordinary revenue but that it should be used for some kind of reduction of debt. Well, I do not know whether I should get him to join me perhaps next year and follow me in proposing a slight increase in the provision for reduction of debt so that it may be equal to this total.

Clause 6 was added to the Bill.

Mr. President: Clause 7. So far as Mr. Jamnadas Mehta's proposition* is an attempt to alter the method of assessment it is not in order under the Finance Bill.

Mr. Jamnadas M. Mehta: It was a proposition of my Honourable friend Sir Narasimha Sarma when he was a non-official member. I have simply borrowed the whole amendment textually from him.

Mr. A. H. Lloyd: That was an amendment to an Income-tax Bill, not to a Finance Bill.

Mr. Jamnadas M. Mehta: Then I will take another opportunity.

* "To clause 7 of the Bill the following sub-clause be added, namely :

'(4) To section 14 of the Indian Income-tax Act, 1922, the following proviso shall be added, namely :

'Provided that subject to such rules as may be framed in this behalf as to the return to be made where the assessee is an undivided Hindu family, the tax payable by an undivided Hindu family on the aggregate taxable income of that family shall be the total of the sums which would be payable by the several members of the family entitled to a share of such income if the family became divided on the 1st of April of the year of assessment'."

Mr. President: It is not in order under the Finance Bill.

Clause 7 was added to the Bill.

Mr. President: Schedule I.

Mr. M. K. Acharya's amendment* is out of order as it proposes an increase in taxation.

Schedule I was added to the Bill.

Lala Duni Chand (Ambala Division: Non-Muhammadan): Sir, I beg your leave to move my two motions together and discuss them together, that is No. 14 and No. 26, as they besides being connected are to be supported by the same arguments. And therefore for the sake of convenience and in order to save time I propose to discuss them together. My motions are, Sir

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): On a point of order, Sir. The Honourable Member is taking up Nos. 14 and 26 together. The one relates to post-cards and the other to letters. I submit it will not be convenient to discuss the two together.

Mr. President: It seems to be convenient to discuss them together. They will have to be put as separate questions from the Chair when we come to the moment of division; but the discussion may be general on the reduction of the rate on letters and on post-cards to the old rate. Lala Duni Chand.

Lala Duni Chand: My motions are, Sir:

"That in the case of post-cards 'one pice' may be substituted for 'half an anna,'" and

"in the case of letters 'half an anna' may be substituted for 'one anna'."

I consider that the providing of facilities for postal communication is one of the amenities and I should say also one of the necessities of a civilized life. Wherever civilized life is to be found we know that postal facilities are provided. In fact, Sir, so far as I know there is a close connection between civilized life and facilities for postal communication. I therefore submit that from this point of view it is absolutely desirable that facilities should be furnished for postal communication by charging the least possible rates. Another argument that I beg to advance in support of my motions is that it is one of the elementary duties of a civilized Government to afford every facility in the matter of communications. I submit, Sir, in the case of postal rates it should not be expected that the Government should make revenue out of them. It is a duty of the State to provide all its subjects with facilities of communication. No other consideration

* "In Schedule I to the Bill, in the proposed amendments to Schedule II to the Indian Tariff Act, 1894, after amendment No. 1, the following amendment be inserted, namely:

'2. In Item No. 37 for the figures and words '75 per cent.' the figures and words '70 per cent.' shall be substituted', and the subsequent amendments be renumbered accordingly."

[Lala Duni Chand.]

except that one is a member of the State should be required for affording postal facilities, and therefore I submit that this Government, which claims to be one of the most civilized Governments, and of course it is a very organized Government, should provide facilities. From these two points of view that I have placed before the House in favour of the reduction of postal rates, I say that the reductions should be accepted by the Government and by the House.

I also, Sir, place another aspect of the question before you. Facilities in the way of postal communications are regarded by the masses as one of the benefits, nay, even as one of the blessings, of British rule. I appeal to your instinct of self-interest, that so far as this frame of mind of the masses is concerned,—from my point of view it is a superstitious frame of mind—you should try to keep the people in that frame of mind. I submit that for a very long time, so long as I can remember, the postal rate in the case of post-cards has been one pice and in the case of letters has been two pice, or half an anna. It is only recently that the change has been made. People have been associated with these rates for a very long time. I understand it was at a time of financial stringency that the increase was made. So far as we have seen from the Budget, the Government are not confronted with those financial difficulties with which the Government were confronted when these postal rates were increased from one pice to half an anna and from half an anna to one anna. I therefore say that Government owe it to the people that these postal rates should be reduced to the level which they occupied for a good many years in the past. I also beg to submit, Sir, that the British Government in this country have very often been regarded as a purely commercial concern. I know that sometimes this description of the Government as a purely commercial concern has been used rather in a bad sense. I do not like that this stigma should attach to the Government in this case. No commercial considerations should enter into the matter of postal rates. So far as I know, the enhanced postal rates will not affect the revenue very materially. I know that the lower the postal rates, the greater will be the number of post-cards and letters sent to different parts of the country. I therefore submit that from this point of view also it is to the interest of the Government that the postal rates should be reduced to the original level. I also beg to submit that there is a very large number of people in this country who have got a very very small income. If I mistake not, I can say that nine-tenths of the people, perhaps more, are those who have an income of something between Rs. 20 and Rs. 100 a month. Now we also know that life has become very complicated, and of course communications have greatly increased. People are much more in the habit of writing post-cards or letters than they were before. In fact now it has become, as I have submitted, one of the necessities of life. Therefore I submit that the very large number of people who have got very small incomes should be saved from this burden. Take the case of a family or an individual who has an income of, say, Rs. 30 or Rs. 40 or Rs. 50, and he is required to write, say, one letter a day or one letter every second day. That means that he will have to spend for writing his letters Re. 1 to Rs. 2 a month. In the case of this large number of people who make very small incomes, it will be a very very hard burden. I have placed these various arguments before the House in the hope that the Government will appreciate this point of view and that this motion will be carried.

Mr. President: Amendment moved:

"In Schedule II to the Bill, in the proposed Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Letters' the following be substituted, namely:

'For a weight not exceeding two and a half tolas	...	Half an anna.
For every two and a half tolas, or fraction thereof, exceeding two and a half tolas	... ..	Half an anna'."

Mr. Syamacharan (Tirhut Division: Non-Muhammadan): Sir, the present postal rates entail a hardship upon the villagers in another way. We know that post offices are located in almost every important quarter of a town, but such is not the case in the mufassil. In the mufassil the case is different. The case is that in a sub-division we have got a number of post offices located in central places where people of different villages have to come and purchase their post-cards or do other business with the post offices. These villagers, while they have to travel long distances, are ignorant of the rules as well. They forget to purchase post-cards and envelopes and in their necessities they have to drop cards and envelopes unstamped. Now, these unstamped letters are charged these days at the rate of 2 annas or more. If the postal charges of letters be reduced, naturally the charges for unstamped letters would also be reduced. Sir, I therefore beg to support the motion moved by my Honourable friend for the reason that the present postage rates cause hardships on the villagers in the aforesaid ways as well.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I have another motion on this very subject but I just now rise to support the motion moved by my Honourable friend Lala Duni Chand. In doing so, I will speak only a few words. From 1850 to 1921 various Postal Commissions have been appointed from time to time and the policy adopted by the Government has all along been to keep the postal rates low. In 1921 owing to the financial stringency the Government raised the rate of postage in spite of a strong opposition from the Members of the last Assembly. My view on the subject is:

"That in civilised countries communications should never be taxed as it is one of the potent engines of civilization and education."

Again, even the Honourable Sir Charles Innes in 1921 said:

"Nobody certainly in the Commerce Department wishes in any way to tax communications."

In spite of these expressions, the postal rate was increased. So, with this Government mere expressions of sympathy and good wishes do not count for anything. In 1866, the Right Honourable Mr. Massy, the then Financial Member, referring to the raising of the unit of weight said:

"The Post office was so potent an engine of civilization that no Government was justified in allowing fiscal considerations to stand in the way of such an improvement."

But here these considerations have been allowed. Hence on this very principle, fiscal considerations should not be allowed to stand in the way of the reduction of postal rates. But notwithstanding all this, the postage rates have been increased. Now my Honourable friend has moved his motion in order to reduce these rates. He wants that for a letter not exceeding two and a half tolas half an anna should be charged and for every two and a half tolas, or fraction thereof, exceeding two and a half

[Khan Bahadur Sarfaraz Hussain Khan.]

tolas half an anna should be charged. This is only with a view to cheapen the postal rates and help the poor. With these words I support the motion.

An Honourable Member: I move that the question be now put.

The Honourable Sir Bhupendra Nath Mitra (Industries Member): On Thursday last I explained to this House what the policy of Government was in regard to the postal rates. I said that Government's policy in regard to the Post Office and the Telegraph Department taken as a whole was that it should not be carrying letters and mails and sending the telegrams of the people of India at the expense of the general tax-payer. This policy was placed before this House about this time last year, and I cannot see from anything in the debate that it was challenged by any Member of this House. Indeed I find that Mr. Bhubanananda Das said categorically in the course of his speech on the 12th March 1924:

"We do not mind the department being run as a public utility concern, but there should be no loss incurred by the Government of India on account of the Postal and Telegraph Department."

That, Sir, is precisely the policy of the Government of India in regard to that department. I also explained in this House on Thursday last that a similar policy is followed in England, and I stated that last year the Chancellor of the Exchequer in the first Labour Ministry of England refused to make any reduction in the postal rates because, as he said, it was not possible as an economic arrangement. That, Sir, is precisely our position in regard to the reduction in postal rates in India to-day. If it were a fact that the estimates for 1925-26 of the Indian Postal and Telegraph Department had shown a surplus, I fully admit that there would be a case for a demand on the part of this House for a reduction of those rates. But that is not the position. I fully sympathise with the poor man in India who finds that now he has to pay for his post-cards and letters double the rates that he had to pay before the war. But have not prices all round gone up to about the same extent? If prices generally are now about 100 per cent. higher than they were before the war, is it unfair that the conveyance of the mails for the people of India should cost, per unit of traffic conveyed, double of what it used to cost before the war? My friend Lala Duni Chand has said that if we reduce the rate, the poor man will be largely benefited because he would save considerably on the one or two post-cards a week which he sends. (*An Honourable Member:* "One rupee a month.") I am coming to that. In the year 1923-24 the number of post-cards carried by the Postal Department was 533 millions. If my friend will perform a little process of arithmetic and divide that by the population of India, he will find out without any difficulty what the number is of post-cards sent in a year per head of the population in India. It then comes to this. If it is the desire of this House that the postal rates should be reduced, it can only be done by a large deficit in the revenue account of the Postal and Telegraph Department; in other words by a large subsidy from the general tax-payer. I may mention that, roughly computed, the financial effect of the measures recommended by my friend Lala Duni Chand would be about a crore and a half rupees a year.

Diwan Bahadur T. Rangachariar: A crore and a half for both?

The Honourable Sir Bhupendra Nath Mitra: Yes, something like 75 lakhs for each.

Mr. Devaki Prasad Sinha: Will there not be an increase in the number of post-cards sold?

The Honourable Sir Bhupendra Nath Mitra: Well, that estimate allows for a 20 per cent. rise in the number of post-cards conveyed. We made an adequate allowance for that purpose, according to the best statistics we could collect.

Diwan Bahadur T. Rangachariar: May I ask whether this calculation has taken into account the possible increase in the number of post-cards sent?

The Honourable Sir Bhupendra Nath Mitra: Well, I have already replied to that in answer to the question put by Mr. Devaki Prasad Sinha.

Diwan Bahadur T. Rangachariar: I am sorry; I was not listening.

Khan Bahadur W. M. Hussanally: May I also interrupt the Honourable Member, Sir. Is it or is it not a fact that the Postal Department by itself is a paying concern and that the profits made by the Post Office go to fill up the deficit of the Telegraph Department? That is a point which ought to be considered by this House.

Pandit Shambhu Dayal Misra (Central Provinces Hindi Divisions: Non-Muhammadian): Sir, may I ask the Honourable Member whether it will affect the provincial contributions?

The Honourable Sir Bhupendra Nath Mitra: Well, I was coming to that, Sir. I shall first deal with the interpellation of my friend Khan Bahadur Hussanally. I said to start with that the policy of Government is that the Postal and Telegraph Department as a whole should pay its way and not the different compartments of it. It is true that according to the estimates produced for the year 1925-26 the Postal Branch of the Department shows a small surplus and the Telegraph Department a small deficit. It was, however, fully explained by the Finance Member, that the position is provisional, and that the true position will not be ascertained until the accounts for 1925-26 have been compiled. They will in the usual course come under the scrutiny of the Public Accounts Committee.

Khan Bahadur W. M. Hussanally: What is going to happen in the current year, the year about to end, 1924-25?

The Honourable Sir Bhupendra Nath Mitra: Well, we have not been able to separate the accounts

Khan Bahadur W. M. Hussanally: Cannot you tell us whether the Telegraph Department will be self-supporting?

The Honourable Sir Bhupendra Nath Mitra: It cannot be. It will not be self-supporting even in the year 1925-26.

Khan Bahadur W. M. Hussanally: Then it means that the Post Office pays for the Telegraph Department.

The Honourable Sir Bhupendra Nath Mitra: It does in a way to some extent; and as I said before the policy of Government makes no differentiation in regard to the various services run by the combined departments, namely, posts, telegraphs, telephone and radio. The reason is obvious. The various services rendered by the Department are intimately connected with one another; the telegraph, telephone and radio providing merely for a more expeditious method of communication than the postal service. The activities of the Department further are so closely intermingled that it is neither feasible nor desirable to create watertight compartments. A similar arrangement is followed in England where large increases in postal rates have been made of recent years in order to balance the combined accounts and in spite of surpluses in the postal branch

Khan Bahadur W. M. Hussanally: Is it a fact that long distance telephones show a large deficit?

The Honourable Sir Bhupendra Nath Mitra: Well, telephones as a whole do not show a large deficit. If the Honourable Member had examined the detailed estimates he would have seen that the aggregate deficit for the telephone service is something in the neighbourhood of 3 lakhs a year.

Khan Bahadur W. M. Hussanally: Which is borne by the Post Office?

The Honourable Sir Bhupendra Nath Mitra: Now the position is this. If it is the deliberate opinion of the House that the general tax-payer must pay a subsidy to the Posts and Telegraphs Department in order that a certain section of the public may enjoy the benefit of cheap postal rates, the money must be found by the House from some other source; and in reply to my Honourable friend over there (Pandit Shambhu Dayal Misra) who asked me a question just now, the obvious alternative would be a further reduction in the relief to the Provinces.

Mr. N. M. Joshi: What about the 4 crores? It should come from that.

The Honourable Sir Bhupendra Nath Mitra: The House having already passed that Demand, I think it would be impudence on my part to revert to that matter. I think, Sir, that I have dealt with the specific points raised by Lala Duni Chand. As the other gentlemen did not bring to light any specific points, I have nothing more to say.

Khan Bahadur W. M. Hussanally: Sir, I wish just to say a few words in support of the proposition brought forward by my friend, Lala Duni Chand. It is a fact that telegraphs and telephones do not pay, and, as has been admitted just now, they will not pay in the next year also. The postal rates are no doubt very heavy; and they have never realised the income that was anticipated when these high rates were imposed, and the country

thinks therefore that the best thing for the Government to do would be to increase the telegraph and telephone rates and make these two branches of the Department pay for their own cost so as to relieve the general tax-payer as far as postal rates are concerned. There is no other remedy. The postal rates must come down. The 2½ tolas now allowed for one anna benefits only the mercantile community. . . .

The Honourable Sir Bhupendra Nath Mitra: May I interrupt the Honourable Member for a minute? If he has read the estimates he must have seen that the surplus in the postal compartment amounts only to about Rs. 29 lakhs, whereas the cost of the measure advocated is a crore and a half a year.

Khan Bahadur W. M. Hussanally: I dare say the Finance Department has got many crores up their sleeves, to find the difference; and if the telegraph rates and telephone rates are raised, the deficit that my friend anticipates will be much less, and I would strongly recommend that course so that the general tax-payer may be relieved so far as postal rates are concerned. I was referring to the fact that the present 2½ tolas per anna benefits only the mercantile community and nobody else. The ordinary man in the street writes small post cards or letters not exceeding half a tola and for that he is made to pay one anna; whereas the mercantile community, who write very long letters on thick paper, benefit very considerably by the two and a half tolas. Therefore I say that these postal rates must come down and the telegraph and telephone rates must be increased.

Diwan Bahadur M. Ramachandra Rao (Godavari cum Kistna: Non-Muhammadan Rural): Sir, the Honourable Sir Bhupendra Nath Mitra in answer to this motion said that the only alternative which the Government have in regard to the request contained in this motion was for the general tax-payer to find the money. Sir, a good number of parallels in the Parliamentary system have been referred to from time to time in this House and the one great complaint that we have against my Honourable friend and his colleagues is that they are absolutely irresponsible to this House. I do not wish, Sir, to refer to the general constitutional question which has been so often raised or to the question of the provincial contributions in this connection. Both of these seem to have come to stay in this House, and so long as we do not get a clear idea of the intentions of each side we shall always be referring to them. Sir, our complaint is that, so far as Posts and Telegraphs are concerned, the Incheape Committee suggested reductions and that those reductions were effected in the course of 1922 and 1923. I do not wish to refer at this late stage of our discussions to the general reductions which the Incheape Committee have suggested and the extent to which these have been carried out; but I wish to inform the House of the position that had arisen in 1922-23. If Honourable Members will refer to the Explanatory Memorandum of the Financial Secretary they will see that the actual expenditure in 1921-22 was 864 lakhs and in 1922-23, 859 lakhs, leaving a balance of 107 lakhs of net receipts in the hands of the Posts and Telegraphs Department. Then, Sir, again in 1923-24 the actual expenditure was 905 lakhs leaving a balance of 85 lakhs; in 1924-25 the budgetted expenditure was 919 lakhs and the revised figure 922 lakhs leaving a balance of 84 lakhs. For the coming year the expenditure is put at 975 lakhs or about 50 lakhs more than the revised figures, leaving a balance of 65 lakhs. The rates have been

The Honourable Sir Basil Blackett: I do not wish to interrupt the Honourable Member, but he is comparing like with unlike. We have commercialised the accounts for this year and for 1925-26.

Diwan Bahadur M. Ramachandra Rao: I am perfectly aware of the fact, Sir, that the accounts have been commercialised, and the effect of commercialisation was to charge about 66 lakhs for interest and also about 50 lakhs for pensionary charges. Various other charges also have been debited in the accounts.

Now, Sir, the real point that I wish to raise in regard to this matter is this. These rates were increased in 1922, I think, and as a result of these increased rates, the Government have at their disposal an additional revenue of at least $1\frac{1}{2}$ crore of rupees. Now I ask my Honourable friend the Finance Member whether, as a matter of fact, he has any intention, either now or hereafter, of considering the question of the reduction of rates, and if so, how he proposes to do it. If he has absolutely no intention of reducing the postal rates, I submit we shall have no other alternative except to force the Government to consider this question in a serious manner by forcing a decision on this issue. I would ask the Honourable the Finance Member whether, the rates having been increased in 1922-23, he and his department have any intention of reverting to the old rates to the extent they can, or whether Government have no intention at all either now or hereafter of making a reduction in the postal rates in the manner suggested in these two amendments. If they have no intention of reducing the postal rates, then let them say so clearly, but unless they answer any of these questions, if they merely say that the expenditure is balanced, we should regard the answer which Government give as most unsatisfactory.

There is no doubt whatever that the question of the reduction of postal rates has engaged public attention throughout the country ever since the increase was effected. I have heard statements made in the debates of this House by Members representing the Government, of course when it suits them, that they pay some attention to public feeling in this matter; but when it does not suit them, they say that their responsibility makes them override public feeling and the demand made by the public. Now in this case I am perfectly certain in my mind that the one thing which the poor people feel is the high postal rates and the reduction of postal facilities. I have quoted the figures on a previous occasion to show that since the increase in rates has been effected the reduction of postal facilities has seriously affected the public in a variety of ways. As I say, Sir, one-fifth of the post-cards and one-fifth of the letters have disappeared from the post office list. The Honourable Member asked what is the percentage of letters per year which the people of India write or send through the post offices? If it is 500 million letters and 500 million post-cards, the average will be $1\frac{1}{2}$ post-cards and $1\frac{1}{2}$ letters per annum for each individual in this country. Now, I ask the Honourable Member to say whether it is a reasonable state of things, and whether it is not necessary for the Government to undertake an inquiry as to whether the facilities that existed before the increase in the rates was effected could not be restored, and whether any attempt could be made to go back to the old rates. That is the question that I should like to ask in connection with this matter.

Then, Sir, I wish to make one or two other observations. As the accounts are framed, if there is a surplus under the head of Post Office, I submit

Sir, under that head the general public who contribute to that revenue should have the benefit of the surplus. The surplus this year, according to the accounts before us, is Rs. 29,28,000, and that is devoted to making up the deficits under the head of Telegraphs including radio and telephones. The classes of individuals who contribute to this revenue are somewhat different. Every villager contributes to the Post Office; probably the comparatively rich man contributes to the telegraphs and probably the man who wants to have quicker communication contributes to the telephone charges. Now, in these circumstances, it seems to me that there should be a thorough investigation not only of all possible sources of economy, but also of the incidence of these charges and the extent to which each of these three heads should be contributory both to the general revenue as well as to the expenditure under the heads of these departments. And I am certain that, if my Honourable friend undertakes an inquiry at this time, I am certain he will find ways and means to meet the demands so insistently made throughout the country and in this House. I do not wish to dilate further on this point but I should like my Honourable friend opposite to tell us where we are in this matter? Are Government likely to make any serious attempt, if not at once, are they going to undertake an inquiry at all? (*Mr. C. S. Ranga Iyer*: "Will that inquiry satisfy you?") Well, Sir, we have had many inquiries. Many inquiries do not satisfy us or anybody else, but what I want is definite action towards the reduction of postal rates. Are you going to do it? The only way we find in present circumstances is to compel you to do it in the manner suggested in this amendment. (*The Honourable Sir Bhupendra Nath Mitra*: "What about the inquiry into the grievances of subordinate employees?") Well, Sir, I guarded myself in previous motions with the admission that I would rather have a reduction of postal rates than any inquiry into the grievances of postal employees or superior officers or anybody else. I still say I do not want any subordinate of Government to suffer from any refusal of Government to redress their reasonable grievances such as those that might exist. But we are not responsible for the high scales of pay in the superior services nor are we responsible for the overrecruitment which I contend still exists in the superior services of this Department. We are not at all responsible. Government distribute all the funds which come into their hands in the Department as they like. Therefore, Sir, on behalf of the general public I wish to have a clear answer to the position I have taken up. Do you propose or will you take any steps towards the reduction of these rates?

An Honourable Member: I move, Sir, that the question be now put.

Sir Geoffrey Clarke (Director-General of Posts and Telegraphs): Sir, we have had many charges levelled against the administration of the Post and Telegraph Department. Among those charges we were told that the Department is conducted with extravagance, that we have got a top-heavy administration, that we have got too many officers, and that we pay too highly for their services. As regards the Telegraph and Telephone side of the Department, a Committee has just sat and the report will be published at the end of this month dealing with certain reorganisation in these branches especially. As regards the Post Office, before proceeding actually to the question of rates I would like to deal with some questions which, according to Members of this House, affect the postal rates very closely. This top-heavy administration consists of 29 officers, of whom 4 officers are in the Wireless Branch and mainly for accounts purposes, are attached to

[Sir Geoffrey Clarke.]

the Director's office; 3 officers are in the Research Branch under the Chief Electrician, so we are left with 22 officers to deal with the vast postal and telegraph administration of this country, with every conceivable subject, with railway transport, with money orders, with savings banks, with steamer services, contracts, purchase of stores, and hundreds of other things that we have to deal with in the Post and Telegraph Department. We have only got 22 officers or one officer to 5,500 employees. Take the general question of officers in the Department. There are 551 officers in the Department, of whom 421 draw pay between Rs. 250 and Rs. 750 a month. That is they really hardly rank as officers. In a department like the Post Office where you have offices scattered all over this vast country at long distances from each other, you must have a large number of what I may call subordinate supervising officers, otherwise the work could not be carried on. After deducting these 421 officers, we are left with about 130 superior officers in the department, or one officer to every 900 men. Is there any regiment or battalion, however Indianised, which can be expected to work even in peace time with one commissioned officer? I think you will agree with me that on these figures, this Department is neither top-heavy nor is it overburdened with officers. We have had proposals from several Members of this House, proposals which have obviously come from sources which we know, giving us suggestions as to how we should reduce our expenses. We have been told that we should abolish practically all our supervising staff—superintendents of every kind—and introduce inspecting postmasters. We have tried this in one division in Bombay and it was a dead failure. We found that instead of having a good Superintendent and a good postmaster, we had a bad Superintendent and an indifferent postmaster. May I in connection with this question of supervision in the Post Office give you a very few facts regarding the work which we did last year? Last year, the Post Office handled in the sale of stamps, in dealing with money orders and in Savings bank transactions—that is across the counters in cash—about Rs. 133 crores. The defalcations were Rs. 1,17,000, that is, one rupee in every Rs. 11,000 handled. On the insurance side, we carried Rs. 153½ crores (declared value) of insured articles and the losses were Rs. 1,48,000. As Mr. Darcy Lindsay told the House the other day, the principle of insurance in the Post Office is a peculiar one. The public come to the Post Office and insure an article for Rs. 200, while it contains from five to ten or twenty thousand rupees. Money in this country passes through the post by means of currency notes. Senders go to my friend Mr. Darcy Lindsay, that is to his Company, and they insure the balances with him. These Insurance companies have such faith in this Department that they will insure the full value for a nominal sum. But the Post Office carries at least ten times the declared value of the insured articles. Last year, the Post Office, on a conservative estimate carried over a thousand million sterling of insured articles and the loss was Rs. 1,48,000, or one rupee in every lakh of rupees. I will come to my point. What is the reason of this? Supervision, supervision and again supervision, and if you take away the supervision, supervision from the Post Office, if you reduce these officers who are continually touring and continually examining our small offices, for every man you reduce, you will lose four or five times his pay in losses and in defalcations. You may be perfectly sure of that. I speak of the Post Office as an expert. I have been in it for 22 years and I am perfectly convinced that its one great saving, its one great merit and the one reason why the Indian Post Office stands so high and has such a splendid reputation for honesty is our

excellent body of supervising officers. (*Mr. M. K. Acharya*: "Honesty of the subordinate staff?")

Now, Sir, I will proceed to the cost of the services. The Inchaape Committee undoubtedly did recognise the very great increase in the cost of the Post Office in the last ten years. But the staff has increased, and their pay has more than doubled and the cost of our services has doubled. We pay the railways twice what we used to pay for the haulage of our mail Vans. We have introduced motor services all over the country. I must admit that we have not run the Post Office on the grounds of petty parsimony and petty economies. We have tried to give the public the most up-to-date service that we can give. We have introduced motor service wherever possible. One Member to-day was talking about the value of motor services all over the country. The Post Office has been responsible for all the most important motor services over the mufassil of India. That wild tract, which my friends from Madras will remember, the Chettianad, which our railways have not yet discovered, we have discovered and we have got our motor services to that place. It is probably their only means of communication. You must agree that in the Post Office we cannot go back to the days of the bullock cart and runners. We must keep ahead of the times. We have got to use the best trains for taking our mails, we have got to use the best steamer services and the best means of transport. These things cost money, and they cost a very great deal more than they used to and the Post Office has to bear the expense of these services.

I now come to the question of rates. On the question of economy of staff the Post Office is always looking into every possible means of economy, but I cannot promise any Honourable Member that there are any very substantial means of reducing the expenses of the Post Office at present. On the question of rates the general position is really that certain Honourable Members of this House want to have a half anna letter and a quarter anna post-card instead of one anna letter and a half anna post-card which was introduced in 1922. That is really the general position. There are a number of minor amendments about changes in various classes of weight. But you have got to remember that with postal articles whatever the initial weight is, the public will accommodate themselves to that immediately, and if you reduce the minimum weight of your letter to one tola or half a tola you will find in one month 80 per cent. of your articles within the minimum of your initial weight. That is a proved postal fact all over the world. The public immediately adapt themselves to what is called the initial weight of postage. You may take it that whatever minimum weight you may like to put your losses will be very nearly the same for any general reduction of the postage from one anna to half anna for letters and from half anna to quarter anna for post-cards. Now, these postal letter rates were fixed in 1851. 1851, may I refer to my Honourable friend, Dr. Hyder, and ask him what measure of value of half anna and quarter anna had in 1851 and what they have in 1925 in the terms of any other commodity you like to name, and yet here is this fetish of the quarter anna post-card and half anna letter! You ask the post office to supply a service for quarter anna which you could not get even for three or four times that quarter anna in the case of every other commodity.

Khan Bahadur W. M. Hussanally: Does the Honourable Member say that the post-card was introduced in 1851?

Sir Geoffrey Clarke: Yes, 1851.

Khan Bahadur W. M. Hussanally: Post-card?

Sir Geoffrey Clarke: I beg your pardon. The letter rate was introduced in 1851 and the post-card in 1881. May I in this connection read the words of the Postmaster General of the United Kingdom in the speech delivered by him in the House of Commons only last month on the question of the reduction of postal rates in England? The postal rates in England are 1½d. or 1½ annas for the initial rate of the letter, and 1d. or one anna for the post-card. He said:

"It is a little strange to find how the public clings to the idea of the penny post of Victorian times, and will not be persuaded to part with it. Each year as budget time approaches the public begin to be uneasy in mind because of the burden of the postage rates. . . . The philosophy of the matter is that the penny stamp has changed in value since Lord Hill's days. The penny pencil, the penny match box, the penny bootlace, the penny newspaper are extinct. It is still possible to provide oneself with cheaper substitutes for these articles; but the Post Office comes to the rescue by providing a cheap means of communication in the penny post-card. That in these days is as much as we can look for."

That is the position in England. In India we carry post-cards and letters at very much less rates than those in England. We have a further expense in dealing with a small volume of mails, compared with the immense volume of mails dealt with in England. We have to maintain our small post offices for 200 or 300 letters a week. It would not cost a penny more if these offices handled 2,000 or 3,000 letters a week. and in India we do have extremely expensive services to maintain. I do not think that anybody can consider that, at the present day, the half anna card and one anna letter are an expense or a burden to any one. Now, think of the work we have to do on a post-card. That post-card has got to be cleared out of a letter box, taken to the post office, sorted and put into a bag and sent off to a station, re-sorted, re-bagged, perhaps re-sorted and re-bagged two or three times more, sent off by a steamer or by railway train to a distant destination of perhaps thousands of miles. When it reaches its destination it is taken to a distant village by a village postman who may be two or three days on his beat. You get all that for half an anna. Now, can any one give a service like this for half an anna except the Post Office? The country is lucky in having such a cheap service. It is quite impossible to run this department under any Government, whether it be the Swarajist Government or any other Government, at the reduced rates. It is not possible that is, if you wish the Post Office to be self-supporting and not a drain on the general tax-payer and surely it is desirable that this great Department which is used by millions of people should pay its way.

Now, as I said in my speech some years ago on the question of this cheap postage, postage that does not pay its way is really a very serious burden to the Department. It affects every possible development and progress in the Post Office. Take the case of the rural post offices. As I said before the rural post office brings us in 15 or 20 rupees a month. In the old days, before we raised the wages all round we were able to get a branch postmaster for Rs. 6 and a runner for about Rs. 7, that is for Rs. 13 and that post office paid its way. Now-a-days we pay that postmaster Rs. 10 and the runner Rs. 14 or Rs. 15 and that brings the cost to Rs. 25; and you cannot get that post office to pay its way at the old rates. It will run at a dead loss and you cannot expect the Post Office as a commercial department to be enthusiastic about opening rural

post offices. Every one of them must be run at a loss. Now, this one anna letter and half an anna post-card enable us to extend rural facilities in this country and in proof of that we were able this year to open 800 rural post offices in India. If we go back to the quarter anna card and the half anna letter, I can assure you that all the development of this Department will have to cease and it will have to be run at a heavy deficit and it will absolutely block our efforts to do anything. (A Voice: "The telephones are run at a loss".) The telephone question does not come in here and I am not going to discuss it here. I do not think my Honourable friend has correct information on that point. Now, on this question of postal rates, the Director General of the Post Office is between the devil and the deep sea. I am not going to say which the devil is and which the deep sea. Still he has got to consider on one side the public and on the other side his own staff. At the present moment the Honourable Member on my left is going to receive, with myself, a deputation from the postal workers of India, the clerical staff, the postmen, the packer staff and porters with a view to improve their general conditions of service and perhaps to consider their rates of pay. If this House is going to reduce the postal rates and give us a loss of a crore and a half on the working of this Department next year, I can only ask my Member to let that deputation stay where it is. It need not waste its time in coming to Delhi, because I can answer for him. He can do nothing for them. If they reduce these postal rates the Assembly will themselves give the answer to that Postal Deputation; because it will be quite impossible, with the loss of a crore and a half facing us, to consider any one of their proposals. Well I do not want to bring that up as an argument for postal rates. I am only saying what may happen. Now, Sir, in connection with this, all I can say is that I think the Post Office does deserve a fair return for the services that it has rendered and is rendering to the public. The labourer is worthy of his hire, and everybody in this House will admit that the Post Office of India has done well by the country. (Applause.) I do not think there is any department in the country which holds a more abiding place in the affections of the people. And these workers who have worked for you loyally and well they do expect a certain amount of recognition from the elected representatives of the people. The Post Office of India perhaps gives more facilities to the public than any other Post Office that I have ever come across, and I have had experience of a good many. It holds a very high place among the Post Offices of the world for efficiency, and efficiency is what we have always aimed at, efficiency in the public interest. They have a tradition, of good, honest and loyal work. Now I do ask this House to enable this Department to preserve that fine tradition and to maintain the great reputation which this Department has earned in the past. (Applause.)

Mr. K. Rama Aiyangar: Sir, I have two motions in my name, Nos. 17 and 22. (*Cries of "Withdraw, withdraw".*) I do not propose to move No. 17 which relates

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Might I, Sir, with your permission, move for the adjournment of the consideration of this question till to-morrow? Vital issues are involved in the step which we are advised to take on this vote, and we on this side of the House would like to consider the implications that have been

[Diwan Bahadur T. Rangachariar.]

raised as to how . . . (*Cries of "Louder, louder"*.) I am mentioning that we should like to have an adjournment till to-morrow morning for consideration of this question. It is a very important question on which we want to bestow serious consideration. At any rate we on this side of the House want to give it serious consideration before we record our vote and further endanger the surplus. And therefore, Sir, I move the adjournment of the debate till to-morrow. (*Cries of "No, no"*.)

Mr. President: Motion moved:

"That the further consideration of Schedule II be adjourned till to-morrow morning."

The Honourable Sir Basil Blackett: Sir, I would suggest to the House that they should come to a decision on this particular amendment. There are quite a considerable number of other amendments still to discuss and we are pretty short of time as things stand. There is other business to be done to-morrow besides the Finance Bill, and opportunity for discussion of this subject has already been given for I think well over an hour. I do not see any reason why this particular amendment should not be decided upon to-night.

Diwan Bahadur T. Rangachariar: I thought, Sir, you were going to put both the questions together. That was why I moved my motion.

Mr. President: I shall put separately the question relating to letters, and after that has been decided, the question relating to post-cards.

The question is that the debate be adjourned.

The motion was negatived.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): Sir, there are two motions standing in my name. I do not propose to move No. 17, and I propose to confine my remarks to No. 22, that is with reference to post-cards alone. (*Cries of "Withdraw, withdraw"*.) I may at once say that after listening to the Honourable Sir Geoffrey Clarke it is very difficult for one not to value the force of his utterances. I am willing to do that, Sir. I am only placing before this Assembly my view that, in so far as commercialisation is concerned, the question before the House does not touch the Telegraph or the Telephone Department, and we are concerned only with the Postal Department. For some time the Government were saying that the Postal Department was working at a loss and the Telegraph Department was working at a gain. It is now ascertained that the Postal Department even on the materials before us is working at a gain and the other Departments are working at a loss. On the basis of that, 66 lakhs of rupees are taken away as interest payable on the capital invested in these three Departments, the Postal Department's contribution to such interests being only 8 and odd lakhs. On that basis we have now 29 lakhs balance left in the Postal Department, so that it should be borne in mind that we are concerned with only the Postal Department and that that Department, even after paying the debit of interest on the capital, is found to have a balance of 29 lakhs surplus. The question that should really weigh with this Assembly is, what is the amount which it will

lose if we reduce the half an anna rate to quarter of an anna for post-cards alone? My calculation of it is, Sir, that it will be affected to the extent of only 46 lakhs. I want the Honourable Member in charge of the Department and the Honourable Sir Geoffrey Clarke to correct me if I am wrong, but I will explain myself so that it may not be left at that stage. (*The Honourable Sir Basil Blackett*: "The figure is 75 lakhs.") There are two views on this point. According to one the figure is 75 lakhs, and I am prepared to take Sir Basil Blackett's statement; it is not proper for me to dispute that statement. We will therefore take it at 75 lakhs. What do we find? I say let us convert this half an anna post-card into a quarter of an anna post-card, because on a comparison of the post-card figures of 1922-23 and 1921-22 and the figures of 1923-24 for which we have got actuals, and taking also the revised estimate of 1924-25 into consideration for post-cards, it will be clear that post-cards have fallen off in numbers from one million and one million and a half, and that is a point that you have to take into consideration. Ordinarily, before 1921-22, if you take the figures for ten years you will find that the total number of post-cards had been steadily increasing, so much so that the average increase of the Postal Department, although there was no change in the taxation, came to 30 lakhs extra. But since 1922-23 it has steadily fallen except that now, taking all postal articles into consideration, there is an excess of 1 per cent. and odd only in postal articles ultimately. The effect of it will be that if you reduce it by one-quarter you will have an extra income by the reduction in the price of post-cards and that I submit will naturally give you according to my calculation at least about 20 lakhs. There is one other method of arriving at the same conclusion. Take the incomes of 1922-23 and also the income of 1923-24. In 1921-22 you will find that

Mr. President: The Honourable Member is now discussing the finances of the department and not the proposal to reduce the postal rates.

Mr. K. Rama Aiyangar: Probably I am not saying it as directly as I would have wished to say. Therefore I say that by this reduction you will increase the number of post-cards and I expect about 20 lakhs extra out of it. I then ask you, Sir, to give credit to the Postal Department for all that they have been doing till now. It is a commercial department. The Honourable Sir Basil Blackett in his budget speech has stated that they have not yet definitely come to the conclusions on the amounts to be allotted to each of these Departments and the method is in the process of formation. It is being examined and there are one or two points which I wish to suggest which will show that actually it has proved defective so far. I drew the attention of the other side even during the discussions on the Demands that in the case of the Marine Department and the service of the Indian States credit has not been given, as it used to be given in the previous years, which would give us about 15 lakhs extra. That is what I said and I see that even the Honourable Sir Geoffrey Clarke has not touched that point. Besides, Sir, the actual amount of capital that has been invested in this department has to be deducted to the extent that the revenues have contributed to capital and the charge of 66 lakhs that we have made to the department reduced in proportion.

Mr. President: The Honourable Member is again discussing the general finance of the department and not the postal rates to which he must now come.

Mr. K. Rama Aiyangar: The credits will have to be given in the course of this year for which this amount will necessarily give you 66 lakhs. That is just what I am saying. It is not that I want anything to be taken from the Department or from the general revenues. I want that this commercialised department should be worked as promised by the Honourable Sir Basil Blackett. The 25 lakhs that we have already got plus the 10 lakhs that will be credited will give you the amount and whatever extra amount is wanted will be had by the increase in the use of post-cards as well as letters. (*Several voices:* "Withdraw, withdraw.") So far as this reduction is concerned, it does not affect the General Budget. Every credit has to be given to the service rendered by the Department. That is the principle of the commercialisation. Of course, I am in favour of the question of supervision, staff, etc., being treated properly. But the question that was taken up by the Honourable Sir Geoffrey Clarke was quite on a different basis. I do not want to discuss it now. All I want to say is that this reduction in expenditure will really give you the necessary additions to the revenue and so far as the quarter-anna post-card is concerned, there is enough money. I think it is improper to introduce into this aspect of the case the argument that has been advanced by Sir Geoffrey Clarke about extra payments to be made as the whole question has to be dealt with separately. There is a balance now, why should you tax more? Why should you not have this reduction in rates; that is the question I raise?

An Honourable Member: I move that the question 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 Schedule II stand part of the Bill."

Since which an amendment has been moved:

"That in Schedule II to the Bill, in the proposed Schedule to the Indian Post Office Act, 1898, for the entries under the head 'Letters' the following be substituted, namely:

' For a weight not exceeding two and a half tolas	...	Half an anna.
For every two and a half tolas, or fraction thereof, exceeding two and a half tolas	... ..	Half an anna'."

The question I have to put is that that amendment be made.

The motion was negatived.

Mr. President: The original question was:

"That Schedule II stand part of the Bill."

Since which an amendment has been moved:

"That in Schedule II to the Bill, for the entries under the head 'Post-cards' the following be substituted, namely:

' Single	...	Quarter of an anna.
Reply	...	Half an anna'."

The question I have to put is that that amendment be made.

The Assembly divided:

AYES—52.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Alimuzzaman Chowdhry, Mr.
 Ariff, Mr. Yacoob C.
 Bhat, Mr. K. Sadasiva.
 Chaman Lall, Mr.
 Chanda, Mr. Kamuni Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Ghazanfar Ali Khan, Raja.
 Goswami, Mr. T. C.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Hussanally, Khan Bahadur W. M.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Joshi, Mr. N. M.
 Kazim Ali, Shaikh-e-Chatgam Maulvi
 Muhammad.
 Kelkar, Mr. N. C.
 Kidwai, Shaikh Mush'r Hosain.
 Lohokare, Dr. K. G.

Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jammadas M.
 Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murluza Sahib Bahadur, Maulvi
 Sayad.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Piyare Lal, Lala.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kurnar Sankar.
 Samiullah Khan, Mr. M.
 Sarda, Rai Sahib M. Harbilas.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Sinha, Kumar Ganganand.
 Syamacharan, Mr.
 Tok Kyi, Maung.
 Yusuf Imam, Mr. M.

NOES—58.

Abdul Mumin, Khan Bahadur
 Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada
 Abul Kasem, Maulvi.
 Ahmad Ali Khan, Mr.
 Ahmed, Mr. K.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Ashworth, Mr. E. H.
 Badi-uz-Zaman, Maulvi.
 Bhole Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Clarke, Sir Geoffrey.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Dalal, Sardar B. A.
 Das, Mr. B.
 Datta, Dr. S. K.
 Fleming, Mr. E. G.
 Fraser, Sir Gordon.
 Ghulam Bari, Khan Bahadur.
 Graham, Mr. L.
 Hudson, Mr. W. F.
 Hyder, Dr. L. K.
 Innes, The Honourable Sir Charles.
 Jinnah, Mr. M. A.
 Kasturbhai Lalbhai, Mr.
 Lindsay, Mr. Darcy.
 Lloyd, Mr. A. H.

Mahmood Schamnad Sahib Bahadur,
 Mr.
 Makan, Mr. M. E.
 Marr, Mr. A.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Moir, Mr. T. E.
 Muddiman, The Honourable Sir
 Alexander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Mutalik, Sardar V. N.
 Pal, Mr. Bipin Chandra.
 Purshotamdas Thakurdas, Sir.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Ramachandra Rao, Diwan Bahadur
 M.
 Rangachariar, Diwan Bahadur T.
 Rau, Mr. P. R.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V.
 Visvanatha.
 Setalvad, Sir Chimanlal.
 Singh, Rai Bahadur S. N.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Venkatapatiraju, Mr. B.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 18th March, 1925.

LEGISLATIVE ASSEMBLY.

Wednesday, 18th March, 1925.

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

QUESTIONS AND ANSWERS.

COMPETITION FOR THE SELECTION OF A PLAN FOR A CONFERENCE HALL FOR THE LEAGUE OF NATIONS AT GENEVA.

†1209. ***Maulvi Muhammad Yakub:** (a) Will Government be pleased to state whether they have received from the office of the League of Nations at Geneva copy or copies of the programme of the competition for the selection of a plan for a Conference Hall forwarded for the architects who are nationals of States members of the League of Nations?

(b) If they have not, will they, when they do receive the copies, place them on the table for the information of the House and also publish them for the public?

(c) Will Government be pleased to state whether the international jury, consisting of architects, that will judge the designs submitted for the competition, includes adequate representation in regard to the interests of architects in India?

COMPETITION FOR THE SELECTION OF A PLAN FOR A CONFERENCE HALL FOR THE LEAGUE OF NATIONS AT GENEVA.

1210. ***Mr. Jamnadas M. Mehta:** (a) Will Government be pleased to state whether they have received from the office of the League of Nations at Geneva copy or copies of the programme of competition for the selection of a plan for a Conference Hall forwarded for the architects who are nationals of the States members of the League of Nations?

(b) If they have not, will they, when they do receive the copies, place them on the table for the information of the House and also publish them for the public?

(c) Will Government be pleased to state whether the international jury, consisting of architects, that will judge the designs submitted for the competition, is adequately representative in regard to the interests of architects in India?

Mr. L. Graham: With your permission, Sir, I propose to reply to questions Nos. 1209 and 1210 together.

Mr. K. Ahmed: On a point of order, Sir. Are not both the questions just the same, word for word, and sentence by sentence? I had already asked the Honourable Member, especially his department, when he was

† For answer to this question see below question No. 1210.

the next officer to the Secretary in that department last year, that, when the same questions are asked by different Members, only one of the questions should be printed on the list of business instead of printing all the questions and all the names of the several Honourable Members who have given notice of the same?

Mr. L. Graham: Sir, I am not aware that the Honourable Member is entitled to say what question should be printed on the list.

With your permission, Sir, I propose to reply to questions Nos. 1209 and 1210 together. The Honourable Members are referred to the reply given by me yesterday to the similar question asked by Mr. B. Das.

Mr. K. Ahmed: Supplementary question, Sir. Do Government propose to consider whether India can send some representatives to the League of Nations for the purpose of representing India to the nationals of the States members of the League of Nations?

Mr. L. Graham: That question, Sir, does not arise.

Mr. K. Ahmed: Do Government carefully try to see that both the questions Nos. 1209 and 1210 ask definitely whether the Government of India would be good enough to send some people to represent India? May I state the last part of both the questions, namely (c), because the wording is identically the same:

“ Will Government be pleased to state whether the international jury, consisting of architects, that will judge the designs submitted for the competition, is adequately representative in regard to the interests of architects in India? ”

I repeat the same question, Sir.

Mr. L. Graham: Sir, with your permission, I will refer the Honourable Member to the answer I gave yesterday to a similar question.

Mr. K. Ahmed: What was the answer?

Mr. L. Graham: The answer I gave yesterday so far as I remember it was that the international jury composed of 6 architects. I am not prepared to say if this figure is correct because I am speaking from memory.

Mr. K. Ahmed: Do Government propose to represent adequately the interests of the architects in India?

Mr. L. Graham: The answer given by me yesterday, Sir, was that the Government were fully satisfied with the constitution of the jury.

Mr. Jamnadas M. Mehta: Would not Government have saved some money if they had not printed my question?

Mr. K. Ahmed: In view of the fact that, especially in the town of Agra there are some old relics of the Moghuls and there are some good designers amongst the descendants of experts in the matter of architects, do Government propose to keep up the dignity of India by sending one representative to the League of Nations?

REMOVAL OF THE LIMIT ON THE POSSESSION OF AMMUNITION FOR 12
BORE GUNS AND 22 BORE RIFLES.

1211. *Haji Wajihuddin: Will the Government of India be pleased to state the names of the Local Governments who have removed from their provinces the "limit" on possession of ammunition for 12 bore guns and 22 bore rifles, in response to the Government of India Resolution No. F.-829, dated 3rd November, 1923, in the Home Department?

The Honourable Sir Alexander Muddiman: Government have no information on the subject.

OPENING OF A BRANCH POST OFFICE NEAR THE DARGAH KHAWJA
NIZAMUDDIN IN DELHI.

1212. *Haji Wajihuddin: Are the Government aware (a) that there was a branch post office some 8 or 10 years ago at the Dargah Khawja Nizamuddin itself,, (b) it was since removed to Arab Serai very adjacent to the said Dargah without causing inconvenience to the general public there, (c) that the post office has now been removed to Youngpura at a distance of about 2 miles from Nizamuddin, (d) that repeated representations were made by the people concerned, to have the branch post office opened independently or transferred from Youngpura to remove the great inconvenience of the people there, (e) if the answers be in affirmative, will the Government be pleased to state what action do the Government propose to remove such inconvenience, (f) will the Government be pleased to state the average income of sale proceeds in stamps and parcel postage, etc., also the numbers of letters, packets and parcels, both registered and unregistered, respectively, posted from Arab Serai post office which was adjacent to the Dargah Nizamuddin during the last 3 years?

Sir Geoffrey Clarke: (a) Yes, for 5 months in 1915.

(b) Yes.

(c) Yes.

(d) No. Only one application has been received.

(e) The question of opening a post office near the Dargah Khawja Nizamuddin in Delhi has already been considered and was dropped as no suitable building was available. If the trustees of the Dargah can assist in finding suitable accommodation for a post office, I shall be glad to reconsider the matter.

(f) The information available shows that on an average only Rs. 5 worth of stamps was sold and 4 parcels were booked at the Arab Serai post office daily.

Mr. K. Ahmed: Is there any post office in India whose income, either by sale of postage stamps or deliveries of letters is much less than that, or as much as it is?

Sir Geoffrey Clarke: There are plenty of rural post offices whose income is less, but in a city we have to see whether a post office is justified in a particular locality. If the Dargah will find a suitable place for a post office, we shall consider it.

Mr. K. Ahmed: Is the Honourable Member aware that both the Hindus and the Muhammadans have great respect for the Khawja Nizamuddin (Awlia) and we Members of the Legislature coming from different parts

of India take part in its ceremonies by going there? I shall be thankful if the Government will be good enough to take some steps there for the purpose of improving communication. Do Government propose to take steps to remove their grievances?"

Sir Geoffrey Clarke: When the city gets a little quieter, I will go down and try and settle the matter.

**CIRCULATION OF FORGED 100 RUPEE CURRENCY NOTES IN CERTAIN
BIG COMMERCIAL CENTRES.**

1213. *Haji Wajihuddin: Is it a fact that a quantity of forged G. C. notes for Rs. 100 each are pouring into certain big commercial centres of India and bearing "water-mark" too, distinction by the public is almost impossible and, if so, what practical action (besides formal notification) have the Government of India taken to safeguard the due public interest and to discourage the evil prevailing. If not, what special precautionary measures do the Government propose to take in the near future?

The Honourable Sir Basil Blackett: The words used in the question give an exaggerated idea of the facts. A few Rs. 100 currency notes of a new forgery have been presented at certain currency offices recently. The forgery is well executed and bears a water-mark which is a reasonable imitation of that on a genuine note. Detection by the public, however, is possible mainly on account of the inferiority of the paper on which the forgery is printed. The police are making every endeavour to trace their origin.

Mr. K. Ahmed: Do Government propose for the benefit of the public to appoint an officer at the Currency Office, Calcutta, to help people at the time of exchanging currency notes as from time to time the Honourable Member's Department has been prosecuting people who are neither thieves nor anything of that sort.

The Honourable Sir Basil Blackett: I do not think that question arises.

Mr. Devaki Prasad Sinha: Do Government propose to publish instructions for the guidance of the public to enable them to detect these notes?

The Honourable Sir Basil Blackett: No, Sir.

Mr. K. Ahmed: In view of the fact that the Honourable Member himself admitted that there were a number of cases, do Government propose for the benefit of the public to appoint a public officer to help the people going to exchange notes at this currency office who are neither thieves nor anything of the kind?

The Honourable Sir Basil Blackett: I am sure the officers of the Currency Department are always glad in the interests of the country to help the people.

Mr. K. Ahmed: Are Government aware that in the Calcutta Currency Office as soon as a numbered note is presented by the people, they take them to the lock-up if the note is found to be spurious according to their belief, although as a matter of fact it is at that time impossible for them to detect whether, it is actually spurious or not, and the people are kept in the lock-up till they are sent up to the court for trial?

The Honourable Sir Basil Blackett: If the Honourable Member will put his question down, I shall be able to remember the first part before he has reached the last.

RULES ISSUED BY THE HIGH COURTS TO GIVE EFFECT TO THE RECOMMENDATIONS OF THE INDIAN BAR COMMITTEE.

Mr. Devaki Prasad Sinha: May I ask a question of which I have given private notice to the Honourable Member?

(a) Will the Government be pleased to state how many High Courts in India have decided to give effect to the recommendations of the Indian Bar Committee? What steps have such High Courts taken in this direction?

(b) Are Government aware that the Patna High Court has so far taken no steps to give effect to the recommendations of the Indian Bar Committee, while the High Courts in Calcutta and Rangoon have already enrolled and are enrolling a large number of Vakils as Advocates?

(c) Will Government consider the advisability of urging the Patna High Court to take steps for enrolling Vakils as Advocates, in accordance with the unanimous recommendations of the Indian Bar Committee?

The Honourable Sir Alexander Muddiman: (a) So far as the Government of India are aware the Calcutta, Madras and Rangoon High Courts have issued rules to give effect to certain recommendations of the Indian Bar Committee. The Madras High Court have issued a rule permitting vakils and attorneys of ten years standing to be enrolled as Advocates without having passed the M. L. Examination, and have some further rules under consideration. Certain rules framed by the Calcutta High Court were published with the Home Department notification No. F. 422/24-Judicial, dated the 5th September 1924, and they have also some further rules under consideration, while the rules framed by the Rangoon High Court were published in the Burma Gazette under the High Court's notifications Nos. 25 and 26 (General), dated the 22nd December 1924.

(b) Yes, but they understand that the Patna High Court is awaiting legislation in this Legislature before taking any action itself.

(c) The suggestion will be considered along with other proposals when the replies of the Local Governments to the reference made by the Government of India to the Local Governments and High Courts are complete.

Mr. Devaki Prasad Sinha: Sir, will Government be pleased to send a reminder to the Local Government of Bihar and Orissa, urging them to expedite answering the letter of the Government of India because the Patna High Court are seeking to prolong the matter?

The Honourable Sir Alexander Muddiman: I think the Bihar and Orissa Government have answered the letter.

Diwan Bahadur T. Rangachariar: May I ask whether the Government are aware that the rules made in the Madras High Court are more likely to evade the recommendations of the Bar Committee than to adopt them?

The Honourable Sir Alexander Muddiman: Sir, I am not aware of that.

Mr. Devaki Prasad Sinha: Will the Honourable Member state if the Bill which he proposes to introduce in this House, or publish in the Gazette after the adjournment of this House, will also include compulsory provisions for enrolment of vakils as advocates of the different High Courts?

Mr. K. Ahmed: I rise to a point of order. Is not that a matter of opinion, Sir, which the Honourable Member is not entitled to ask?

The Honourable Sir Alexander Muddiman: I do not think the Bill will contain provisions for compulsorily enrolling anybody. I think that would be a grave attack on the liberty of the subject.

Mr. Devaki Prasad Sinha: But will that Bill contain rules and regulations for enrolment of vakils of all the High Courts?

The Honourable Sir Alexander Muddiman: I am not prepared to answer that question off hand. I do not carry the exact provisions of the Bill in my mind, but it is mainly to give effect to the proposals of the Indian Bar Committee.

PENSIONS OF MILITARY PENSIONERS RESIDENT IN INDIA.

Colonel J. D. Crawford: With your permission, Sir, I would like to ask the following question of which the Honourable Mr. Burdon has agreed to accept private notice:

Will the Government be pleased to state the reasons governing the grant of concessionary rates of exchange to some persons in the case of certain categories of military pensions paid by the Indian Government?

In view of the undoubted hardships caused to military pensioners resident in India owing to the payment of pensions in sterling and which are therefore subject to material fluctuations owing to exchange, are the Government prepared to consider the grant of similar concessions to all military pensioners paid by the Indian Government who supply the necessary certificate of residence in India?

Will the Government of India be pleased to state what action, if any, it has taken to press on the War Office the necessity of similar exchange concessions to Chelsea and other military pensioners resident in India when men are paid by the Imperial Government, and if so, what has been the result?

Will the military authorities in India be pleased to bring to the further notice of the Imperial Government the hard case of this deserving body of Government pensioners?

Mr. E. Burdon: The attention of the Honourable Member is invited to the rules published with Resolution No. 167-C. S. R., dated the 1st February 1921, from which it will be seen that a privilege rate of exchange was adopted only for the purpose of preserving the existing rights of present incumbents. This was in accordance with common and equitable practice in matters of this kind.

For all future entrants it was laid down that sterling pensions, if drawn in India, must be converted at the current rate of exchange.

The Government of India do not propose to extend the concession. The reason is apparent from the answer to the first part of the question.

The Army Council's attention was drawn to the concessions which the Government of India had given their pensioners, namely, that persons on pensions and in service on the 1st February 1921 with certain existing privileges were not deprived of those privileges and the Army Council were asked if they were prepared to act in a similar manner as regards the Chelsea pensioners. The Army Council did not accept the suggestion.

The Government of India have received many petitions from Chelsea pensioners alleging hardship and they have referred to the matter more than once, but they are not in a position to criticise decisions given by the Secretary of State for War in a matter concerning His Majesty's Government.

Colonel J. D. Crawford: Am I to understand from the Honourable Member's answer that Chelsea pensioners in receipt of pensions on the 1st February 1921 would have received payment of their pension at the special rate of exchange of 1s. 4d., if the Government of India had been responsible for the payment of their pensions?

Mr. E. Burdon: That would have been consistent, Sir, with the action which the Government of India took in regard to their own pensioners.

Colonel J. D. Crawford: Is there any possibility of the Government of India considering the granting of a fixed rupee rate of pension for pensioners who eventually decide to retire in India?

Mr. E. Burdon: We do not propose to consider that, Sir.

Diwan Bahadur T. Rangachariar: May I ask whether these conversions would not entail additional or new expenditure which would have to go before the Standing Finance Committee under the rules pertaining to it?

The Honourable Sir Basil Blackett: As a military charge I do not think it would do so. It would certainly involve additional expenditure.

Diwan Bahadur T. Rangachariar: If my recollection serves me right, all items of new or additional expenditure, even on the military side, used to be brought before the Finance Committee. I do not know if that practice has ceased to be followed.

The Honourable Sir Basil Blackett: I do not think that is the case with regard to military expenditure, but I am not quite sure that this is not a civil charge.

Diwan Bahadur T. Rangachariar: Will the Honourable the Finance Member take note of it and see that if the rules require them to be placed before the Finance Committee these items are so placed?

The Honourable Sir Basil Blackett: There is no proposal I understand to incur any additional expenditure.

Mr. E. Burdon: The Resolution is one of 1921.

DISLOCATION OF THE SALT TRADE OWING TO THE REDUCTION OF THE SALT DUTY.

Mr. W. S. J. Willson: Sir, may I ask a question of which I have given the Honourable Member private notice? The question is in two parts.

(a) Having regard to the voting in the House yesterday that the salt duty be reduced to Re. 1 per maund, are Government aware that the immediate effect of this will be to deter salt merchants from paying in any duty into the Custom House at all, and will therefore keep the Customs staff at the *golas* idle and hold up the wholesale distribution of salt until the matter is finally decided, when there will be thorough dislocation of the trade in the rush to make up arrears?

(b) Will Government be pleased to state whether they will be prepared to accept payments of salt duty now at the rate of Rs. 1-4 with the promise of refunding the extra 4 annas should the Government finally decide to give effect to the vote of the House?

Mr. K. Ahmed: And I add, Sir, for an explanation of what had happened in 1923 when the salt duty was increased to Rs. 2-8 from Rs. 1-4.

Mr. A. H. Lloyd: (a) The Government of India understand that the position now existing with regard to the salt duty will probably cause inconvenience to those engaged in the trade.

(b) The Government of India do not contemplate any departure from the terms of section 37 of the Sea Customs Act under which the rate of duty applicable to salt cleared direct will be the rate in force on the day when the bill of entry is delivered but the rate of duty applicable to salt warehoused under the Act will be the rate in force on the date of the actual removal of the salt from the warehouse.

Mr. K. Ahmed: Did a similar thing happen in March 1923 when the salt tax was doubled from Rs. 1-4 to Rs. 2-8?

Mr. A. H. Lloyd: A somewhat similar position did arise and will always arise when duties are altered.

Mr. W. S. J. Willson: I would like to put a supplementary question. I think the Honourable Member has not quite clearly understood the import of my question. The salt duty having been reduced to Re. 1 by the vote of this House the trade will expect to pay Re. 1 but the Government will not accept less than Rs. 1-4. The Honourable Member who spoke well knows that after the payment of duty into the Customs House it frequently takes from ten to fourteen days to get delivery of the salt; and my point is that if the trade cannot be expected to pay duty until the 1st April, no business at all can be done for the next fortnight.

The Honourable Sir Basil Blackett: The position is not really quite the same as in 1923, because the Bill in 1923 proposed to raise the duty as from the date of the introduction of the Finance Bill. In this case the Bill as it stood said with effect from the 1st April 1925 the duty shall be Rs. 1-4 and the vote of the House did not alter the rate of duty between now and the end of this month. The Government have no intention of taking any steps in regard to the matter.

Mr. K. Ahmed: Do Government propose to send this Bill back from the Council of State for further consideration of this House?

The Honourable Sir Basil Blackett: I would refer the Honourable Member to the famous answer given by the Earl of Oxford and Asquith "Wait and See!"

Mr. W. S. J. Willson: Do I clearly understand the Honourable the Finance Member to say that he accepts the position that the salt trade must be tied up for the next fortnight?

The Honourable Sir Basil Blackett: I do not lay stress on the fortnight but I accept the position.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Alexander Muddiman: I lay on the table two statements giving the information, which was promised by me in reply to a question asked by Babu Runglal Jajodia on the 27th February 1925, regarding certain Committees and so far as is known at present, the cost of each such committee, which supplement the statements reproduced at pages 2132 to 2134 of Volume IV of the Legislative Assembly Debates.

Statement showing the cost of certain Committees.

Serial No.	Name of Committee.	By whom appointed.	Cost.		REMARKS.
			Rs.	A.	
1	The Reforms Inquiry Committee.	Government of India at the instance of the Indian Legislature.	46,000	0	Actual.
2	Carriage and Wagon Standards Committee.	Government of India	...		Cost not available. Committee still sitting.
3	Track Committee . . .	Ditto . . .	...		Ditto.
4	Locomotive Standards Committee.	Ditto . . .	44,824	0	Actual.
5	Colonies Committee . . .	Ditto . . .	37,770	4	Actual.
6	Committee appointed to inquire into the question of giving financial assistance to the Lady Hardinge Medical College, Delhi.	Ditto . . .	3,000	0	Estimated.
7	The Auxiliary and Territorial Forces Committee.	Government of India at the instance of the Indian Legislature.	17,500	0	Estimated.
8	Indian Taxation Inquiry Committee.	Government of India . . .	1,08,000	0	Approximate.
9	Indian Economic Inquiry Committee.	Ditto . . .	Nil.		...
10	External Capital Committee.	Ditto . . .	...		Cost not yet known.
11	Coal Committee . . .	Ditto . . .	66,100	0	Estimated.
12	Tariff Board	Government of India at the instance of the Indian Legislature.	1,96,885	0	Estimated Supplementary cost.
13	Indian Mercantile Marine Committee.	Ditto . . .	28,400	0	Ditto.
14	Post and Telegraph Committee.	Government of India . . .	30,000	0	Approximately.
15	Indian Fiscal Commission.	Government of India at the instance of the Indian Legislature.	3,47,803	0	Actual.

NOTE.—Except Nos. 12 and 13, which were appointed in 1923, and No. 15, which was appointed in 1921, all of the others were appointed after March 1924.

Statement showing the cost of certain Standing Committees and Select or Joint Committees.

Serial No.	Name of Committee.	Cost of sitting of Committee.	REMARKS.
		Rs.	
1	The Public Accounts Committee . . .	1,900	Approximate.
2	The Standing Finance Committee . . .	1,280	Do
3	Sub-Committee on the separation of Railway from Central Budget.	80	Do.

THE INDIAN FINANCE BILL.—*contd.*

Mr. President: The Assembly will now resume consideration of the Finance Bill. The question is that Schedule II stand part of the Bill.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I rise to move my amendment which stands as No. 92 on the paper, namely:

“That in Schedule II to the Bill, in the entry under the head ‘Book, Patterns and Sample Packets’ for the words ‘five tolas’ the words ‘ten tolas’ be substituted.”

I may say, Sir, at the outset that the effect of my amendment is to halve the present charge which is 4 annas for every 40 tolas of books, patterns and sample packets sent by post. I am sure that before the House vote on this they would like me to put before them my reasons justifying this change, in view of the fact that I opposed the reduction of stamps and post-cards yesterday. I also expect the House would like me to tell them how I think the necessary funds could be found. I, Sir, will try to put my grounds in these two directions before the House as briefly as I can. Before I begin that, Sir, I would like to remind the Director General of Post Offices who in yesterday's debate asked the House to remember what it meant for the Indian Post Office to carry for half anna and one anna post-cards and letters from one corner of India in the extreme south to the utmost north. I admire the working of the Post Office and I am a great believer in disturbing the working of the Post Office as little as possible on the score even of economy. But I would like to remind the Director General that what he is doing here in India for the customers of the Post Office is being done all the world over, and if he will only recollect that for a penny you get a post-card sent you and delivered at your doors across the seas extending over 6,000 miles, then the achievement of the Indian Post Office is nothing very superior. The fact, Sir, is that the Post Office is one of the boons of civilisation and of agreement between the various nations; if we are sharing that boon it is only in accordance with what is happening in all civilised parts of the world. I would like the Post Office to be retained in the present standard of efficiency, and I am sure that even the Member in charge of that Department will not mind any additional improvements or facilities which may be suggested in that direction.

Sir, on the Demand for Grants, the Honourable Sir Bhupendra Nath Mitra said that I was confusing commercialisation of accounts in the Posts and Telegraphs Department with the question of policy. I did not reply to him then, because I knew that I would get an opportunity of replying to that charge of his to-day. I can assure my Honourable friend that I did not confuse the two; but I submit that it is the Government which confuse the two. Basing their action for commercialisation of the accounts of the Department, I submit that what the Posts and Telegraphs Department have done is that under the protection of the recommendation of the Incheape Committee in connection with accounts they are following a commercial policy in the Postal Department; they debit 66 lakhs for interest on capital expenditure

Mr. President: I am afraid I cannot allow a discussion on the commercialisation of Post Office accounts now.

Sir Purshotamdas Thakurdas: I do not propose to discuss it at all in discussing this amendment; I only mentioned it because I had to make out that the Department can stand this reduction. I propose merely to refer to it and not to discuss it, Sir. As I was saying, they debit Rs. 66 lakhs outright for expenditure as interest on capital expenditure incurred in the two Departments. Now, I asked Sir Bhupendra Nath Mitra last time to tell me whether the capital expenditure in the Posts and Telegraphs Department when it was incurred, was not incurred out of the revenues of each year; and if it was debited to the revenues of each year, I submit that it is not necessary—I go further and say it is not fair to expect the postal and telegraph customer to pay it over again each year in the shape of interest. I feel, Sir, that this sort of policy which is being followed may be well said to be a commercial policy, and I submit there is little justification for it—in fact there is hardly any. But I go further and say that, even supposing that they have decided to follow this commercial policy in regard to the Post and Telegraph Department, they are not consistent. For we have this fact; the Assembly have approved that at least one department of the Government of India should be managed on commercial lines, namely, that it should undertake such enterprises as will be self-supporting. That department, Sir, is the Railway Department; and the Railway Department consistently follow that policy. They do not undertake—whether I agree with that policy or not is a different matter, I am only putting the facts before the House now—the Railway Department have since the last two years not undertaken any new railway construction unless a new scheme promises a return of 5 or 5½ per cent. That, I say, is consistent. The Postal Department on the other hand, while they look at the policy of the department on a commercial basis, do not even exercise this very necessary caution. I will give only one instance to the House which I feel that the Postal Department are not consistent. Sir, the Postal Department are putting up a big telegraph office at Raisina. We were told in the Finance Committee that that is in substitution of the Central Telegraph Office which at present is located at Agra. When that subject was discussed in the Finance Committee I inquired whether the Postal Department had satisfied themselves and were prepared to satisfy the Finance Committee that this change of the Central Telegraph Office from Agra to Delhi would either be self-supporting and meet its own charges or whether it would be remunerative to the extent of five per cent. which is the rate of interest which I am sure the Finance Department would expect the

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Postal Department to reimburse the general revenues. The reply we were given was that no such figures were gone into and the scheme was undertaken and was being pushed on because it was recommended by the Finance Committee of a previous year. But, Sir, since that Finance Committee of the Assembly recommended it—and I am prepared to stand by that recommendation so far as it goes—the Postal Department have changed their policy; they propose now to keep their accounts on a commercial basis and they have also adopted a commercial policy for the Postal Department. I therefore feel that the Department must take up one of two lines of action as far as their policy is concerned, either a totally commercial policy or a policy—which I think is the right one—of keeping their accounts on a commercial basis and having the policy—which would be the only justifiable policy—regarding this nation-building department, namely, the policy of meeting the wants of the people and giving them such facilities as the finances of the treasury each year will justify. I base this amendment of mine on the latter policy, namely, that the Postal Department need not follow an out and out commercial policy, but if they do that they should follow it out consistently. The correct policy for the Postal Department would be to give facilities to the people in directions where facilities are most urgently needed.

I have therefore one point to make only, namely, that the amendment that I propose before the House is one which is very necessary and requires to be considered this time. The amendment affects books, patterns and sample packets by post. The charge works out, as it is put in the Schedule to the Bill, to four annas for forty tolas. Now, Sir, the present rate of four annas for forty tolas is too high. Under this rate, a packet of forty tolas requires four annas, whether it has to travel from one part of Calcutta to the other, whether it has to travel from one part of Bombay to the other—say from Kalvadevi to the Fort,—or from Bombay to Japan, Africa or America. You pay four annas for forty tolas if you have to send a packet from India to any other country like the United Kingdom, America, Japan or Africa and they charge the same rate for inland postage. Now, every other rate of inland postage within India is roughly half of what the corresponding rate is for foreign postage. Only under this particular heading the rate is the same as for foreign postage. Foreign postage rates are based besides other considerations on the question of terminals at both ends. No such terminals have to be met out of or in connection with inland traffic and I therefore feel that on that basis alone that rate is too high.

I do not propose to go into the reasons as to what led the Government to fix the rate so high at the start, but the rate is so high now, that if it is reduced to a reasonable figure, namely, in keeping with the basis of your rates for post-cards, newspapers and letters, etc., the return on the reduced rates would be made up by the greater turnover that you will have. I, Sir, very strongly feel that this inconsistency in our postal guide should be set right by this House. I feel further that no reasons have been shown why for these book-post packets you should charge the same rate even in India as you charge for those that go out of India five or ten thousand miles away. I think, Sir, that what I have stated will suffice to impress the House as to why it is necessary to amend this part of the Schedule in preference to the others, for which also I admit there are sound reasons, but I am afraid we have no funds to justify us at present in pressing.

Now, Sir, the question of funds comes in. I wish to anticipate that, in view of what I said yesterday, it is not justifiable for me to press for any amendment which would bring in smaller receipts. I quite understand, Sir, that if the amendment is carried, it would mean a smaller revenue to the department to the extent of 10 or 12 lakhs of rupees. (*Mr. Devaki Prasad Sinha*: "Hear, hear") I find the Honourable Member over there is somewhat impatient. Now I wish to suggest that, as in the case of petrol the Finance Department and the Government of India take the view that with a smaller import duty the quantity of petrol to be imported into this country may well be expected to increase very materially, so in this case also the same view should be taken. I further feel, Sir, that if the Honourable Member over there has the figures with him, he might tell us what are the respective numbers respectively of the three varieties of book, pattern and sample packets in a year. I do not think the Department can give us that information, perhaps they cannot. But my fairly reliable information is that the bulk of this traffic consists of book packets and that samples and patterns are comparatively small in number. I know, Sir, the anxiety of a few Members in this House to connect everything that one may say in this House with his own interest. The Honourable Member who thought fit to interrupt me a few minutes back might come to the conclusion that because I as a merchant have to send out sample patterns therefore I am making the present proposal. Nothing of the sort, Sir. I suggest to the House that even if they wish to make a distinction there, they may easily move an amendment, namely, that on patterns and sample packets the rate may be kept the same as it is to-day. But I plead here to-day for book-post packets on which, I submit, the rate should be reduced without any question. Book-post packets, Sir, I understand, are very necessary for the dissemination of as much printed material as possible through the post in India

Mr. Devaki Prasad Sinha: And for propaganda purposes.

Sir Purshotamdas Thakurdas: I leave the propaganda to my Honourable friend who seems to be so anxious to do it. It will greatly benefit him.

Sir, I feel very strongly that all possible facilities should be afforded to the public for sending books and other printed material from one part of India to another as cheaply as possible. I am not asking for any extraordinarily low rate. I am asking for a rate which is in keeping with the charges for inland and foreign articles and letters. Again, I say, that if the House wish it so they may exclude patterns and sample packets; I do not think the Postal Department will have any difficulty in saying that the book-post should carry the lower rate which I recommend in my amendment and packets and sample patterns may carry the higher rate. I personally feel, Sir, that the question of sacrifice of revenue would be very very small indeed. In fact, it would give so much encouragement to book-post packets being carried by the post that the return may be the same as the Postal Department anticipate on the existing higher basis. I therefore strongly recommend the reduced rate on book, patterns and sample packets. Sir, I move my amendment.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Sir, I am very glad that my Honourable friend Sir Purshotamdas Thakurdas has come out like a real capitalist. (*Mr. K. Ahmed*: "In true colours".) We have, Sir, in the course of our discussions during the

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last few days heard different interpretations of the word "commercialisation", but it was not until this morning that we came to know that a certain section of public opinion in this country understands by the word "commercialisation" that it is merely a device to benefit trade and commerce. This amendment, if carried, will involve, a very very small reduction in the revenue to the extent of 15 or 20 lakhs—that is what the Honourable Mover said. Well, Sir, the smallness of an amount is always a relative term, and I can quite understand my Honourable friend Sir Purshotamdas Thakurdas regarding 15 or 20 lakhs as a small amount.

Sir Purshotamdas Thakurdas: Will the Honourable Member bear in mind the fact that if my amendment is carried it would mean a smaller revenue to the Department to the extent of only 10 or 12 lakhs and not 15 or 20 lakhs. What is the good of making such misleading statements before the House?

Mr. R. K. Shanmukham Chetty: What does he understand about commercialisation?

Mr. Devaki Prasad Sinha: I do not know whether my friend Mr. Chetty or my friend Sir Purshotamdas Thakurdas is a chartered inter-rupter in this House.

Sir Purshotamdas Thakurdas: That monopoly is given to the Honourable Member himself, Sir, and nobody wishes to disturb him.

Mr. Devaki Prasad Sinha: But the point we have to bear in mind in discussing this question is this: how far it is necessary in the interests of the tax-payers to reduce the amount that is fixed in the Finance Bill. Well, Sir, who are the people that are going to be benefited by the amendment of my friend Sir Purshotamdas Thakurdas? In the first place, it is men who are under the necessity of sending out large circulars and patterns, and secondly, that class of men who have in the course of the last few months been sending propaganda literature . . .

Mr. R. K. Shanmukham Chetty: You can send your Red leaflets also.

Mr. Devaki Prasad Sinha: I wish, Sir, that for the purpose of our propaganda we had at least one-hundredth part of the resources of those who are carrying on propaganda for their own purposes.

Pandit Shamlal Nehru: What do you mean by "our propaganda"?

Mr. Devaki Prasad Sinha: But, Sir, when we are asked to accept an amendment of this kind, we are entitled to ask, what benefit does it bring to the community as a whole? The only result which this amendment will produce will be to take away 15 or 20 lakhs of rupees from the revenues of the Post Office and put that amount straightaway into the pockets of big merchants and magnates of Bombay and other places. It is for the House to decide how far they deserve the charity of this House. I know, Sir, that in this session as well as in the previous sessions they have come forward with begging bowls representing themselves as the poorest people on the face of the earth and pleading that they deserve the sympathy of this House more than any other section. Sir, we have been mystified by arguments like this for a pretty long time. We have been led

(*An Honourable Member*: "misled.") misled—I am very glad my Honourable friend has corrected me—we have been misled into actions which cannot be justified either on moral or financial principles. (*An Honourable Member*: "Who misled you?") I hope, Sir, that on this amendment we shall adopt a strong attitude and we shall show to those who are anxious to bring about the commercialisation of this Department in a way that would help them in their own commercial propaganda, we shall show to them that this House is no longer in a mood to be fooled by them. (Hear, hear.) I very strongly oppose this amendment of my Honourable friend Sir Purshotamdas Thakurdas, and I hope, Sir, that, when this House is considering the amendment proposed by my Honourable friend, it will bear in mind the arguments that were used by my Honourable friend Sir Purshotamdas Thakurdas yesterday when he came forward as an eloquent champion of raising the tax on salt.

Sir Purshotamdas Thakurdas: Raising? Let the Honourable Member be more truthful, at least.

Mr. Devaki Prasad Sinha: I should say, not reducing the tax on salt.

Sir Purshotamdas Thakurdas: That is much better. Learn to be accurate at any rate.

Mr. Devaki Prasad Sinha: Sir, when relief for the poor people in this country is being discussed, then my Honourable friend Sir Purshotamdas Thakurdas is obsessed with his ideas of responsibility, but when the men of his community are in need of relief, then all ideas of responsibility are brushed aside. Only a few days ago he was accusing Sir Basil Blackett of concealing several crores of rupees in his sleeve, and yet yesterday he came forward as the self-constituted champion of the Finance Department.

Sir Purshotamdas Thakurdas: I leave that to the Honourable Member who is addressing the House.

Mr. Devaki Prasad Sinha: I need not do that. To-day he comes forward with a propaganda amendment which will reduce the finances of the Postal Department by several lakhs of rupees. I submit that that amount should be utilised for the purpose of improving the conditions of the workers in the Post Office and should not in any way be utilised for the purpose of helping a cause which I should like to describe by the only word that seems appropriate, namely, an "immoral" cause.

Pandit Nilakantha Das: May I ask my friend to explain, Sir? How if this amendment makes book packets cheap, will it alone benefit the commercial classes? Will the Honourable Member give me some idea of the division of the money which comes from it—how much belongs to book packets and how much to patterns and sample packets?

Mr. Devaki Prasad Sinha: If my Honourable friend analyses the figures published in the last report of the Director General of Post and Telegraphs, he will find that the bulk of the articles under this head are those that are used by members of the commercial community. It is only very few leaflets that are used by the rank and file of the people of this country. It is only the business men who require a large number of catalogues and sample patterns to be sent for the purpose of their own canvassing and also who distribute a large number of propaganda leaflets for capturing

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the votes of Members of the Legislative Assembly or the Legislative Council and use these methods of disseminating information. I believe, Sir, that this amendment is not going to benefit anybody except those who are interested in sending sample packets, catalogues and propaganda leaflets, etc. It is only another step in the advancement of their propaganda for the purpose of corrupting public opinion and of trying to gain the support of Members in the name of patriotism to such measures as affect directly their own purse and their own interest. I very strongly oppose this amendment and I hope, Sir, that this House will unhesitatingly throw out this amendment for the self-same reasons which my Honourable friend Sir Purshotamdas Thakurdas advanced yesterday when he was dealing with the amendment for the reduction of the salt duty.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir . . .

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): May I, Sir, congratulate my friend Mr. Kabeerud-Din Ahmed on having emerged voluntarily out of his long and enforced silence throughout the session.

Mr. K. Ahmed: Sir, whenever I am on my way to this Assembly, I always make up my mind not to inflict a speech in this Assembly and tire the Honourable Members. But, Sir, to-day, when I was listening to the speech on the amendment of my Honourable friend from Bombay, some enthusiastic idea has stirred my heart, and I feel compelled, Sir, to inflict, which I never do, an uncompromising speech—a speech that will not cheer particularly the handful of people coming from the Bombay side. Sir, I am surprised. I know there are “seven wonders” in the world. (Laughter.) But this—is this not probably the ‘eighth’ wonder that I find in this Assembly; the Honourable Member has come out in his true colours. Yesterday, Sir, when my Honourable friend from Bombay was walking in the lobby with the Government, when the voting on the quarter-anna post-card took place, I thought I would vote against the Government. After my Honourable friend went slowly and sadly yesterday towards the lobby of the Government and voted there against the quarter-anna post-card, what principle is there in his moving to-day an amendment for the reduction of these big packets of patterns circulated by the profiteers in this country in order to make an addition to their wealth? What sense is there in voting yesterday against the quarter-anna post-card and again bringing up an amendment himself to-day contrary to that principle? Because it helps only those handful of merchants, profiteers, and money-grabbers; people do not like them. In the interests, Sir, of the millowners, of a handful of wealthy people, what sense is there in going into the lobby against the interest of the country, against the interest of the poor people, against the interest of the people who expect the Honourable Member to give them his sympathy and support in every matter? And now, Sir, in order to circulate its own propaganda—we have heard from the other side from my Honourable friend from Bihar and Orissa that the book, Sir, is very nicely bound up for advertisement and got up ornamentally to attract public attention and to extort money from the sons of poor people as for instance school and college students probably. Their people cannot get a morsel or a full meal per day, and by that sort of thing possibly! Does it look nice? Sir, I am not going to bother the House. Of course, I have got to say much. (*Pandit Shamlal*

Nehru: "Say it.") But, if the Honourable Member will kindly withdraw the amendment, because we have got more important subjects, I suppose I shall congratulate him from the bottom of my heart. And if he does not, he knows what the voting will be on this amendment—probably there will be again things which will divide the House—again, Sir, probably he will find disappointment when the counting takes place.

Well, Sir, instead of incurring the displeasure of the other Members who are very anxious to speak I see them jumping up from their seats—I will resume my seat.

The Honourable Sir Bhupendra Nath Mitra (Industries Member): Sir,

¹² Noon. I do not wish to detain the House for any length of time over this matter. My friend Sir Purshotamdas, I am afraid, has not clearly understood the policy of Government in this matter of the Post and Telegraph Department though I have explained it fully on two previous occasions. I must therefore repeat what this policy is. Government desires that the Post and Telegraph undertakings must pay their way. This does not mean that each individual item must necessarily be a paying item, but the Post and Telegraph Department taken as a whole should not be carrying the letters and mails and sending the telegrams of the people of India at the expense of the general tax-payer. The Post and Telegraph Department in that respect differs undoubtedly from the Railways. One of the reasons for the difference is that postal rates are average all-India rates, while railway rates are graduated rates. If before we decided to open a post office in a distant village in India, we wanted to assure ourselves that that particular post office would pay its way, obviously we could not open that post office unless we introduced a system of graduated rates which would depend on the distance the letter or the parcel had to travel, and on other circumstances.

The next point which my friend urged was that the Department incurs a certain amount of unprofitable expenditure which is incompatible with the idea of commercialisation. He referred to the telegraph office at Raisina. My friend forgets that the finances of the Post and Telegraph Department have not been separated from general finances in the same way as those of Railways have been separated. In view of that separation, Railways have to pay to the general tax-payer a certain amount of contribution. The Postal Department pays no such contribution yet. Nor does it pay the State any royalty. Therefore, so long at least as that state of things lasts, the Post and Telegraph Department has to incur a certain amount of expenditure, which may be unprofitable to it, in the interests of the administration as a whole.

I turn now to the commercialisation of the accounts. As I said the other day, the idea of commercialisation of accounts was not responsible for the policy. It follows on the policy. If it is the policy of Government that the Postal and Telegraph Department as a whole should pay its way, it follows that the accounts should be so maintained as to indicate whether the Postal and Telegraph Department as a whole is paying its way or not. In this connection, Sir Purshotamdas referred to the charge of interest which will be made to the Postal and Telegraph Department on its capital assets on 1st April 1925—I shall not call it capital expenditure, because I have explained on two previous occasions, that following a recommendation of the Incheape Committee, interest will be charged on the

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depreciated value of capital. Now, Sir,-if the general tax-payer in a past year contributed something out of general revenues for capital expenditure of the Postal and Telegraph Department, and by doing so deprived himself of additional facilities for education and sanitation, is it not fair, and only fair, that the general tax-payer should ask the Department for return of interest on that capital so that he can recoup himself and make up the leeway which he has got to make up in regard to the development of education and sanitation?

Mr. K. Rama Aiyangar: Not on capital contributed by postal revenues.

The Honourable Sir Bhupendra Nath Mitra: Sir Purshotamdas also referred to the fact that the foreign rate for book packets is the same as the inland rate. That is undoubtedly the present position, but if I may say so, it is an accident. I have got before me statistics showing what the English rates have been in the past. I find that in 1921, the English rate was double the present rate. I mentioned to the House a few days ago that in England they had made vigorous efforts to balance the accounts of the Post Office and the Telegraph Department as a whole, i.e., they wiped out by a large increase in postal rates, much larger than has taken place in India, a deficit much larger than in India, in the section of the accounts which related to Telegraphs. Having done so, and having reached equilibrium, they then managed to secure a certain amount of surplus; and when they had reached that stage, they began to reduce some of these minor rates. As part of these reductions, in 1923, they brought down their rate for printed papers to the present level. In fact, as I have already said, the rates adopted in the Postal Department are average rates and they are largely dependent on the state of the finances of the Department as a whole. The effect of the reduction proposed undoubtedly will be, as has been mentioned by several other Members in this House, to take away the funds which are at present available for the development of the nation-building services, and personally I do not see any need for it.

Sir Purshotamdas Thakurdas: Will the Honourable Member name the amount which he expects will be less received by this reduction?

The Honourable Sir Bhupendra Nath Mitra: I do not question his figure of Rs. 10 to Rs. 12 lakhs.

Sir Purshotamdas Thakurdas: That is the reduction you apprehend, or is that the total income at present?

The Honourable Sir Bhupendra Nath Mitra: That is the reduction in revenue.

Sir Purshotamdas Thakurdas: I only wanted the figure.

The Honourable Sir Bhupendra Nath Mitra: That is the reduction in revenue. My friend Sir Purshotamdas said that there would not be this reduction, because the traffic would jump up if we reduced the rates. If we are to judge from the figures which I placed on the table of this House the other day, I am afraid I can not share his optimism. When we doubled the rate in 1921, there was no reduction in traffic. In fact, the traffic has gone on increasing with the exception of the one set-back which it received during the early days of the war. Therefore, I see no reason to share his optimism that if we reduced this rate, the traffic would increase to such a large extent as to make the loss of revenue practically negligible.

An Honourable Member: I move that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. President: The question is:

"That in Schedule II to the Bill in the entry under the head 'Book, Patterns and Sample Packets' for the words 'five tolas' the words 'ten tolas' be substituted."

The motion was negatived.

Schedule II was added to the Bill.

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, I do not know whether the Government agree to my proposal to a partial increase of taxation in one respect so as to decrease taxation in other respects. If the Government oppose this, perhaps I cannot move it. My amendments* Nos. 33, 39 and 42 go together. The object of my amendments is this, that the companies which are not paying any dividends, which are not receiving any profits, should be exempted from taxation with reference to super-tax. I want to place both the registered and unregistered companies on the same level, which means necessarily an increase of taxation on registered companies. I do not want to proceed further if I am told that I cannot move it.

The Honourable Sir Basil Blackett: May I intervene for a moment? As regards amendments Nos. 33 and 39, they are, I think, in order as they do not increase taxation on any one. But amendment No. 42 does increase taxation. The Government have studied this proposal, and while they see that the Honourable Member has quite rightly proposed to give back to revenue in one form part at any rate of what he proposes to take away in another, I am afraid the result would not show that they balance, and the amendment is not one which we can accept. No. 42 would, I think, be out of order. But Nos. 33 and 39 I think do not by themselves increase taxation on any one, and if the Honourable Member cares to move them Mr. Lloyd would be glad to explain Government's position.

Mr. President: So far as amendments Nos. 33 and 39 are concerned, they are in order; but, in so far as amendment No. 42 is a proposal which entails a liability to a graduated scale, it must increase the burden on the subject. If the Honourable Member thinks that Nos. 33, 39 and 42 necessarily hang together as part of a single scheme, he may not move them, but so far as the question of order is concerned, he is entitled to move Nos. 33 and 39.

*No. 33. In Schedule III to the Bill in Part IA for the words 'In the case of every individual Hindu undivided family, unregistered firm and other association of individuals not being a registered firm or company' the words 'In the case of every individual Hindu undivided family, every company or firm registered or unregistered and every other association of individuals' be substituted.

No. 39. In Schedule III to the Bill Part IB be omitted.

No. 42. In Schedule III to the Bill in Part II—

- (i) entry No. (1) be omitted;
- (ii) in clause (b) after the words 'every individual' the words 'every company, every firm registered or unregistered and every other association of individuals' be inserted;
- (iii) all the words occurring after the words 'every individual' be deleted;
- (iv) the following clause be added:

'no company or firm or association of individuals should be obliged to pay super-tax unless the dividends earned or divided exceed ten per cent. of their capital subscribed'.

Mr. B. Venkatapatiraju: As I am not permitted to move an increase of taxation in some respects regarding companies with a view to securing a reduction of taxation on companies which are not receiving any profits I do not propose to move them.

Mr. A. H. Lloyd (Member: Central Board of Revenue): I am afraid we cannot accept amendment No. 42, because the proviso which is added would still leave it possible that the Honourable Member's proposal for a graduated scale of super-tax would result in an increase of taxation on those who are making profits. As this is a point of order I must refrain from discussing certain objections in practice which we should be called upon to explain to the Honourable Member if he were to propose a Bill on the subject.

Mr. President: What about Sardar Gulab Singh's amendment?

Mr. A. H. Lloyd: That only relates to income-tax and not super-tax and it is, therefore, in my opinion quite in order. It does nothing to increase taxation.

Sardar Gulab Singh (West Punjab: Sikh): I rise to move my amendments Nos. 34 and 38, and I take them for discussion together as they are closely connected. The amendments are important enough as they affect the country in points of industry, economy and commerce. These big rates stand in the way of the formation of new small companies which is extremely important for the country in respect of the growth of cottage industries. I would ask Honourable Members to refer to Schedule III, Part IA. My amendment is:

"That in Schedule III to the Bill, in Part IA after the word 'unregistered' the words 'and registered' be inserted; and for the word 'firm' the word 'firms' be substituted."

Pandit Shamlal Nehru: May I know what cottage industry has to do with joint stock companies?

Sardar Gulab Singh: And

"That in Schedule III to the Bill Part IB be omitted."

Sir, according to sub-section B of Part I of Schedule III every company and registered firm, whatever its annual income and whatever its capital may be, will have to pay income-tax at the rate of one anna and six pies in the rupee, whereas if the same firm or company works as an unregistered firm or company it will be called upon to pay an income-tax at that rate if its annual income is Rs. 40,000 and upwards. The result is that it is a distinct discouragement of registered firms or companies and an encouragement of unregistered firms. So innocent people are duped to join unregistered firms with the purpose of getting more profits by evading income-tax and are ultimately financially ruined. There are hundreds and thousands of instances where men joining in unregistered firms or companies have been made bankrupts by designing persons and frauds. Registration of firms or companies is a sufficient guarantee of their *bona fides*. Capitalists invest money in any business concerns for making profits and in order to do it Government give them the loophole of

not registering whereby they can avoid payment of large sums. Take a concrete example. A firm or company is unregistered and its income is Rs. 20,000, and as such it is expected to pay nearly Rs. 937 whereas by its being registered it will be called upon to pay the double

Mr. A. H. Lloyd: May I ask if the Honourable Member is referring to companies or firms? We do not register companies. The distinction is between unregistered and registered firms.

Sardar Gulab Singh: Between companies and registered firms as it is given in the Schedule. Take another example. An unregistered firm's income is Rs. 2,000 and as such it is not paying any income-tax, whereas the same firm as soon as it is registered with the same income will be asked to pay nearly Rs. 200 as income-tax. Secondly, it operates against the growth of companies, banks and stores. Such registered firms are started with small capital and their income is very limited, but as a result of this sub-section they are subjected to a high rate of income-tax at the rate of one anna and six pies per rupee. Further, it operates against the growth of industrial development of the country. In these days the country requires the development of its resources by its indigenous capital, but Indian companies cannot be formed with big capital as in foreign countries. Naturally firms or companies with small capital cannot compete with firms or companies having large capital and large incomes. At the same time these small Indian companies are hampered by this big rate of income-tax. Lastly, I beg to add that by discouraging the registration of firms and of the formation of companies Government are losing much. In registering firms have, of course, to pay stamp duties and other fees which they avoid paying by not registering themselves. With these remarks, Sir, I move my amendments.

Mr. President: Motion moved:

"That in Schedule III to the Bill in Part IA after the word 'unregistered' the words 'and registered' be inserted; and for the word 'firm' the word 'firms' be substituted."

Sir Gordon Fraser (Madras: European): Sir, I am afraid the acceptance of this motion by the House would be a mistake. I did not quite follow the Honourable Member in his arguments, but it seemed to me that he totally overlooked section 48 of the Income-tax Act which definitely provides for relief in the cases of individual partners of registered firms. I will not read out the section because it is rather long. But talking of the subject generally it must be remembered that in India there is no Act in force at present for the registration of business names such as we have in England. A Registration of Business Names Act is one which is very desirable in this country in the interests of all concerned, especially the general public. I understand that one of the principal difficulties up to date in connection with the introduction of such an Act is the question of including Hindu undivided families. However, in the absence of a Registration of Business Names Act, I would strongly deprecate any alteration at present in the status of registered and unregistered firms. I would just mention the difference between the two classes of firms. In the case of an unregistered firm the proprietor or proprietors are unknown. There may be one or it may be a partnership of two or three. On the other hand, a registered firm has a partnership deed and that partnership deed is registered with the income-tax authorities. The unregistered firm is assessed to income-tax

[Sir Gordon Fraser.]

as though it were an individual; the profits of the unregistered firm are therefore taxed at the higher rate. The whole of the profits of the firm are taxed, and this means a higher rate of tax than if the profits were divided between various partners. In the case of a registered firm the tax is deducted at the maximum rate of one anna six pies, but each individual partner mentioned in the partnership deed may apply for a refund in cases where his total income does not bring him within the maximum rate of one anna six pies. This is provided for in section 48 to which I have just referred and which I think the Honourable Mover of the amendment overlooked in his argument. To put it briefly, an unregistered firm not having any partnership deed it is assumed that that firm is really a one-man firm. But in the case of a registered firm the partnership deed is put on the table and each partner is treated as an individual and assessed accordingly. If the rate of assessment is in excess of the rate applicable to his total income, then he gets a refund accordingly. This is explained very clearly in clause 9 of the rules. When the Honourable Mover put this amendment down I thought he was claiming better treatment for unregistered firms, but that did not seem to be the course of his argument. In the case of unregistered firms, if they have any grievance their remedy is very simple. It consists simply in drawing up a partnership deed incorporating the names of the partners and their shares of the profits. So if unregistered firms consider they have any grievance at all they can put that right at once. I think under present conditions it would be a great mistake to remove the present discrimination between registered and unregistered firms. In the case of persons trading as an unregistered firm it is quite a voluntary position for them and they can change it at any moment by drawing up a partnership deed. If they do not want to take advantage of this simple and obvious method, it rather looks as though they did not want to disclose their real names; and certainly that is not in the interests of the public generally. In the absence of a Registration of Business Names Act I think this discrimination is really most important. We have in India, or we have down in the south, firms of which we do not know whether they are one-man firms or partnership firms. So we have them trading under different names. Now in Madras we have firms like Curzon and Company, Wenlock and Company, Havelock and Company; and our present Governor, Lord Goschen, was not in Madras above a few months before a firm of Goschen and Company opened its doors. I do not know whether these firms are registered or unregistered. But the fact that any person can trade in this country under any name or designation and under as many names and designations as he likes makes it imperative to keep this present distinction between the two classes of firms in order to induce persons to trade as registered firms or companies registered under the Indian Companies Act. For instance, there is nothing to stop me from trading as Sham Lal, Ahmed and Company, or if I want to cut a dash in finance and commerce I could very easily open a business firm as Blackett, Innes and Company. In view of the fact that the process under the Income-tax Act of changing the status of a firm from an unregistered firm to a registered firm is so very simple I would strongly suggest to the Honourable Mover of the amendment that he should withdraw his motion No. 34. The process of changing from an unregistered firm to a registered firm simply means that you put in a deed of partnership showing the share of the profits which each partner would draw. The process is so obvious and simple.

Then I notice that motion No. 38 is for the omission of Schedule III to the Bill Part IB. This refers to the collection at the source of the income of registered firms and companies at one anna six pies. I do not think there is anything to be gained by this omission. It simply means that instead of a uniform rate being applied in the first instance, the tax collector would have to apply a varying scale according to the profits. But here again section 48 comes in. The motion would simply mean more trouble and difficulty to the income-tax authorities, because they would have to collect the tax at the source at various rates instead of at one all-round rate of one anna six pies, after which the partners of registered firms and small shareholders in companies would apply for refunds to the income-tax authorities for the difference between the rate at which they are really assessable and the varied rates collected at the source. I do not think anything really is gained at all, and it rather confuses the issue and makes it a bit more complicated for the income-tax authorities to work. I would suggest to the Honourable Member that he withdraw both Nos. 34 and 38.

Mr. A. H. Lloyd: Sir, the misapprehension under which the Honourable Sardar was labouring has been very fully explained by Sir Gordon Fraser. That is to say, the Honourable Member appears entirely to have overlooked the provisions of section 48, under which a partner in a registered firm is ultimately assessed at the rate appropriate to his actual income. Sir Gordon Fraser has also fully made it clear that the words "registered firm" in the Indian Income-tax Act have reference only to registration for the purposes of that Act and that such registration is entirely voluntary. I do not propose therefore to repeat the very clear explanation given by Sir Gordon Fraser. But there is another aspect of this proposal which I wish to lay before the House and that is this. Technically I take it that this amendment is quite in order, but it is designed to upset an important part of the framework of the Indian Income-tax Act which was passed after most elaborate and careful scrutiny by the Legislature and by Committees and in consultation with all sorts of public bodies. To introduce through the Finance Bill a change in an important part of the structure of that Act seems to me to be a proceeding which the House must be earnestly urged not to adopt. The Indian Income-tax Act is necessarily somewhat complicated. If you have a complicated machine and are not satisfied with it but if it is running, first build your new machine before you put a stick in the wheels of the one which is going. My point could not be illustrated better than by this amendment which is before the House now. The Mover has asked that the words "and registered" be inserted after the word "unregistered" in Part IA of Schedule III and he has moved that Part IB, which refers to every company and registered firm, be omitted. He has not moved that the word "company" should be inserted in Part IA. What then would be the result of a hasty acceptance of this amendment? Income-tax on companies would be abolished altogether and our only means of recovering income-tax would be through the personal assessment of every individual shareholder. Well, Sir, the adoption of a flat rate method with subsequent refunds in the case of shareholders in companies is so obviously convenient a system to all parties that I do not think the House will ask me to do more than point out the grave defect of this amendment, and I think the House will appreciate from this illustration the importance of abstaining from attempting to amend the Indian Income-tax Act through the Schedule to the Finance Bill.

Mr. President: Amendment moved:

"That in Schedule III to the Bill, in Part IA after the word 'unregistered' the words 'and registered' be inserted; and for the word 'firm' the word 'firms' be substituted."

The question is that that amendment be made.

The motion was negatived.

Dr. K. G. Lohokare (Bombay Central Division: Non-Muhammadan Rural): Sir, I move:

"That in Schedule III to the Bill, in Part IA for entry No. (2) the following be substituted, namely:

(2) When the total income is Rs. 2,000 or upwards, but is less than Rs. 5,000	... Six pies in the rupee—excluding the first thousand of the total income."
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Sir, the amendment that I am moving shows a little rise in the rate but it really means relief to the persons with incomes of a lower level. A little calculation will show that:

for an income of Rs. 2,000 the relief will be Rs. 20,

for an income of Rs. 2,500 the relief will be Rs. 18,

for an income of Rs. 3,000 the relief will be Rs. 15,

for an income of Rs. 3,500 the relief will be Rs. 13,

and subsequently there is very little relief. That means that persons with incomes between Rs. 2,000 and Rs. 3,000 will get a sufficient measure of relief, which, I think, they deserve in these days of increased prices. The poorer middle class men are the persons most affected by the rise in prices. They are the people who have already been paying in the form of indirect taxation in customs and other rates and consequently an additional heavy income-tax particularly tells upon these classes of persons. Moreover, the social customs of India are such that the earning man has to support many more members than what is usually the case in England and other countries. Here you do not find an unmarried man earning between Rs. 2,000 and Rs. 3,000 in almost all the provinces. Here such persons have as well to maintain their relations and if such persons have one or two children to be educated, the cost of the education as well is very difficult for them to bear. The general rise in prices and the larger contributions made by them to customs make income-tax rather heavy upon these men. Secondly, we begin at a large figure of Rs. 50 and consequently even for the income-tax department they must be finding it very difficult to begin to tax. It is as if it were a point of avoidance of taxation and a point of allurements to avoidance of taxation. If that point of Rs. 50 is brought down to Rs. 30 I think the level attained in that way will cover up whatever deficit there might be in the income-tax.

Mr. A. H. Lloyd: Will the Honourable Member kindly explain what he means by the point of Rs. 50?

Dr. K. G. Lohokare: When we begin to charge income-tax, we charge the whole income, Rs. 2,000. We charge it at 5 pies. That is, the total amount the man has to pay once he pays income-tax is Rs. 50 to begin with.

Mr. A. H. Lloyd: Section 17 says that if the income is Rs. 2,001, the tax is Re. 1, if it is Rs. 2,002 the tax is Rs. 2, and so forth. We begin at Re. 1.

Dr. K. G. Lohokare: I should like an explanation in that case if the Honourable Member means that the first 2,000 are free to-day. At least I have been paying income-tax on the total income.

Mr. A. H. Lloyd: I was referring to section 17. If your income is not Rs. 2,000 you pay no tax, if it is Rs. 2,001 you pay Re. 1 and not more, if it is Rs. 2,002, you pay Rs. 2, and if it is Rs. 2,053 you pay Rs. 53. Then you go on to the 5 pies calculation.

Dr. K. G. Lohokare: It is only up to Rs. 2,052 and not above that. That means then that your first point of beginning is yet Rs. 52, even if you begin from 1, 2, 3 and 4. However, that is as well a point which is just an allurements to avoid. Consequently if you bring down that point, I hope you will be able to make up whatever deficit you will find there. Secondly, the principle in income-tax is of a steep curve. You begin here with two big steps and then take a rise. But if you begin at a lower point and then take a sharper curve, I think the income-tax revenue itself will not suffer, while the people will not feel the taxation too. That is a point worth considering in this case, Sir, and the loss to the total revenue you get even at the present rate of calculation would I think be somewhere between 16 and 17 lakhs and not more.

The Honourable Sir Basil Blackett: We estimate it at Rs. 46½ lakhs.

Dr. K. G. Lohokare: Of course I should not challenge the Honourable Member's figures, but I give the figures that I find here. The total income between Rs. 2,000 and Rs. 2,500 is to-day Rs. 2,566 thousands and according to the rate I propose now it would be Rs. 1,710 thousands. Secondly, between Rs. 2,500 and Rs. 3,000 the total collection to-day is Rs. 2,231 thousands, while by the new rate it would be Rs. 1,705. The income from tax levied between Rs. 3,000 and Rs. 3,500 is for the present Rs. 1,953 thousands; it will come down to Rs. 1,620 by the new rate. Between Rs. 3,500 and Rs. 5,000 the present calculation is Rs. 3,579 thousands, while according to the suggested calculation it would come down to Rs. 3,360 thousands. Therefore at the old rate the total collection is 103 lakhs. Under the new rate it will be something above 85 lakhs. Therefore, the revenue will be less by about 20 lakhs. I have calculated according to the usual method of calculation, namely, the progression method, and I shall be obliged if the Honourable Member gives his corrected figures. However, I beg to point out that in England relief is given for these scales of incomes when the incomes are lower. An unmarried man has an exemption of £150 while the married man has an exemption of £250. But in India, when we begin to tax, we tax the whole income and consequently the margin for maintenance is not left. That is one of the main defects here and I hope the Honourable Member will give his consideration to this point and take up the idea and accept the principle that I have shown.

Mr. President: Amendment moved:

"That in Schedule III to the Bill, in Part IA for entry No. (2) the following be substituted, namely:

(2) When the total income is Rs. 2,000 or upwards, but is less than Rs. 5,000 ... Six pies in the rupee—excluding the first thousand of the total income."

The Honourable Sir Basil Blackett: Sir, we do not want, I think, to spend a great deal of time on this subject as it is impossible for us at the present moment to indulge in the luxury of reducing this tax to any large extent in the interests of the relief of the tax-payer. We calculate that the cost of this proposal would be 46½ lakhs. The Honourable Member has, I think, forgotten the interest on securities in his calculations. In any case, we are satisfied that our calculations are approximately accurate and that this would cost us about 46½ lakhs. As a proposal for some future improvement of our income-tax system, it is one which I should certainly like to examine on its merits. But at the present moment I am afraid that the statement that it will cost 46½ lakhs must show the House that it is one which we could not accept.

Mr. President: The question is, that that amendment be made.

The motion was negatived.

Lala Duni Chand (Ambala Division: Non-Muhammadan): Sir, I rise to move motion No. 37 which stands in my name. The motion is, Sir, that 4 pies should be substituted in place of 5 pies in case of those people whose income exceeds Rs. 2,000 but does not exceed Rs. 5,000; and 5 pies should be substituted for 6 pies in case of those people whose income exceeds Rs. 5,000 but does not exceed Rs. 10,000. My conception of the criterion of taxation is, Sir, that the State is entitled to take the maximum out of the rich people and that the State is not entitled to take anything out of poor people who cannot afford to pay anything. Then, there is another class of people, that is to say, those people who are neither rich nor poor. In the case of these people the Government is entitled only to get a moderate amount of taxation. Bearing this principle in mind, I have moved this motion. In other words, the first part of my motion applies to those people whose monthly income varies approximately between Rs. 170 and Rs. 400 a month. And the second part of my motion applies to those people whose monthly income approximately varies between Rs. 400 and Rs. 800 a month. This class of people consists of those people who can be called neither poor nor rich. At the same time, it is a hard fact in the case of men of this class that they have to meet very many needs and very many necessities. They have to support their families, they have to educate their children and they have to bear many other expenses. It is this class of people which can be aptly described as middle class people. These people are certainly entitled to a certain measure of relief which my motion is intended to afford to them. Therefore, this motion cannot be considered in any way an extravagant motion. I know that the stereotyped and the usual complaint of the Honourable the Finance Member is that this will upset his financial arrangement. As to that, I submit it is not my concern. All these broad facts should be taken into consideration by the Finance Member before he prepares his Budgets, and all these cases should be taken into consideration by him. He should know from whom he should get the maximum and from whom he should get the minimum. The Honourable the Finance Member, I understand, will not dispute the correctness of the view that in the case of the people of average income a very high rate of taxation should not be insisted upon.

Now, take the case of those people whose income is between Rs. 170 and Rs. 400—and these persons form a great number—out of whose income you want 5 pies per rupee. I say it is neither just nor fair.

There is another point also, Sir, which I submit before the House. So far as the rich people are concerned, you can, of course, get out of them as much as you can. I am sure as far as the sense of the democratic party of the House is concerned, that will never stand in the way of your realising the utmost out of these people who can be rightly made to pay the utmost. Then, I submit, Sir, this Government have created in this country a variety of vested and capitalist interests in very many forms. There are the big landlords; there are the big capitalists; there are the big owners of companies; and there are the big commercial men. It is only right and proper that you should concentrate your attention on these people rather than on those people who cannot afford to pay much. So far as the financial condition of the country is concerned, the truth of the matter is that by pursuing a certain policy, which is very good policy to the Government, the Government have sold the poorer classes of this country into the hands of the richer classes. You have created so many interests. Take the case of the peasantry. The peasantry has been sold, particularly in certain provinces, into the hands of the landlords. Then, there is another class of small traders that is sold into the hands of bigger traders. That is to say, you have placed such a great power in the hands of the capitalists and in the hands of the richer people that the inevitable result of all this is that the poor man goes to the wall. I would not grudge the Government taking their due share out of those people who can easily afford to pay. If you say that you would fix the rate of assessment at a higher rate in the case of those people who make big incomes, I shall not mind and the House should not mind. But certainly in the case of the class of people for whom I have pleaded the House as well as the Honourable the Finance Member would appreciate the fairness and justice of the demand. I, therefore, submit, Sir, that the motion that I have moved is a very moderate one. It does not err in any way on the side of extravagance. It is a motion that should appeal to the rational mind of the House, and my own idea is that it would appeal also to the sense of the Finance Member, except that he finds it impossible to upset his financial arrangements. I have already submitted that we are no parties to the adjustment of these financial arrangements, and if he finds it inconvenient to upset those financial arrangements, it is he who is to blame and not we. With these words I move my motion which I submit is a very reasonable and modest motion.

Mr. A. H. Lloyd: Sir, I am afraid the only answer that can be given to this amendment is practically the same as was given by the Honourable the Finance Member to Dr. Lohokare's proposal, that we cannot afford it. The cost of the proposal has been examined and will be 48 lakhs. Need I say more, Sir?

Mr. President: Amendment moved:

"That in Schedule III to the Bill, in Part IA, against entries Nos. (2) and (3), for the words 'Five pies in the rupee' and the words 'Six pies in the rupee' the words 'Four pies in the rupee' and the words 'Five pies in the rupee,' respectively, be substituted."

The question is, that that amendment be made.

The motion was negatived.

Mr. President: No. 38* I think is disposed of by the decision of the House on the previous amendment, similarly No. 39†. No. 40‡ is out of order inasmuch as it proposes an increase of income-tax. No. 41; Sir Gordon Fraser.

Sir Gordon Fraser: Sir, the motion standing in my name is that in Schedule III to the Bill in Part II entry No. (1) be omitted. The arguments in support of this case are very much the same as the arguments I put forward in reply to the Honourable Mover of motion No. 34. My motion is for the cancellation of the one anna flat rate of Super-tax charged in the case of companies, a charge not made in the case of private firms. Prior to this tax being imposed, companies were assessed to super-tax on the amount they put to reserve, but it was recognised that this system of taxing the reserves of companies was obviously not a sound one, and a flat rate tax on the profits of companies registered under the Indian Companies Act was put on instead. I think that everybody will concede that the more the trade and commerce of this country is carried on under the provisions and terms of the Indian Companies Act, the better—(hear, hear),—and this being so, it seems to me far from being sound policy to penalise shareholders and traders who carry on their business as companies, as against those who trade as individuals and as private firms. The reasons appear to me to be obvious. In the case of a company registered under the Indian Companies Act all the cards are placed on the table. The company has a definite capital, a definite amount of money subscribed for trading; the names of the shareholders and the names of the directors are public property. The memorandum and articles of association state clearly the objects of the company and the constitution of the company, and also the memorandum gives the different lines of business on which the company can embark. All the particulars in connection with a limited company under the Act are available to the public, and in my opinion rightly so. Now, if we consider the position of the private firm, (I did mention most of the points in my previous remarks) the private trader can trade under any designation and under as many designations as he likes. He need not take his own name, he can take any name he likes. The capital is not known. The actual profit, or profits are not known, and there is no check on over-trading. This position, in my opinion, is very much aggravated in this country by the fact that we have no registration of business names, to which I referred in my previous speech. As I say, a person can embark on any trade. He can take any name or names and he can over-trade without any check. I do contend that that is contrary to public interests. In my opinion, it is only my own opinion, I consider the principle underlying the imposition of any tax on incomes is that the tax should be against the individual. Now this principle is recognised in the Indian Income-tax Act—in section 48 of the Act. Commerce and industry are of course necessary to any country, and I contend that to impose penal taxes or impose extra taxation on those who conduct their business in what is admittedly the soundest and the most open manner possible, simply because they are the most easy to get at, is not in my opinion sound. This flat rate of one anna in the rupee super-tax on companies is the exact equivalent of what we recently had in England, the one shilling corporation tax, but that tax has

*No. 38. In Schedule III to the Bill Part IB be omitted.

†No. 39. In Schedule III to the Bill Part IB be omitted.

‡No. 40. In Schedule III to the Bill, in Part II the rates of Super-tax for all the entries be increased by three pies each.

since been repealed as it was not considered fair to companies. The motion that I have put forward has no reference in any way to the bogus companies referred to by the Honourable the Finance Minister in his budget speech. The revenue that he would lose if this tax were abolished in the case of limited companies might be made up to a certain extent were the Honourable the Finance Member able to rope in all those to whom he referred as bogus companies, and one-man companies, and I think the Honourable the Finance Member can be assured that this Assembly will support him in any efforts he makes, or any legislation he puts forward to rope in those who evaded the tax, although the tax is rightly payable by them. To sum up, my point is that it is not fair to impose on the companies trading under the Indian Companies Act a tax that is not charged in the case of competitors trading as individuals or as private firms.

Mr. A. H. Lloyd: Sir, in opposing this motion, I must begin by referring to what I said regarding Sardar Gulab Singh's motion as to the undesirability of making proposals which are in effect amendments of the Indian Income-tax Act under the cover of amendments of this Schedule to the Finance Bill. The Indian Income-tax Act contains provisions which were incorporated in it for the carrying on of the substance of the Super-tax Act of 1920 so as to impose super-tax on companies, and the effect of this amendment is to repeal those provisions.

I think the House generally speaking will agree with me that this is not the most appropriate way of tackling such problems. I might
 1 P.M. again illustrate my point by showing that the Honourable Mover of the amendment has omitted to make a necessary drafting amendment in Part II, item 2(b), where the words "or a company" should apparently be deleted if his proposal were accepted. But that of course is a minor point. My objection in substance to the proposal is the matter of money. There is a great deal that I could say, if I thought that the House would bear with me, upon the merits of the super-tax on companies, which is admittedly a corporation profits tax rather than a super-tax in the ordinary sense of the word or in the sense in which the word is used when applied to other forms of super-tax mentioned in this Schedule. But I do not think the House wants me to go into that to-day and I am quite sure they will be convinced on the money question if I mention that the total collections for 1923-24 of company super-tax were 3 crores and 27 lakhs. Well, Sir, we cannot afford to lose 3 crores and 27 lakhs!

Mr. President: Amendment moved:

"That in Schedule III to the Bill in Part II Entry No. 1 be omitted."

The question is, that that amendment be made.

The motion was negatived.

Schedule III was added to the Bill.

Clause I was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. President: I propose to take the motion that the Bill be passed immediately after the lunch interval.

The Assembly then adjourned for Lunch till Ten Minutes Past Two of the Clock.

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

The Honourable Sir Basil Blackett: Sir, I beg to move:

“That the Indian Finance Bill be passed.”

Mr. President: The question is:

“That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to remit or vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to reduce the import and excise duties on motor spirit, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax, as amended be passed.”

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I beg to oppose the motion that has just been made by my Honourable friend, Sir Basil Blackett. In doing so I wish once more to make the position of my party perfectly clear. It is true that in what I am going to say you, Sir, as an experienced Parliamentarian will not find anything novel, but in spite of the many debates we have had upon the constitutional aspect of the question in this House, I find that there is a great deal of confusion of thought on the subject, as was disclosed in certain speeches which were made on Monday. Now, Sir, we have finished our consideration of the Demands for Grants. We have also considered the various provisions of the Finance Bill. I opposed the motion that the Bill be taken into consideration on certain grounds and I now stand before you at the final stage of this Bill to oppose the motion that it be passed. This must not be confounded with anything that has been done either when we were discussing the Demands for Grants or the various provisions of the Bill itself; I say so particularly to guard against any misapprehension regarding our attitude on the salt tax. Sir, this House has reduced the salt tax duty from Rs. 1-4 to Re. 1; and if I now stand and ask the House to throw out the Finance Bill it does not mean that I am asking the House also to throw out the amendment which this House has made. (Laughter.) That is exactly the confusion of thought which prevails in this House and that is why I stand to clear it up. (*Mr. Bipin Chandra Pal:* “It is necromancy to eat one’s cake and have it too.”) I shall explain that. Now, Sir, the constitutional position is quite different from the position as it arises on the provisions of the Act. We do not mean to say that the government of the day can be carried on in any country in the world without supplies. Giving supplies is eating the cake. At the same time, we say that no government in the world is entitled to supplies if it does not remove grievances before it asks for supplies. That is having the cake. So that what is so absurd to the mind of a journalist and a gentleman of varied attainments and versatile genius is not so absurd to the mind of a constitutional lawyer. On the contrary it arises from well-established rules of constitutional law which have been settled for centuries. Now, Sir, my first opponent in the last debate was my friend, Mr. Jinnah. I have got a part of his speech which has been sent to me because I happened to interrupt him on this point and therefore I shall use his own words. He says:

“In my opinion that (namely, the throwing out of the motion to take the Bill into consideration) will make the protest less effective, less dignified than the vote that we have already recorded. We have said to the Government once solemnly, honestly,

seriously, and I want no mistake to be made either on this side of the House or on the side of the Treasury Bench, or outside among the public, that we condemn the policy of the Government absolutely and we have done it. Sir, I decline to be a party to a repetition of this character which in my judgment loses its dignity, loses its force."

In other words, the contention of my Honourable friend is that the truly constitutional attitude is to concentrate your attention on one point, to throw out one Demand which concerns the carrying on of the Government of India, to make your protest as strong as you can, couched in as strong language as you can use, and once that is done you have discharged your duty to yourself and to your country. But if you repeat it you will be doing something lacking in dignity, lacking in force. Now, Sir, I am sorry I cannot agree with my friend. Throwing out of the expenditure on a particular department is one thing, however essential that department may be; and the attitude which I take, namely, that of refusing supplies altogether is quite a different thing. I know my friend does not agree with me to-day about the propriety of obstruction and throwing out of supplies. I was more fortunate with him only a short time ago. I was more fortunate with him when this Assembly began in 1924 and I was also again more fortunate with him in February last when he and I put our heads together and did agree in certain contingencies to resort to a policy of obstruction and refusing of supplies. But, Sir, there seems to be a very exciting race going on in these days between wisdom and a certain section of the House. Sometimes wisdom outstrips them and sometimes they outstrip wisdom. My friend admitted the other day that in the tactics and the course adopted in the first session of this Assembly he was wrong.

Mr. M. A. Jinnah: I never said that. This is the second or third time that Honourable Members on the other side try to misrepresent me. I once more wish to make a statement before the House about what I said. What I said was this, that I was a member of a party which came to a certain decision, and as a man of honour, I thought that my clear course was to follow the decision of that party. When I said it was a mistake, I said it was a mistake of the party, because I was all along opposed to their policy of obstruction being put into practice last year.

Pandit Motilal Nehru: I am very glad, Sir, at the explanation which my Honourable friend has given. I only said that my friend had admitted that he was wrong. Now it comes to a much graver thing when he says that the whole of his party was wrong. I accept his explanation, and will say that, the race I have referred to was between the Independent Party and wisdom and not merely between my friend and wisdom. I do not think that I need labour that point very much. But what I want to know is, how is it more dignified to protest once and then meekly submit yourself to everything that you yourself have objected to? If that is so, why was not the action taken in 1924 a quite sufficient protest to keep us going for the whole life of this Assembly? Why is it necessary to repeat it this year? Cannot we protest in public meetings, in newspapers and elsewhere? I submit, Sir, that this Chamber, I mean this Assembly, is not a place for entering either mild or strong protests. This Chamber and this Assembly is a place for action. I know that we are very much hampered in the action that we can take, but why not take such action as we are entitled to

Mr. K. Ahmed: What about obstruction?

Pandit Motilal Nehru: We can obstruct and we are entitled to take that action.

Mr. K. Ahmed: Is that action? (Laughter.)

Pandit Motilal Nehru: Sir, I am no believer in taking a bold stand one morning and then coming down on my knees the next morning.

My friend then said, after having gone through all these Demands, it is evident that Government must levy taxes. Government cannot go on without levying taxes and it would be absurd to throw out the Finance Bill. Now, Sir, this is the old shibboleth, the bureaucratic shibboleth, the King's Government must be carried on under any circumstances, whatever happens. May I ask my friend whether the King's Government can be carried on without an Executive Council as the Government are at present constituted? And yet, we had absolutely no compunction in throwing out the grant for the Executive Council. Can they subsist without their travelling allowances? My Honourable friend Sir Alexander Muddiman described the pitiable state of things which would happen. He described the long and laborious journey between Delhi and Simla and how they were going to travel not even by bullock carts, but walk up the distance? How can you go on without your establishment? That, as my friend himself pointed out, was the only means open to us, and therefore, we selected that particular item. The Swarajists, being more consistent and insistent on their policy, were not satisfied with the Executive Council alone. We took the other heads as well. We took the Viceroy's Household; we took the Army; we took also the Opium and several other heads, and we took a division on the Army and the Secretary of State's establishment.

Diwan Bahadur T. Rangachariar: You did not take Opium.

Mr. V. J. Patel: Pass it on to Mr. Rangachariar.

Pandit Motilal Nehru: It will be good for him at this age. Now, Sir, it is really a question of intensity of feeling and nothing more. My friend is satisfied by once raising his voice of protest. I am not. I shall protest, and not only protest, but do the utmost I can, day and night, morning and evening, year after year, day after day, while I am alive.

Mr. K. Ahmed: Why not spin cotton? What about the *charka*?

Pandit Motilal Nehru: I will tell my friend that when all the time I am protesting and raising my voice, I shall be spinning, spinning and spinning away. Are you satisfied now?

Mr. K. Ahmed: It is the other way round, Sir.

Pandit Motilal Nehru: Then, Sir, I come to another part of my friend's speech. I do not wish to make much of it. There was a quarrel between Mr. Patel and Mr. Jinnah, both of whom are neighbours and friends from Bombay, and I suppose they can settle their quarrel between themselves.

Mr. M. A. Jinnah: There was no quarrel.

Pandit Motilal Nehru: What else was it? (*A Voice:* "A difference of opinion.") There was a quarrel about what you said and what he said.

Mr. M. A. Jinnah: That is no quarrel.

Pandit Motilal Nehru: Do you want a quarrel to be accompanied by *lathi* blows? In plain English, if I say I have a quarrel with my friend on a certain subject, what does it mean? It does not mean that I will attack him with a *lathi*.

My friend made one thing quite clear, and that was that my friend had said before the Joint Parliamentary Committee that he had no doubt that dyarchy was bound to succeed. Of that my friend could not find any contradiction as it is in his evidence, but I do not attach any importance to it. It only shows that at one time, my friend did believe, and he had a perfect right to believe it, that dyarchy was bound to succeed and, as he himself stated, subsequent experience in the actual working of it has convinced him that it is a complete failure. In the same way, we the Congress people at one time believed that it was under the circumstances our duty to work this constitution for what it was worth, although we did not believe for a moment that dyarchy would succeed. But we said, "All right, let us give it a chance". That my friend has used against us. He has quoted a resolution of the Congress of 1919 over which I had the honour to preside. If he had looked into my speech, he would have found arguments favouring the contention which he was laying before the House.

Mr. M. A. Jinnah: I am fully aware of it. Only I did not like, Sir, to drag the Honourable Member into that controversy which was between me and Mr. Patel, but now that the Honourable Member has dragged me in, I shall reply to it.

Pandit Motilal Nehru: Do please, by all means. I am not ashamed of the views I held at anytime, Sir. I condemned dyarchy, and I challenge my friend Mr. Jinnah to point out one single word in the very long speech I delivered expressing approval of dyarchy or any approval of the reforms that were given. The position which I took, the position which the Congress took, and the position which Mr. Gandhi took was that the Act was wholly disappointing, inadequate and unsatisfactory. But what the Congress said was: Here we have Mr. Montagu, a well intentioned Englishman, he came out to this country, he did his very best to do something for us but he has been led into an error. Let us thank him for what he did. And that was what we said in the resolution that was passed. There is not one word in that resolution approving of dyarchy or of anything else contained in that Act. I would ask my Honourable friend to go through my speech and find out any passage which can be construed in any manner, directly or indirectly, as an approval of dyarchy. But my friend ought to know why it was that we first agreed to give dyarchy a chance and why we are now so strongly against it that we insist that it must go and go immediately. He is quite well aware of the incidents which followed the session of the Indian National Congress held at Amritsar. He is well aware of the khilafat movement. He is well aware of the debate in the House of Lords and the House of Commons on the martial law regime in the Punjab and he is well aware of the subsequent history of it. It is that which changed our minds and we said: No more of these Reforms; this system deserves no more trial and we must have our rights now. Now, Sir, as regards the position in this country I should like to

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draw my friend's attention and the attention of the House to a passage in Lord Durham's report which to my mind describes the conditions through which we are passing very accurately. That related to the period just preceding the grant of self-government to Canada. It is said here:

"Having no responsible Ministers to deal with the Assembly entered upon that system of long inquiries by means of its Committees which brought the whole action of the Executive immediately under its own purview and transgressed our notion of the proper limits of Parliamentary interference."

This is in regard to the Assembly that was in existence before the Parliament in Canada was established.

"Having no influence in the choice of any public functionary, no power to procure the removal of such as were obnoxious to it merely on political grounds, and seeing almost every office of the Colony filled by persons in whom it had no confidence, it entered on that vicious course of assailing its prominent opponents individually, and disqualifying them for the public service, by making them the subjects of inquiries and consequent impeachments, not always conducted with even the appearance of a due regard to justice; and when nothing else could attain its end of altering the policy of the composition of the Colonial Government, it had recourse to the *ultima ratio* of representative power to which the more prudent forbearance of the Crown has never driven the House of Commons in England, and endeavoured to disable the whole machine of Government by a general refusal of the supplies."

Now, we are passing through a period in our history very similar to that and, as my friend is no doubt aware, all the Colonies have passed through a period like this. So, if there is anything which, as a constitutional matter, must be done and is required to be done to meet a case like ours, it is not the entering of a protest by throwing out this or that Demand but by boldly saying that we stand for the refusal of supplies to a Government which has forfeited our confidence.

Then I come to my friend Sir Purshotamdas Thakurdas. He seemed to be weighted down by a responsibility which is not his. He said: We have now passed so many items of expenditure. How can we possibly refuse the supplies to meet that expenditure? Now, Sir, I reminded him in my reply on the occasion that, if he placed himself in the place of the Finance Member, he would have real responsibility and he would find the means. My friend did not quite understand me as he thought I meant his taking the place of the Finance Member in the debate. What I meant was his taking the place of the Finance Member at the time that he was framing the Budget and then he would certainly have found those hidden away crores of rupees which he mentioned in his speech. Sir, my friend either believes in the vivid picture which he drew of the hidden crores or he does not. If he does, what justification is there for his saying that he must find the money by voting supplies? Then again, if my friend would only bear in mind what is the expenditure that he has sanctioned by his vote? Of course, I am in the happy position that I have sanctioned no expenditure. But what after all is the expenditure that he himself has sanctioned? Not more than 30 or 40 per cent. of the whole Budget. What about the rest?

Now, Sir, I come to another opponent of mine but I am afraid to deal with my friend the veteran journalist, Mr. B. C. Pal. He is a free lance. In his own words "He dabbles in politics, statecraft, journalism and literature". He has evolved a principle—I don't know from which particular Chamber of his brain it has emanated, whether that stored with

politics or the statecraft or journalism or literature. The principle that has evolved is that the moral spokesman of the people of India was His Excellency the Governor General and that as His Excellency was going to England, was being invited by the Home Government to discuss the situation in India, it was for us to put facts and materials before him so that he may be able to discharge his duties as the moral spokesman of the people of India. (Mr. Bipin Chandra Pal: "Moral, I think, not noble.") I said moral. (Mr. Bipin Chandra Pal: "Yes, I did not hear. Make it clear.") (Mr. K. Ahmed: "He says immoral.") Now, Sir, I am not aware of any such doctrine as the one which has been propounded by my friend about the Viceroy being the moral spokesman of the people of India. But, however that may be, I do not really see what bearing it has on the question of refusal of supplies. My friend said that we Swarajists were worshippers of the idol of the market place. Well, he will pardon my saying so but he is the greatest votary of that idol. (An Honourable Member: "He was.") He was and he will be again, I am sure. (Mr. Bipin Chandra Pal: "If you go to the market place.") My friend will let me remind him of some of his former speeches. Sir Valentine Chirol says that "Mr. Pal himself admits this Swaraj is fundamentally incompatible with the maintenance of the British connection." At another place—this is on page 12 of Sir Valentine Chirol's book

Mr. Bipin Chandra Pal: Is that, Sir, a quotation from me that Swaraj is incompatible with the British connection?

Mr. C. Duraiswami Aiyangar: It is a quotation from your speech.

Pandit Motilal Nehru: I will give you your own words, Sir. Here they are:

"If we have really self-government within the Empire, . . . the Empire would cease to be British. It would be the Indian Empire and therefore this ideal, the practically attainable ideal, of self-government within the Empire is a far more impracticable thing to attain than even our ideal *Swaraj*."

And then you lay down a programme, Sir, and these are your words again:

"Let our programme include the setting up of machinery for popular administration and running parallel to but independent of the existing administration of the Government. In the Providence of God we shall then be made rulers over many things."

That was the peroration. Now, Sir, I have spoken of the race between wisdom and some of my friends of the Independent Party. While most of us are going forward, I find that my friend Mr. Bipin Chandra Pal is making a rapid descent first from complete independence to Dominion self-government and then from Dominion self-government to absolute surrender and entrusting his case entirely to His Excellency the Viceroy as the moral representative of the people including himself. (Mr. K. Ahmed: "He does represent.") These were the arguments that were advanced. But I cannot do better than remind the House of what my Honourable friend Pandit Madan Mohan Malaviya said on a similar occasion last year. That sums up the whole of my case.

Mr. Bipin Chandra Pal: Is Pandit Madan Mohan Malaviya also among the prophets?

Pandit Motilal Nehru: I do not know whether he is in the habit of prophesying, but he did make a true prophecy. I will read it to you. After a very thorough criticism of the administration, he says on the constitutional aspect:

"So long as the Government of India is not revised, therefore, I find that with my sense of self-respect, with the little conscience that God has given me, I cannot support taxation either now or in future. Take away the Government of India Act if you please. That is a threat which has oftentimes been uttered by not very responsible, thinking, people, but take the Government of India Act away if you so please. We shall not complain of it; but if you must govern India in the forms of civilised government, let reality be introduced in place of the sham that you have established here."

Then again, I will read another short passage. This is the final peroration of my friend while winding up his remarks:

"We cannot lend our moral support and vote to the maintenance of this taxation unless the representatives of the people of this country have a voice in the expenditure of the money raised by taxation, unless we are put in a position to exercise the same rights and privileges which the members of every Legislature in the world exercise. Unless that is done, we cannot support such taxation. I hope the reasons that I have given will satisfy every elected Member of this House of the justice of the attitude I have taken, and I hope they will lend me their support in order that the present system may be ended as soon as possible, and that we may have a regular system of responsible government under which the representatives of the people, men who have the entire confidence of the people, may carry on the administration of the domestic affairs of this country."

That was the position taken up by my friend. So long as the Government is not responsible, the Executive is not responsible, to us, so long as we do not have our own voice in the raising of taxation, we are not going to allow you any supplies. That, Sir, is the position, which is as good to-day as it was in the year 1924. In fact, if there was one reason in 1924, there are a thousand reasons to-day. After all, what has happened in this interval? I will not take up the time of the House in going into those events again. I have done so already in my former speech in this very debate. But I do say confidently that the reasons which existed in the year 1924 have been multiplied a thousandfold during the interval. For this reason I would ask the House if they want to be consistent to themselves—those who voted at least on the last occasion for the throwing out of the Finance Bill—to vote for precisely the same reasons again for the throwing out of this Bill.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I intervene in this debate with some diffidence, because very few of the remarks that have fallen from my Honourable friend seem to be directly addressed to the part of the House to which I have the honour to belong. Still I think it is well that I should endeavour to bring the House back to the actual point which is now under their consideration. We have arrived at last, at long last after weary days, at the third reading of the Finance Bill. I have listened to my Honourable friend, as I always do, with the greatest interest and I felt I heard a good man struggling in adversity. I felt the constitutional lawyer struggling with an unconstitutional position. (Hear, hear.) I have heard my Honourable friend again repeat the arguments which have been adduced by his party in all the speeches that have arisen in the various debates we have had. On that matter there is very little to say. He is consistent in one way but not altogether, for he says that no Government can be carried on without supplies. Now, what is the point before the House? The supplies, he admits, we must

have. He would say to the House "Don't vote supplies for a Government which we do not like, for a constitution which to us is obnoxious." But the fact remains we must have supplies. How, therefore, does he propose that we should get them? Where are we to get them from?

Pandit Motilal Nehru: You must go.

The Honourable Sir Alexander Muddiman: From his point of view, he is perfectly logical. He is perfectly reasonable. He says, "I want to break the constitution and I will force you to restore these demands as one means of doing so." Fortunately, there are in this House men who do not take that view, who recognise that they have a responsibility, (*A Voice:* "What responsibility?") that they have a constitutional position to maintain. They do not desire to force the Government into the position of exercising powers which they themselves consider should not be a part of the constitution. They say, "We will, as far as possible, save the Government from using powers which we do not think they should have." That, I understand, is the position. On that point, will my Honourable friend say how the King's Government must be carried on? Is it his desire that the King's Government should not be carried on?

Pandit Motilal Nehru: No, not on present lines.

The Honourable Sir Alexander Muddiman: Does he desire that the King's Government should no longer govern?

(*A voice:* "You should not govern India any longer".)

Pandit Motilal Nehru: You should not govern as you are doing now.

The Honourable Sir Alexander Muddiman: Does my Honourable friend consider that the King's Government should go on?

Pandit Motilal Nehru: Not in the way in which it has been going on.

The Honourable Sir Alexander Muddiman: Then he considers that the King's Government should not go on as it is going on.

Mr. T. C. Goswami: The King's Government must go on. Aye, but the devil's government must cease.

The Honourable Sir Alexander Muddiman: One Honourable Member suggests that this devil's government should not go on. That observation will be noted, I think, in many quarters. I think it was an unwise observation and I do not think my Honourable friend the Pandit would have made it. For, he recognised throughout his speech that moderation in language does not weaken a case. At any rate he was most careful not to make statements which may afford ground for comment in quarters where he and I would most dislike that comments should be made. What I claim to do is to put once more the point of view that has already been put before the House for some time. It is a very simple point. There is no difficulty in the position at all. The issues are perfectly clear. I can quite understand my Honourable friend who sits opposite me. (Mr. Patel) He sees nothing good in anything that is done. He desires to destroy rather than construct. I can see the logic of his position and if he thinks it right, he is entitled to try to put it. He naturally obstructs all demands. I challenge no man's opinion, but I appeal to the broader view that has followers in this House, the view that has been put forward by men under circumstances which command my respect. For it is never

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a popular or easy thing to stand up and say, "I have made a mistake." It requires courage, it requires backbone to do it. Yet, Sir, if we look back on our own life can any of us put his hand on his heart and say, "I have never made a mistake"? If we examine the lives of others is that not equally true? I will say this that a man who has never made a mistake has never made anything and never will. (Applause).

Mr. Chaman Lall (West Punjab: Non-Muhammadan): I rise merely to support my Leader, Pandit Motilal Nehru in the demand that he has made of this Assembly, asking Honourable Members to support the proposition mooted by us, namely, the refusal of supplies to Government. A great deal of agitation was caused on the Treasury Benches when my Honourable friend, Mr. Goswami, interjected by saying "That the devil's government must cease". (*Mr. K. Ahmed*: "Because he is the youngest Member of the Assembly.") The devil happens to be sitting somewhere round about there, Sir. (Pointing to the part of the House where Mr. K. Ahmed sits.) And I know perfectly well that Honourable Members themselves would be greatly agitated if they found that devil installed in the Government of India (Laughter). I am positively certain that the view that we take, the view, namely, that this Government has forfeited the confidence of the people of India, is a view which ought to commend itself to every sane and honourable man in this country. What is that view based on? Is it based on merely constitutional theories? Is it based on mere quotations from the Honourable Mr. Bipin Chandra Pal's chequered past? Not at all. Mr. Bipin Chandra Pal once upon a time thought also that the devil was installed in the Government of India. He not only thought so, but went a step beyond the stage arrived at by the Swaraj Party. . . .

Mr. C. S. Ranga Iyer: Has not the Honourable Member, Mr. Bipin Chandra Pal, contradicted himself?

Mr. Chaman Lall: Mr. Bipin Chandra Pal, Sir, is a bundle of contradictions, and he has, as my Honourable friend pointed out, not only contradicted himself, but I can prove it to him that he has contradicted himself in such a way that there is no possibility of his being able to get out of it.

Mr. Bipin Chandra Pal: I should like to say one word. Can the Honourable Member quote the word "devil" from any of my writings as applied either to Government or to anybody else?

Mr. Chaman Lall: That is a very clever trick of trying to get out of it by asking: "Quote you the word 'devil'". Did he or did he not say that he did not want the British connection? Was it because it was a godly government that he was against it, or was it because it was a devilish government that he was against it?

Mr. Bipin Chandra Pal: I would ask my Honourable friend to refer me to any of my writings to prove that. I distinctly declared that I objected to British subjection but I did not object to the British connection.

Mr. Chaman Lall: The Honourable Member has a very short memory. At his age I am not surprised that he has a short memory. Considering the number of speeches that he has made, volumes upon volumes of journalese that he has doled out to the people of this country, he perhaps does not remember what he said once upon a time. Here in the pages of a book

called: "Indian unrest" written by Sir Valentine Chirol, here is a statement and I ask Mr. Pal to challenge it if he dare. I ask my Honourable friend this, if the statement was incorrect did he as a "journalist" and a "literary" man who should have read this book—did he on any occasion contradict the statement that appears in this book? Now sitting there he finds it convenient to stand up and contradict that statement. This is what is said of him:

"But Mr. Pal himself admits that even if this programme can be fulfilled, this *Swaraj*, this absolute self-rule which he asks for, is fundamentally incompatible with the maintenance of the British connection."

Does he deny it? If he denies it, here I have his own words. Further on, in the book Sir Valentine Chirol says—this is what Mr. Pal happens to have said on a particular occasion:

"If we have really self-government within the Empire, if we have the rights of freedom of the Empire as Australia has, as Canada has, as England has to-day, if we 300 millions of people, have that freedom of the Empire, the Empire would cease to be British. It would be the Indian Empire. Therefore, it seems to me that this ideal, the practicably attainable ideal of self-government within the Empire . . . it is a far more impracticable thing to attain than even our ideal *Swaraj*."

Is that compatible with the Honourable Member's professions to-day and his professions the other day that he was never against the breaking away from the British connection? We do not stand for that creed, for the creed which the Honourable Member has now forgotten. We stand for the British connection so far as our programme has advanced up to this day. But if you do not redress the grievances of this country the time may come when the Honourable Leader of the *Swaraj* Party, the leader of this country, will have to stand up and give you this challenge! "If you do not take our grievances in hand and redress them, if you do not regard our demands and adjust your programme and policy in accordance with those demands, the time will come when we may have to stand up and say, 'We have no need for this British connection'." But up to this day the *Swaraj* Party stands clearly committed to this programme of British connection unlike the Honourable Member over there (referring to Mr. Bipin Chandra Pal). May I draw the attention of this House to another statement that Mr. Pal has made? While the Honourable Pandit Motilal Nehru was talking, Mr. Pal shouted out, "You want to eat your cake and keep it." It is a Pauline variation of the well-known English idiom. He says, "You want to eat your cake and keep it." Well, I do not know what the Honourable Member means by that. He has eaten many a cake and he has kept many a cake, and I hope he will live long enough so that the cakes that he has set his eyes upon may come his way. The cakes that we have set our eyes upon are of a different variety to the cakes that the Honourable Member has set his eyes upon. His cakes which are good to-day are turned into poison to-morrow. His cakes are of a "contradictory" nature. (Laughter.) I use that expression quite seriously—contradictory in this sense. When the Honourable Member has eaten those cakes there is a contradiction in the desire to keep the pleasure to eat and the pain to digest. The Honourable Member has forgotten that once upon a time he preached revolt and rebellion in this country. He has forgotten it, and he twitted the *Swaraj* Party in his speech the other day by saying: "I do not agree with your programme of preaching revolt in this country." What had the Honourable Member been doing all his life? What had the Honourable Member been preaching to this country? If it was not revolt what else was it? Here is a statement which

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the Honourable Member is supposed to have made years ago and which I have no doubt he has also forgotten:

"We can make Government impossible without entirely making it impossible for them to find people to serve them. The administration may be made impossible in a variety of ways."

What was he trying to do in those days? Preaching the Swarajist creed before the Swaraj Party came into existence, and he sits there to-day to deny the ideal that he himself had been preaching to the people. (*Mr. N. M. Joshi*: "He has become wiser by experience.") That, Sir, is always the cry of those who are played out and who have got no more wisdom left and no more experience to gain in this world. I am not concerned with Mr. Bipin Chandra Pal. He can look after himself in the columns of the *Bengalee*. But what I am concerned with is this that there is an indictment drawn against the British Government in this country—an indictment which has been drawn many a time against them—an indictment to which the Honourable the Home Member has not yet given an answer. That indictment is this that you are by your policy, by your programme, by your dominance over India, impoverishing this country. Have you an answer to that? (*A Voice*: "Yes.")

The Honourable Sir Basil Blackett: The answer is in the negative.

Mr. Chaman Lall: I hope the Honourable the Finance Member, who says "yes", will once at least in his lifetime give us a statement in answer to that challenge of ours. I challenged him a year ago, but up to this day he has not produced an answer to that challenge of mine. I hope he has become wiser now and that he will give us a reply to that challenge. I go further. Against the wishes of the people of this country you are carrying on the government of this country. How do you expect us to support you in carrying on that government in this country? Wisdom, dignity and statesmanship may not demand the taking of an extreme step like the throwing out of the Finance Bill. Wisdom, statesmanship and dignity are compatible only with the condition of a people who are independent; they are not compatible with the condition of a country like ours, a slave country. We cannot afford those luxuries. All that we can afford is to fight a clean and square fight and to say to the Government: "You have forfeited our confidence: you have destroyed the last vestige of confidence the people of India could have placed in you, and therefore it is time that we took our stand on the only legitimate platform, the logical platform, namely, the refusal of supplies to carry on the government of this country. Sir, I will not go into the intricacies of the question of currency and exchange and the various other involved topics that have been raised in this House. I will not condemn the Honourable the Finance Member out of hand for all that he has done and is doing. We are perfectly well aware that the exchange policy and the currency policy in this country have been very prejudicial to the interests of the country. I do not mean by the interests of the country the interests of the capitalists, of the landowners and commercial communities. I mean, Sir, the interests particularly of the poverty stricken masses of this country. Whenever you deflate your currency, whenever you put forward by means of your printing presses enormous quantities of rupee notes and other notes, it is obvious that prices are bound to rise; it is obvious that the poor man is bound to be hurt. (*The Honourable Sir Basil Blackett*: "Hear, hear.") The Honourable

Member says "Hear, hear". That is why I said that I am not prepared to condemn the Honourable Member out of hand. I consider that there is a great deal to be said for the policy of those persons who believe that the interests of the worker, the industrial worker as well as the agricultural worker, must be the first charge upon any civilized Government. These questions demand the very serious attention of the people of this country. They are not questions which will interest the House at the present moment, discussing as we are just now the policy of the Government on the political basis. But I do say this, that the Honourable Member has not taken in hand the question either of currency or exchange from the point of view of the worker, the industrial worker. The result is that prices are going up by leaps and bounds. Prices have gone up by leaps and bounds. The index figures that you put forward are not true index figures. They are concocted index figures. If you were to make a proper effort and give us the proper index figures you would find that prices are 30 to 40 per cent. above the index figures which you dole out to us in the *Bombay Labour Gazette*. But Sir, these questions are interconnected with the question of political advance. Nothing that you can do in this country to ameliorate the conditions, financial, economic or otherwise, will be of any avail so long as the present machinery of Government prevails. We have had the Muddiman Report. The majority report is a very curious document. It has laid down the proposition that by tinkering with the Act here and there you will be in a position to do what the terms of reference asked you to do. I do not agree with that view. The minority has not agreed with that view and the minority on the clear evidence placed before the Committee has come to the conclusion that the time has come for you to grant provincial autonomy straightaway as the first step along with responsible Government in the central Legislature. But I do want to draw the attention of the House to what has been said on this subject by people who came and gave evidence before this Inquiry Committee. You will find the opinions overwhelmingly in favour of the view adopted by the minority report. You will find—though, mind you, in the majority report it has been stated that there is no evidence that dyarchy has failed—you will find that the Madras Indian Members say that dyarchy has been given the best trial and yet the inevitable conclusion must be that provincial autonomy must follow. The Bombay Indian Members of the Executive Government agree that they do not want any palliatives. In Bengal Sir Abdur Rahim admits that Indian opinion is in favour of autonomy but then illogically enough he goes on to say that he would work dyarchy. And Mr. H. K. Faz-ul-Huq, the Champion of the Government, naturally deprecates any advance. But it is the United Provinces which is the strongest champion of advance. The Indian Members of the Executive Government say that dyarchy must go. The United Provinces Ministers also want to eliminate dyarchy. The United Provinces report sums up:

"The Governor in Council concludes that the answer to the whole inquiry may be summed up in the statement that there is no halfway house between the present and the new constitution. He expresses no opinion on the demand for the latter, but he is clear that concessions which fall short of complete provincial autonomy will placate no section of the opponents of the existing system; that they will secure neither stability nor contentment; and that they will lower the efficiency, already impaired, of the administration."

As far as the majority are concerned, what do they rely upon? They merely rely upon the evidence given by a Nawab Bahadur who has been made recently a Minister in Bengal. The new Bengal Minister calls upon the Government "to proclaim in the clearest and most emphatic manner

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possible that there will be no further advance". That is the price, a Ministership, which this Nawab obtains for this beautiful statement of his. Again the Majority rely upon the evidence of a meeting that was supposed to have been addressed by Dr. Zia-uddin at Agra and they rely upon a meeting of the Moslem League at Lahore. This is all the evidence they can find for their doctrine that dyarchy has not failed and that no further advance should be given. Sir, on the other hand you will find that not only the Government Members, not only the Ministers, but many public men also have come forward and in strident tones they have said that India can no longer be satisfied with an experiment which has failed, with an experiment which has broken down, and that you must immediately advance towards responsible Government in this country. Now, Sir, on the face of it what is the reply of the Government? Government want time; they want to consider this matter. Rumours are afloat that His Excellency the Viceroy is in favour of the minority report. Nobody knows the truth. We do not concern ourselves at all whether the Viceroy is in agreement with the minority report or not. We do not concern ourselves at all even with the minority report which has been presented. We know perfectly well that those belated measures that you are propounding and taking your stand upon are what the country has been demanding for the last six years. If you had done anything else you would have been rightly condemned as reactionaries. If you had not said what you have said you would not have been voicing the sentiment of the country and you would not have been relying upon the evidence adduced before you in the sittings of the Committee. You know perfectly well that this is but the logical conclusion. But what we take our stand upon is the inherent right of the people of India to self-determination. Your great statesmen during the war and for a little while after shouted from the housetops the cry of self-determination for subject races. What has happened to that cry now? Of course when it suited them they made use of that cry; they tried to hoodwink the whole world but the scales fall off as soon as the war was over. What is it that we demand? It is something which the Honourable Members on the Treasury Benches cannot understand. We demand the inherent right to govern the country according to our wishes and according to our lights. Is there any possibility of doubt in proposition that if we were allowed to govern this country according to our own lights, this country would not have been in the state it is, economically and financially at the present moment? What have you done for this country? I ask the Honourable the Finance Member, and I ask the Honourable the Home Member, what have you done to ameliorate the terrible conditions prevalent in the villages of this country. (*Mr. H. Calvert*: "Irrigation works.") The Honourable Member shouts! "Irrigation works". Has he been to the villages in the Punjab from where he comes. (*Mr. H. Calvert*: "I have.") Has he seen that in 95 per cent of the villages there is not a single *pukka* house to be found but only mud huts. Has he seen the poverty in those villages? (*Mr. K. Ahmed*: "And in spite of that you are collecting money from them.") (Laughter.) I would be very glad if the Honourable Member were to hand me his travelling allowance if he is so very eager about the poverty of these people. (Laughter.) I ask the Honourable Member (pointing to Mr. Calvert) if the question of poverty is a laughing matter for him. That is our complaint that you are not serious, that you do not regard the woes of the people, that if this country were your own country and if these people who live in these villages were your own kith

and kin, you would never have the courage to do what you are doing now. Would you then sit there and laugh. If you had the unwisdom to laugh at the woes of your own suffering people you would have risked your life by lynching at their hands. You would have swung from the first lamp-post. But you can laugh at us and you can laugh at the country, at the starvation, and you think there is not a soul in this country who can question your attitude. That is our complaint against you. You are entirely separated from the life of the people of this country. You know nothing about it except through your blue books and your office work. You are carrying on a routine, a routine with bayonets behind it. You are relying upon your military forces in this country to put down the people of this country.

Now, Sir, I ask you to consider the problem of housing in this country. I ask you to consider the problem of wages. I ask you to consider the problem of old age pensions, of unemployment, of health insurance, of maternity benefits and of the various ameliorative measures that have come into force in all the civilised countries in the world. What have you done for the poor men, women and children of this country? What have you done in that behalf? You have done absolutely nothing. You have brought in the Workmen's Compensation Act which you have based on the English Act of 1879 and you flout that as a great piece of social legislation introduced by you in this country. Sir, I believe that your dilatoriness in not looking after the interests of the poor people ought alone to be a sufficient reason for the demand that we are making that you should not under any circumstances continue, if we can help it, to rule for another day. There is no bitterness in that demand. There is absolutely no racial bias in that demand. We ask you as Englishmen, as Europeans, to consider what would have been the condition of your own country if your country had not come out of the war victorious but as a defeated nation ruled by the Germans. Would not your blood have boiled and would not your people have done their best to turn out that alien bureaucracy? You would have certainly tried your level best to get rid of that bureaucracy. All that we are trying and ask this House to try is to get rid of this bureaucracy and this system which means the dominance of an alien bureaucracy. That is our demand. I am not here to expound constitutional law to you. I do not want my Honourable friend Mr. Jinnah to get up and expound constitutional law. Here is a clear demand. Do you agree with it or do you not agree with it? Do you still believe that this Government should carry on their business or do you still believe that we must take a step to have responsible government for this country? Do you want to put yourself in the wrong or do you want to put your opponent in the wrong? I cannot see now by joining with us over this question there will be any possibility of your attitude being misunderstood in the country. But there is every possibility of your attitude being misunderstood in the country if you do not join us in this demand. Last year you voted with us. With what consistency can you now go and vote against us? I ask you therefore to regard the pitiable condition of this country, to regard your political serfdom to regard that millions of your countrymen are dying year in and year out of hunger and starvation, to regard that preventable epidemics take their toll in millions and I ask you to regard the proposition that no Government in the whole world could last for 10 days if it disregarded the needs of the country as the Government of India to-day are disregarding the needs of India. I ask you to remember,

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therefore, that the only logical step for you to take is to join us in rejecting supplies to this Government until the Government redress our grievances.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): I regret exceedingly the turn that this debate has taken. For some little time past somehow or other an evil fate seemed to have been dogging our steps. Whenever we have tried to take any serious view of the duties and responsibilities that lie before us, something or other has turned up to drive us into indulging in mutual recriminations and personal acerbities. I will not enter into these personalities. So far as I am concerned, Sir, my writings and speeches are there on record. If I have been inconsistent, what does it matter? That will not change the course of the country and the future of my people. If I have been consistent, neither will that help the cause which we all hold so dear. My evil will not turn the good course of Indian history away from its destined path, nor will your consistency and goodness much help it either. Now, Sir, my old friend Pandit Motilal Nehru has referred to ancient history. He has referred to my writings which are 20 years or 19 years old. I congratulate him upon the advance that he has made during these 19 years. I remember, Sir, when I first went to Allahabad my friend dropped me as a hot potato. I am glad—and I congratulate my friend Pandit Motilal Nehru—that at long last, in his age, wisdom has come to him and he has found truth and inspiration in the things which he and his other moderate friends condemned in the bitterest terms privately and publicly in 1905 and 1906 as my excesses.

Pandit Motilal Nehru: I admit that while we have been going forward, for the last 20 years my friend has been going backwards.

Mr. Bipin Chandra Pal: Thank you. I accept that compliment. It has taken my friend twenty years to come to where I was in 1905. After the next 20 years my friend, if he lives, my friend will possibly come to where I stand to-day. (Laughter.) (*Mr. M. A. Jinnah*: "He is young yet.") Yes, he is young yet. But, Sir, knowledge comes, but wisdom lingers. (*Mr. K. Ahmed*: "What about youngsters?") There is my friend Mr. Chaman Lall. I am sure at my age he will find himself not in my position but in a better position—on the Treasury Benches, (Laughter) possibly under a Swaraj Government, probably under the British Government (Renewed laughter). Others have gone that way—from condemnation to compromise, from compromise to (*Mr. K. Ahmed*: "Congratulations.") (Laughter.) Yes, congratulations. I thank my Honourable friend Mr. K. Ahmed for making that suggestion. That has really been the history of personal political advance among our friends. But I will not refer to these things. Whether in 1905, 1906 and 1907 I advocated the break-up of the British connection as my friends over, or I advocated the removal of the British subjection, so that the connection might endure, as I contend, is not the question before us to-day. The question before us to-day is: Shall we advance our cause by throwing out this Finance Bill? If I were in the position of my friend Pandit Motilal Nehru (*Pandit Motilal Nehru*: "God forbid:"), if I were in his position, not in the leadership which God forbid,—but if I had been an humble follower of his and if I voted for the throwing out of the Income-tax demand, as an honest man, as a man who holds his conscience as dear as his God, the next day I would refuse to pay a penny of the income-tax that would be assessed on me. I would allow all my assets to be taken by distraint by the income-tax authorities, and I know, Sir, that that

would have set the whole country on fire. It is sacrifice, Sir, that is needed. It is consistency between what you do here and what you do outside

Mr. Chaman Lall: May I ask the Honourable Member if when he once upon a time advocated the setting up of a parallel Government he also refused to pay any taxes himself?

Mr. Bipin Chandra Pal: I wanted to set up a parallel Government,—independent of but not at war with the established Government, that was our formula in 1905-6—and if I had been able to set up this parallel Government I might refuse to pay taxes. But we did not reach that point, and therefore had no call to start a campaign of non-payment of taxes. If my Honourable friends who refused the last Finance Bill had been true to their vote here, they ought to have, before thinking of asking people outside to refuse to pay taxes, so that they might declare a campaign of civil disobedience, done so themselves. If they had done that, their movement and our movement would have advanced far more than what it has done. That would have created a tremendous moral force in the country. Passive resistance, I understand, Sir. I know a little, on account of my age not on account of my learning, of how passive resistance has been carried on in other countries. The late Dr. Clifford was the father of recent passive resistance in England. What did he do? When he raised the standard of passive resistance in England against the education tax, he was the first man to refuse to pay that tax. He did not wait for others to do so before him. And when you raise your standard of passive resistance here and say this Bill ought to be thrown out, you are bound to your conscience, to your country and to your posterity not to do anything to support that against which you vote here. You ought to refuse to pay your taxes.

Mr. C. S. Ranga Iyer: We are preparing the country.

Mr. Bipin Chandra Pal: Yes preparing the country. It is like toasting dry India on wet champagne. That is the way you are preparing the country for non-payment of taxes. You want others to make these sacrifices for making good your policy. This is the way you are preparing the country. This is the way you are preparing the country to fight the battle of the constitution out. (*An Honourable Member:* "How are you preparing it?"). Now Sir, that is not the question. The question is are we justified in refusing supplies having passed the demands. I do not believe in throwing out the Finance Bill. (*An Honourable Member:* "Who is 'we'.") I say I do not believe, Sir. Sir, I am no "we" except in my editorial chair. But you are all "we", all "we". We are the people. But that is not the question before me. That question is this; we did certain things yesterday. We have reduced the salt tax, and I know considerable political capital will be sought to be made out of the reduction of the salt tax by four annas. That will confer a great benefit on the people! But what will be the actual result of the reduction of the salt tax? That is what I want to tell this House, Sir. This is why I wanted to intervene in this debate at this time. I did not want to say anything to my Swarajist friends. I leave them to their conscience and to the country and to posterity, and to history. I know their position. They are out for destruction. They are out for wrecking. They are out to oppose everything which makes for the continuance of Government. I understand their position Sir. I do not agree, but I have no quarrel with them. But my difficulty is this. We have reduced the salt tax and what will be the result of the reduction of the salt tax? How much have we benefited the people by reducing the salt tax by four annas in the maund? How much does it come to a seer? A

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little over a pie. Is my arithmetic right, Sir? A little over a pie, if I understand it. 48 pies make four annas, I think that is right, and 40 seers make a maund, so a little over a pie per seer is the gain to the consumer that we have secured by reducing the salt tax from Rs. 1-4-0 to Re. 1. And then how much salt is consumed on the average by every man in the year? Six seers. That was the figure given by Sir Charles Innes in this House some time ago. Mr. Lloyd, I think, will be able to enlighten the House in regard to the actual consumption of salt per year per head. I think it will not be more than six seers. So you will see that nine pies—three quarters of an anna,—is the utmost limit of the benefit which we have conferred on the poor people of the country by reducing the salt tax from Rs. 1-4-0 to one rupee.

Pandit Shamlal Nehru: How does it compare with their income?

An Honourable Member: It is something.

Mr. Bipin Chandra Pal: I admit it may be something, but I know this also that a good deal of this reduction will go to the pocket of the middleman and very little will go to the pocket of the actual consumer (Applause). That is the first point Sir. The benefit to the poor is doubtful and insignificant. We have reduced the salt tax, but what about the result? Loss of revenue of 90 lakhs this year and a recurrent loss of 125 lakhs from next year. Sir Basil Blackett,—we were looking to his stocking—it is not Christmas, but we like to think of Christmas at this time with the hot days coming fast upon us,—and we were looking to his stocking for the good things, he had concealed there, so many lakhs for Bengal, so many lakhs for Madras, so many lakhs even for Bombay, so many lakhs for the Central Provinces, so many for the United Provinces and the other provinces. But he told us yesterday that after what had happened, he did not feel quite sure whether he would be able to do what he promised. And what will be the result? I will not refer to, because I do not know, what the result of this reduction will be to the other provinces. But I know, Sir, what it will mean to my province. My province has budgetted this year for a revenue of Rs. 10 crores odd and an expenditure of 11 crores and odd, taking into consideration the demand by the Central Government of its own quota of provincial contributions. If this provincial contribution is remitted, we may get a small surplus of about 25 or 26 lakhs. That is all that we get. (*Khan Bahadur W. M. Hussanally:* "Do not dream of it.") Now, what did we propose to do—what did the Government of Bengal propose to do with the resources at its disposal? Last year the Swarajist leader in Bengal, (not in this House) Mr. C. R. Das, put forward a proposal in the Bengal Council for the improvement of the health conditions of the people. He asked the Government to start organisations of public health, rural public health committees, in every important centre, and these committees were to be controlled and worked by local authorities, district boards and union boards and so forth. This suggestion has been accepted by the Government. But these committees want money, and our Government, the Government of Bengal, in their present budget statement say that Rs. 1,25,000 of recurring expenditure has been provided for subsidies to district boards for the creation of public health organisations. The work which the Government were going to do at the instance and the suggestion of the Swarajist leader in our province will not be possible of being done this year if this contribution is not remitted, if we do not get the Rs. 63 lakhs which Sir Basil Blackett promised us.

Mr. N. M. Joshi: Tax your zemindars.

Mr. Devaki Prasad Sinha: May I ask the Honourable Member whether or not it was the suggestion of Mr. Das to raise a loan for that purpose?

Mr. Bipin Chandra Pal: It is recurring expenditure, Sir, and a loan cannot meet recurring expenditure, neither will amateurish financing meet the situation in which we stand.

What is the position in Bengal? The ravages of malaria, the ravages of *kala azar*, these are decimating our rural population. There is lack of proper drinking water, lack of sanitary conditions, lack of medical relief, lack of organization of village industries. These are the crying needs of my province. These vitally affect the poor. The nation-building departments are being starved in my province and we were looking forward to this remission of 63 lakhs with a view to working up these nation-building departments. And the question before me, when this vote on the reduction of the salt duty was proposed was this: "What am I to do? Shall I help the poor man to get his salt less one pie in every seer, a little over one pie for every seer of salt he consumes, or nine pies in the year; or shall I help him to get medical relief, shall I help him to get quinine, medical assistance in *kala azar* and malaria, shall I help him to get good drinking water so far as it may be, shall I help him to get education and to organise his economic life?" And the answer came straight and unequivocally "Help the poor in the things which the poor need more than the sentiment of having cheaper salt, to help politicians to make capital out of this vote?" (*Mr. N. M. Joshi:* "May I ask the Honourable Member how much medicine, education, water he can give the poor man of his province with one anna of the salt tax?") (*Pandit Shamlal Nehru:* "May I also remind the Honourable Member that he never spoke with half that heat over the Lee Commission's Report?") I was not a member of the Finance Committee and I was not able to be in Simla when the Lee Commission's Report was taken up. (*Mr. N. M. Joshi:* "Answer my question."). What my Government has done is to take for granted that we would get this remission and they have set aside 9 lakhs recurring expenditure for sanitation. Three lakhs recurring expenditure for relieving ill-paid village schoolmasters, Rs. 75,000 for meeting recurring liabilities on account of a new scheme of primary education, which aims at the establishment of one primary school in every village union—and there are 7,012 such Unions in Bengal—and a sum of one lakh has been allotted to provide for the construction of 100 additional schools this year. Water supply, drainage, assistance to local bodies—all these have been budgetted for to some extent. Rural water-supply Rs. 50,000 this year and 2½ lakhs next year. These are the things which our Budget provide. But they will not be able to do it unless the provincial contribution is remitted. Why? I will read a passage from the Finance Member's speech:

"I have shown that but for the remission we have enjoyed during the last 3 years and despite economy, retrenchment and taxation, we should have been in deficit every year, in 1922-23 to the extent of nearly 40 lakhs, in 1923-24, 24½ lakhs, in the current year 26½ lakhs; and if we do not secure a further remission during the coming year we shall without incurring any new expenditure at all be in deficit to the extent of 30½ lakhs."

Now, Sir, this is the situation in Bengal and I had to consider the situation in my province in giving my vote on the salt tax reduction. While voting

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on the motion for a reduction of salt revenue I felt it my duty, out of regard for the life and happiness and physical, intellectual and larger economic needs of the teeming population of my province, to vote with the Government in regard to this matter instead of playing to the gallery and trying to get cheap applause in the Swarajist press either in Calcutta or elsewhere.

A number of Honourable Members: Divide! divide!

Mr. M. V. Abhyankar (Nagpur Division: Non-Muhammadan): Sir, at first I really did not desire to speak because I do not love my voice as many a Member in this House does, although whenever I have found it absolutely necessary to speak on a subject on behalf of my province, rarely as I did so equally rarely have I been fortunate enough to catch your eye. Another reason why I did not at first desire to speak was that I thought this subject had been so very well dealt with in all its aspects from the Swarajist point of view by the speakers from my party who preceded me that I thought I would be speaking more emphatically on it in the division lobby by recording my vote there than here.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaun Divisions: Non-Muhammadan Rural): On a point of order, Sir. I should like to know if it is proper form—judging from one of your former rulings—for a speaker to make a particularly violent speech and not wait for the reply. I refer to Mr. Bipin Chandra Pal.

Mr. President: We had better wait and see if the Honourable Member returns to the House.

Mr. M. V. Abhyankar: Sir, the Government in this House to-day stand condemned when the Honourable the Home Member could not do better than hide himself behind the phrase "His Majesty's Government" in support of the Finance Bill. Does he not know that His August Majesty is above all Governments and politics? Does he not know that the English monarch is a constitutional King, and does he not know that he acts on the advice of his Ministers

The Honourable Sir Alexander Muddiman (Home Member): On a point of order, Sir. I did not refer to His Majesty the King. Nor should I have thought of bringing his name into debate. I referred to the King's Government.

Mr. M. V. Abhyankar: Very well, if you referred to the King's Government, then may I know from you, was it not Cromwell in your own country who refused to help to carry on the King's Government and is it not Cromwell who has been immortalised by you by raising a statue to him right in front of the Houses of Parliament, so that he may go down as a lesson to posterity? In England the King's Government is one thing; in India it is another thing. Does the Honourable the Home Member not know that His August Majesty is King of England and Emperor of India? Why not make him King of England as well as King of India? The House will understand what this phrase "King of England and King of India" means. Then, Sir, if we are to help the carrying on of the King's

Government—we want the King's Government here—let it be the same King's Government here as it is in England, and not one kind of King's Government in England and a different kind of King's Government in India.

Then, Sir, the Honourable the Home Member asked us not to take an unconstitutional course by seeking redress of our constitutional grievance before voting supplies. Has he forgotten the history of his own country? Has he forgotten the history that is every day being handed to us by his own countrymen and from his own country? His own people did not stop at simply refusing supplies to an irresponsible Government. They went much further; and not only did they go much further but they have always gloried in the fact that they did so. My Honourable friend the Home Member says, "What shall we do if you do not vote us supplies?" We do not care what happens to you. That is why we are here. Beg, borrow, steal or rob as you have always been doing to carry on the Government, in the same old way as you have been doing in this country for so long; but we shall not allow you for one moment, so far as the Swarajists can help it, to carry on the Government in this country in our name in the manner in which you have been carrying it on until now. The Honourable the Home Member says constitutional questions ought not to have anything to do with the Finance Bill. Well, let me tell him that our constitutional subjection is on our brain every moment of our life; we cannot possibly get rid of it, whatever be the subject we may be discussing in this House. We think of it by day and dream of it by night, we swear at it when we go to bed and we curse ourselves because we are not yet able to break ourselves away from this subjection, and therefore the first thing in the morning that we do is to vow that we shall not rest until we have broken these shackles of bondage and slavery. It is with that determination, Sir, that the Swaraj Party has stepped into this House. Some Members of this House have said that time is being wasted; that six solid days were wasted on the discussion of the Budget and time is again being wasted during the debate on this Finance Bill. I agree with them; I believe it was my friend Maulvi Abul Kasem, who said it the other day when we opposed the consideration of the Finance Bill. I agree with him. I fully agree with him that all those six days and all the three days over this Finance Bill are wasted. But, Sir, it is only due to my friend Maulvi Abul Kasem, my friend Mr. Bipin Chandra Pal and others like them in this House. I assure this House that had we fortunately been in a majority in this House we would have proceeded to do our work in a thorough businesslike manner and made very short work of this Finance Bill; at the most in fifteen minutes we would have done with it and cast it to the winds. Unfortunately we are not in a majority. I hope that at least in view of the callous disregard of the Government for what is said by any non-official Member in this House and in view of their callous disregard of all the Resolutions and motions that have been passed by this House by overwhelming majority, the time will not be long when the Swaraj Party will refuse to take part in any debate in this House and will speak only through its leader the six words "Our vote shall be our reply". I think the time is coming for that. (*Cries of "Divide."*) Yes: we are not only going to divide, but divide in a fashion as to let you know the real desire of the people. How long, I ask, are the Government going to carry on the administration of this country by pure force? Time will not be long when it will be impossible for them to do so, and

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I should ask my Honourable friend the Home Member to take advice and warning in time.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I do not wish to import any unnecessary heat into this discussion and I will try my very best not to give any offence to any individual or any party if I can possibly help it. Sir, my friend Pandit Motilal Nehru and those of his party who spoke have made their position perfectly clear. Pandit Motilal Nehru takes his stand on this, that he wants to enforce the principle of refusal of supplies. And although he has not said so, I think he has conveyed it and I think it is clear that he and his party stand here on the floor of this House for the purpose of wrecking this constitution and obstructing it from A to Z, from start to finish . . .

Pandit Motilal Nehru: For mending it or ending it. This is how I put it.

Mr. M. A. Jinnah: I do not want any ambiguity on this question, I want this question to be made clear.

Pandit Motilal Nehru: Where is there any ambiguity? Mend it or end it or destroy it or send it where you like.

Mr. M. A. Jinnah: I know Pandit Motilal Nehru has tried his very best to leave a little loophole. Is he here to mend this constitution? *(Cries of "Yes.")*

Diwan Bahadur T. Rangachariar: May I ask what he has done here up till now to mend it?

Pandit Harkaran Nath Misra: He has done more than you have done up till now, sitting where you are.

Mr. M. A. Jinnah: Let us clear the issue. I am prepared both on the floor of this House and outside in the country to put this issue to the test. If you succeed, and if the country supports you, no man will be more pleased than I shall be. By all means come here with a mandate. Do not evade the issue . . .

Pandit Motilal Nehru: The country has supported us by sending us here.

Mr. M. A. Jinnah: I say if the country wants that this Legislature should be wrecked and if you want to make that clear to the country, it may be that you may not have a majority for some time; it may be that some of us may die and some of us may have to resign for their own purposes and there may be bye-elections and you will come forward before the electorates and try and get that majority—that is what I mean . . .

Pandit Motilal Nehru: Allow me to make it perfectly clear for my Honourable friend's information that we have a distinct and direct mandate from the country to destroy this Legislature if it will not mend.

Mr. M. A. Jinnah: I deny it; I challenge it.

Pandit Motilal Nehru: We came on that ticket; that was our election manifesto.

Mr. M. A. Jinnah: I challenge it; the Honourable Pandit is not yet in the majority here and I challenge that and I want the country to declare it. (*An Honourable Member:* "Are you in a majority?")

Pandit Shamlal Nehru: May I inform the Honourable Member that we are in a majority here? If the 39 nominated Members of the Government are not counted we are in a majority in this House.

Mr. M. A. Jinnah: Sir, it is no use evading it. I put it to my Swarajist friends; I am perfectly willing to stand by what I say. If my friend Pandit Motilal Nehru's policy is that policy and if that is his programme, that he wants in this Assembly to obstruct from beginning to end, persistent, continuous, together with refusal of supplies, if that is his policy, and if, as my friend Mr. Chaman Lall very rightly said, we want to make this Government impossible and as Mr. Abhyankar very rightly endorsed it now, then I am opposed to it. Sir, that is the issue before us.

Mr. V. J. Patel: May I refer my Honourable friend to the constitution of the Nationalist Party which he himself has drafted?

Mr. M. A. Jinnah: My friend Mr. Patel cannot really help misrepresenting and he cannot help really putting in one sentence when he knows perfectly well that that is not the case; if he will put his hand on his heart and if he has any conscience and if he reads that constitution again he will understand it better perhaps. (*Mr. V. J. Patel:* "That is the only reply you can give.") I do not want to be side-tracked. Now, I quite understand my friend Pandit Motilal Nehru saying that we have grievances. I quite understand—and here I am afraid, Sir, that in our little controversy here the real culprit has escaped and that is what I always regret—I do not want to forget or overlook that the culprit is across there on the Treasury Bench and I do not want the accused to escape in our controversy. But let me tell you this, that while I agree that you have a very strong case, the question which I have got to consider and which I appeal to every Member of this House to consider is this: Can you make this Government impossible? (*Pandit Motilal Nehru:* "We will try our best.") (*Mr. K. Ahmed:* "Get to spinning.") Well, Sir, however much I may wish to try, however strong our feelings may be to join hands with my friends, I feel and I am convinced, and let me tell you here, and I hope that you will believe me, that I am honestly convinced that it is not possible for you to make this Government impossible at present and it will recoil on you if you make a mistake. (*Pandit Motilal Nehru:* "Have courage.") My Honourable friend says "Have courage". My answer is that I cannot share in your recklessness in your mature age. I say it is recklessness and that keeps me back.

Pandit Shamlal Nehru: Why did you do it last year against your conscience?

Mr. M. A. Jinnah: In this House, Sir, the only contribution that Pandit Shamlal Nehru makes is to interrupt

Captain Hira Singh Brar: On a point of order. Sir. The reply to making the Government impossible is just as the election was made impossible in the town yesterday, we will make the Government impossible one day in this House by fighting among ourselves.

Mr. M. A. Jinnah: Sir, it is no use quoting English history and quoting Cromwell when facts are different. I should like to follow Cromwell. Nothing would give me greater pleasure, Sir, than that, and certainly even my ambition will be satisfied if I can become the Cromwell of India. But where are the materials? Where are the forces? Where are the people behind your Cromwell of to-day?

Pandit Motilal Nehru: Come out into the country and you will see.

Mr. M. V. Abhyankar: Cromwell made the people, the people did not make him.

Mr. M. A. Jinnah: I suppose he walked alone. Therefore, Sir, it is no use quoting examples from histories of other countries, although sometimes it may have some relevancy, I admit. But after all, let us consider our position as we are situated now. Our position is this.

Pandit Motilal Nehru: Slaves.

Mr. M. A. Jinnah: We are slaves. I do not dispute it. I have always known it, I have always felt it, and I agree that we are slaves. But, Sir, all I say is this, that at present you are not in a position to make this Government impossible. I therefore want to try, until my patience is exhausted, and until I also become reckless and a wrecker, I want to try and control myself, I want to restrain myself, and I want honestly to try and coerce this Government in every possible manner and get some substantial advantage for my country. That is why I stand here. It is no use Pandit Motilal saying "What did you do last year"? The uncle says it and the nephew re-echoes it. But, Sir, let us now be frank. I do not wish to give any offence to any one. Let us be frank. Now, what did you do last year? You decided in your party, the Nationalist Party, about which my friend here cannot forget talking, to throw out all the grants. You decided to throw out the Finance Bill. You threw out four items; after you had thrown out four items, this very party went back upon their decision. What did my friend Pandit Motilal say after the first day's performance? What did Pandit Motilal Nehru say on the next day? What statement did he make? He made a statement to this effect,—and I would remind him about it,—that he was not pursuing the policy of wrecking which was the Swarajist policy, but he was following the policy of the Nationalist Party. He repudiated the policy of the Swarajist Party.

Pandit Motilal Nehru: I made it clear.

Mr. M. A. Jinnah: You made it quite clear. You repudiated it.

Pandit Motilal Nehru: I did, because I was not acting then as the leader of the Swaraj Party, I was then representing the Nationalist Party, and I am now representing my own true party.

Mr. M. A. Jinnah: The Honourable Member is now coming out in his true colours. He is appearing now as a wrecker, and yet it is repeatedly thrown in our faces that you did this last year. Last year you went back on it. I never asked you to go back on it and you proceeded with your grants and discussed them on their merits.

Mr. M. V. Abhyankar: For your sake.

Mr. M. A. Jinnah: No, Sir, it is absolutely untrue, it is a absolute lie to say that. I said I would vote with you till the last every item of the Budget and the Finance Bill if that was the decision of the party. After I had done that, I said I would decide my future position in that party. That was my position. You reversed the policy.

Pandit Motilal Nehru: Who reversed it?

Mr. M. A. Jinnah: Your party.

Pandit Motilal Nehru: Was it reversed by the members of the Swaraj Party or of the Independent Party?

Mr. M. A. Jinnah: I am not responsible for it.

Pandit Motilal Nehru: You sent in your resignation.

Mr. M. A. Jinnah: No. Therefore, Sir, it is no use our friends talking of what happened last year. Do you want to wash dirty linen on the floor of this House?

Pandit Motilal Nehru: You are doing it.

Mr. M. A. Jinnah: Because you misrepresent things. You are forcing me. I refrained from doing it, but you repeatedly asked, "What did you do last year"?

Pandit Motilal Nehru: Go on, wash your dirty linen.

Mr. M. A. Jinnah: Then, Sir, what happened? Who decided to throw out the Finance Bill? Pandit Motilal.

Pandit Shamlal Nehru: Pandit Malaviya.

Mr. M. A. Jinnah: Where was the Swaraj Party? Sir, when it suits the Swaraj Party, they become the heroes, they want to be Cromwells of India. But I appeal to you,—I have refrained from doing it,—I do appeal to you not to provoke controversy between your own people. Let us direct our attention to the opposite bench.

Pandit Motilal Nehru: We are making it impossible.

Mr. M. A. Jinnah: Then continue. The choice is yours.

Pandit Motilal Nehru: It is yours as well.

Mr. M. A. Jinnah: But I tell you that you are not going to get me to agree to pursue a policy of obstruction, to pursue a policy of wrecking and recklessness by merely resorting to these tactics.

Pandit Motilal Nehru: We do not depend upon you. (*A Voice:* "You are here only for 18 months.")

Mr. M. A. Jinnah: Pandit Motilal Nehru then says that I said something about the Congress of 1919. I only quoted the resolution of the Congress Party. My point was a simple one. It was this, that whereas Mr. Patel tried to attach some importance to an expression here and there as to what I said about dyarchy, the Indian National Congress, after the Act was actually passed, went as far as to accept it and agreed to work it. Therefore, it is no use saying that everybody was so deadly opposed to dyarchy in this country at that time. It really makes no difference, as Pandit Motilal Nehru himself says, it does not make any difference as to what the Congress thought. But, Sir, what does even Pandit Motilal Nehru say? This is what he says in dealing with the Act of 1919:

"In certain respects those requirements have been partially met. In others they have not been given the weight either for reasons which do not appeal to us or for no reasons at all. The Act is not based on the wishes of the people of India, and its provisions fall short of the minimum demands made by the Congress, but let us not belittle the good that the Act does us. We must recognise that it gives us some power and opens out new avenues of service for us which had hitherto been closed to Indians."

Mr. A. Rangaswami Iyengar: Is that about dyarchy?

Mr. M. A. Jinnah: It is about the Act of 1919 which is based on dyarchy. Pandit Motilal Nehru was the President of the Congress of that year. And he said that it "opens up new avenues for service", and Pandit Motilal Nehru has entered this Legislature under that Act, believing that it opens up new avenues of service.

Pandit Motilal Nehru: No, no.

Mr. V. J. Patel: And this is the service.

Mr. M. A. Jinnah: Mr. Patel says this is the service.

Pandit Motilal Nehru: I wish my friend would read the earlier part of my speech containing a full criticism of the Act.

Mr. Mahmood Schamnad Sahib Bahadur: On a point of order, Sir. Are these duellings and recriminations, answers and questions constitutional? Is it after the English constitution or the Indian constitution? If it is after the constitution of the English Parliament then we must have all the privileges of it; we do not want to imitate the bad side of the English Parliament but only the good side of the English Parliament.

Mr. M. A. Jinnah: I will continue, Sir, in view of the interpretation of Mr. Patel. Mr. Patel says Pandit Motilal Nehru says this is the service, namely, the wrecking of the constitution. (*Pandit Motilal Nehru:* "No, no.") I know you cannot say that because I am going to read:

"Further I venture to think that our clear duty in these circumstances is to make the most of what we have got and at the same time to continue to press for what is our due."

Pandit Motilal Nehru: That was the position of the Congress.

Mr. M. A. Jinnah: Sir, I never had said anywhere that I was satisfied with the Act.

Pandit Motilal Nehru: "Dyarchy was bound to succeed," you said.

Mr. M. A. Jinnah: These quibbles will not do. I am talking now of the Act.

Pandit Motilal Nehru: The quibble is yours, not mine.

Mr. M. A. Jinnah: Let me say again, these quibbles will not do. I have never said that this Act of 1919 is satisfactory. On the contrary, I have made it quite clear that it was not satisfactory. I have said the same thing—it opens up opportunities for service. I have said the same thing that Pandit Motilal Nehru has been saying for years and I have come here to make all the use I can of this Act. And it is no use—and I do appeal to the Members of this House—it is no use forgetting our difficulties. It is no use being carried away by some emotions like my friend Mr. Chaman Lall. Emotion is a very good thing. Sentiment is a very good thing. The realisation of wrongs inflicted is undoubtedly a very fine quality in a man. I admire it; I appreciate it. I feel all those emotions, I endorse all that feeling of resentment against wrongs. But, Sir, I also feel that my people, my country, at this moment is ill-organised, is helpless, is powerless, and I cannot make this Government impossible. It is not that I do not feel, it is not that I do not realise, but it is—let me tell the Treasury Bench again, and I do not wish to disguise the feeling, I feel it in every fibre of my being—but I regret and I am sorry—I feel humiliated—that I am unable to bend the Government; but despite that I am not in a position nor are my people in a position to-day to make this Government impossible. At present it is not a practical proposition.

Several Honourable Members: I move, Sir, that the question be now put.

Mr. President: The question is that the question be now put.

Pandit Madan Mohan Malaviya: Will you allow me, Sir, to make a statement to the House?

Mr. President: Order, order, The Honourable Member will have to wait till this House has decided whether the debate should be brought to an end or not. The decision is entirely in the hands of the Assembly.

Pandit Madan Mohan Malaviya: It was only in that connection, Sir, that I wanted to say that in view of the great importance of the subject and in view of the opinions that have been expressed and the persons who have been mentioned, it would be fairer if the House would allow the discussion to go on a little longer.

Mr. President: The Honourable Member knows, or ought to know, that when a motion for closure has been put, it is decided without debate, argument or appeal of any kind.

The question is that the question be now put.

The motion was adopted.

Mr. President: The question is that the Finance Bill be passed.

The Assembly divided:

AYES—75.

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| Abdul Mumin, Khan Bahadur Muhammad. | Kasturbhai Lalbhai, Mr. |
| Abdul Qaiyum, Nawab Sir Sahibzada. | Lindsay, Mr. Darcy. |
| Abul Kasem, Maulvi. | Lloyd, Mr. A. H. |
| Ahmad Ali Khan, Mr. | Mahmood Schammad Sahib Bahadur, Mr. |
| Ahmed, Mr. K. | Makan, Mr. M. E. |
| Aiyangar, Mr. K. Rama. | Marr, Mr. A. |
| Ajab Khan, Captain. | McCallum, Mr. J. L. |
| Akram Hussain, Prince A. M. M. | Mitra, The Honourable Sir Bhupendra Nath. |
| Alimuzzaman Chowdhry, Mr. | Moir, Mr. T. E. |
| Ashworth, Mr. E. H. | Muddiman, The Honourable Sir Alexander. |
| Badi-uz-Zaman, Maulvi. | Muhammad Ismail, Khan Bahadur Saiyid. |
| Bhat, Mr. K. Sadasiva. | Mutalik, Sardar V. N. |
| Bhore, Mr. J. W. | Naidu, Mr. M. C. |
| Blackett, The Honourable Sir Basil. | Pal, Mr. Bipin Chandra. |
| Bray, Mr. Denys. | Purshotamdas Thakurdas, Sir. |
| Burdon, Mr. E. | Rajan Baksh Shah, Khan Bahadur Makhdum Syed. |
| Calvert, Mr. H. | Raj Narain, Rai Bahadur. |
| Chetty, Mr. R. K. Shanmukham. | Rangachariar, Diwan Bahadur T. |
| Clarke, Sir Geoffrey. | Reddi, Mr. K. Venkataramana. |
| Cocke, Mr. H. G. | Rhodes, Sir Campbell. |
| Cosgrave, Mr. W. A. | Rushbrook-Williams, Prof. L. F. |
| Crawford, Colonel J. D. | Rau, Mr. P. R. |
| Dalal, Sardar B. A. | Sarda, Rai Sahib M. Harbilas. |
| Das, Mr. B. | Sastri, Diwan Bahadur C. V. Visvanatha. |
| Datta, Dr. S. K. | Setalvad, Sir Chimanlal. |
| Fleming, Mr. E. G. | Singh, Rai Bahadur S. N. |
| Fraser, Sir Gordon. | Singh, Raja Raghunandan Prasad. |
| Ghazanfar Ali Khan, Raja. | Stanyon, Colonel Sir Henry. |
| Ghulam Abbas, Sayyad. | Sykes, Mr. E. F. |
| Ghulam Bari, Khan Bahadur. | Tonkinson, Mr. H. |
| Gour, Sir Hari Singh. | Venkatapatiraju, Mr. B. |
| Graham, Mr. L. | Webb, Mr. M. |
| Hira Singh Brar, Sardar Bahadur Captain. | Willson, Mr. W. S. J. |
| Hudson, Mr. W. F. | Wilson, Mr. R. A. |
| Hussanally, Khan Bahadur W. M. | Yakub, Maulvi Muhammad. |
| Hyder, Dr. L. K. | |
| Innes, The Honourable Sir Charles. | |
| Jeelani, Haji S. A. K. | |
| Jinnah, Mr. M. A. | |
| Joshi, Mr. N. M. | |

NOES—40.

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| Abdul Karim, Khwaja. | Murtuza Sahib Bahadur, Maulvi Sayad. |
| Abhyankar, Mr. M. V. | Narain Dass, Mr. |
| Acharya, Mr. M. K. | Nehru, Dr. Kishenlal. |
| Aiyangar, Mr. C. Duraiswami. | Nehru, Pandit Motilal. |
| Ariff, Mr. Yacoob C. | Nehru, Pandit Shamlal. |
| Chaman Lal, Mr. | Patel, Mr. V. J. |
| Das, Pandit Nilakantha. | Phookun, Mr. Tarun Ram. |
| Duni Chand, Lala. | Piyare Lal, Lala. |
| Dutt, Mr. Amar Nath. | Ranga Iyer, Mr. C. S. |
| Goswami, Mr. T. C. | Ray, Mr. Kumar Sankar. |
| Gulab Singh, Sardar. | Sadiq Hasan, Mr. S. |
| Hans Raj, Lala. | Samiullah Khan, Mr. M. |
| Hari Prasad Lal, Rai. | Sarfaraz Hussain Khan, Khan Bahadur. |
| Ivengar, Mr. A. Rangaswari. | Shafee, Maulvi Mohammad. |
| Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad. | Sinha, Mr. Ambika Prasad. |
| Kelkar, Mr. N. C. | Sinha, Mr. Devaki Prasad. |
| Kidwai, Shaikh Mushir-Hosain. | Svamacharan, Mr. |
| Lohokare, Dr. K. G. | Tok Kvi, Maung. |
| Mehta, Mr. Jamnadas M. | Yusuf Iman, Mr. M. |
| Misra, Pandit Shambhu Dayal. | |
| Misra, Pandit Harkaran Nath. | |

The motion was adopted.

THE SUCCESSION CERTIFICATE (AMENDMENT) BILL

(Mr. President called upon Sir Hari Singh Gour in whose name stood the next motion on the paper.)

Sir Hari Singh Gour: Sir,

Diwan Bahadur C. V. Visvanatha Sastri (Madras: Nominated Official); I rise to a point of order, Sir. The Bill now before the House (Bill to amend the Succession Certificate Act, 1889) is, in my opinion a fiscal Bill, for which the permission of His Excellency the Viceroy under section, 67 (2), of the Government of India Act, ought to have been obtained. When the Bill of 1889 was introduced in the Legislative Council, it was remarked by the Honourable Mr. Scoble that the Bill had a legal as well as a fiscal aspect. This point was also endorsed by the Honourable Mr. Evans in his speech before the Council. The Succession Certificate Act was, therefore, in its nature a fiscal Act. The scope of the present Bill is to enlarge the provisions of that Act so as to bring in more money into the Government coffers. I therefore contend that the present amending Bill is a fiscal Bill, and as such, it ought to have been sanctioned by His Excellency the Governor General before it was introduced in the Council of State.

Mr. President: That is a point on which the Government of India in the Legislative Department must, as far as I am aware, have necessarily satisfied themselves before allowing the measure to proceed in the other place. I do not know whether the point was taken, and therefore I do not know what my Honourable colleague the President of the Council of State may have said upon it. In so far as the measure has been passed by the Council of State without being objected to by the Member of Government, which he would have done if sanction had to be given and had not been given, I have nothing to pronounce upon that matter here.

Diwan Bahadur C. V. Visvanatha Sastri: I leave it to you, Sir.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to move:

"That this Assembly do agree to the recommendation of the Council of State that the Bill to amend the Succession Certificate Act, 1889, be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 12 members."

Honourable Members who have followed the proceedings in another place will remember that this Bill was introduced by the Honourable Mr. Sethna. Its object is stated in the Statement of Objects and Reasons which is appended to the Bill. The object which this Bill is intended to serve is as follows. The Indian Succession Certificate Act, both in its Preamble and in its Short title, refers to an

"Act to facilitate the collection of debts on succession and afford protection to parties paying debts to the representatives of deceased persons."

In the Preamble, it is stated:

"Whereas it is expedient to facilitate the collection of debts on succession and afford protection to parties paying debts to the representatives of the deceased persons; It is hereby enacted as follows."

Difficulties have arisen as to what is the meaning of the word "debts", and particularly with reference to the amount payable by the Life Insurance companies on the death of the assured. The meaning of the word "debt" has been interpreted one way by the Calcutta High Court and somewhat differently by the Madras High Court. In the Calcutta High Court, it has

[Sir Hari Singh Gour.]

been held that the word "debt" in the Succession Certificate Act should be construed liberally as connoting existing as well as future obligations. And they have accordingly in 42 Cal. 10 construed it to include part of a debt, and in 36 Cal. 936 overruling 2 Cal. W. N. 591, they have construed it to include an obligation arising after the creditor's death. Even a deferred dower has been construed to be a debt within the meaning of this Act. See 16 Cal. W. N. 231. Unfortunately, the Madras High Court in 35 Mad. 162 were inclined to take a narrower view of the meaning of this term. They referred to the Married Women's Property Act and said that the provisions of that Act did not apply to Hindus. So far as that part of the Act is concerned it has been overruled by an Act of this Legislature known as Act XIII of 1923. But apart from that case, there are three cases to which references are to be found in the commentaries on this Act, namely, 3 M.L.W. 466, 32 I.C. 991, and 33 I.C. 157, in which the learned Judges seem to hold, or, at any rate, are understood to have held that a claim arising out of a life insurance policy on the death of the assured is not a "debt" within the meaning of the Succession Certificate Act. The Life Insurance companies have been, therefore, confronted with this difficulty. They want to clear the claims as soon as possible after the death of the assured. Now, as Honourable Members are aware, there are only three possible courses open to the representatives of the deceased in establishing their right to the money which the insurance companies are willing to pay on the death of the assured. One is by a suit obtaining a declaration of title. The second is (in the case of a will,) by obtaining probate or letters of administration, and the third is a more summary and speedier relief by obtaining a certificate, on succession as distinct from survivorship. I understand, Sir, that in the large majority of cases the practice of the insurance companies is to call upon the representatives of the deceased to obtain a certificate under the Succession Certificate Act, and the amendment of the Act which has been moved by the Honourable Mr. Sethna in the other House is intended to bring that practice in line with the Statute. I may say at once that, while I approve of the principle of the Bill, I think that the frame and structure thereof requires revision, and I would ask the Honourable Members of the Select Committee to carefully examine whether the purpose which the author of the Bill has in view cannot be served by inserting a definition of the word "debt" in section 3 immediately after clause 1. Honourable Members will find that this Act deals with two classes of obligations, debts and securities. While it defines in section 3 the word "security" it omits to define the word "debt", and it seems to be more logical if we add a definition of the word "debt" along with the definition of the word "security" given in section 3. But this, as I have said, is a matter of detail. On the question of principle I submit that this House should concur with the other House. Sir, I move my motion.

The motion was adopted.

Sir Hari Singh Gour: I move:

"That the following Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to amend the Succession Certificate Act, 1889, namely:

The Honourable the Home Member,
 Diwan Bahadur M. Ramachandra Rao,
 Rai Sahib M. Harbilas Sarda,
 Mr. K. C. Neogy,
 Mr. Abdul Haye, and myself."

I need hardly add that this is a Committee which has been appointed by this House to examine the Indian Succession Act, and the Succession Certificate Act is somewhat closely connected with the Indian Succession Act. I therefore move this motion also.

The motion was adopted.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir Charles Innes (Commerce Member): I beg to move:

“That the Bill further to amend the Indian Tariff Act, 1894, as reported by the Select Committee, be taken into consideration.”

The Report of the Select Committee, Sir, is in the hands of this House. Honourable Members will see that in the Select Committee we have made only one change of substance in the Bill. That change relates to the item regarding cigarettes. We proposed in the original Bill that a uniform flat rate of Rs. 8 a thousand should be imposed upon cigarettes. When I moved that the Bill be referred to a Select Committee, I explained the reasons why Government had come down in favour of specific duties instead of *ad valorem* duties. Those reasons were three. In the first place, the bulk of the trade were in favour of specific duties, as opposed to *ad valorem* duties. In the second place, our Customs Collectors have for many reasons pressed upon us for many years the need for imposing specific duties on cigarettes instead of *ad valorem* duties, and in the third place, now that cigarettes are coming in some quantities over our Burma-Siam, frontier and through the Kathiawar ports where our customs arrangements are not as efficient as they are at the major ports of India, we should have a simpler form of assessing cigarettes to duty. The House will see that the Select Committee have approved of those arguments and have agreed to the principle of specific in preference to *ad valorem* duties. But they took the point which was raised by the Honourable Mr. Jinnah in the debate on the motion to refer the Bill to a Select Committee that it was not quite fair to the cheap smoke that we should have one flat rate for all cigarettes, and they have divided cigarettes into two classes, one class not exceeding Rs. 10-8-0 in value and the second class consisting of cigarettes above that value, and they have proposed two rates of duty for those two classes of cigarettes. As the Report of the Select Committee shows, that line has been drawn between cigarettes sold in packets and roughly speaking the superior quality of cigarettes which are sold in the larger containers. About 88 per cent. of the cigarettes which come to India will come under the lower class of duty, and 94 per cent. of those lower valued cigarettes already pay a duty of Rs. 6-15-0. I do not think therefore that it can be said that we are hurting the poor man's smoke. I think that it is all that I need say at this stage, and I move that the Bill be taken into consideration.

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President: The question is:

“That this be the Schedule to the Bill.”

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-Official): Sir, when this Bill was first introduced I had occasion to take exception to the time that was allowed us, but it is unnecessary to emphasise that point further now. I want to confine myself very briefly to the main fact at issue as I see it. I want, first of all, to make it perfectly plain to the House that I am not asking for any *reduction* of duty. I am not asking for a reduction of charge such as was the question of postage and the salt duty! I am merely addressing you, Sir, with a view to prevent an *increase* in the duty levied on imported sugar. I protest against this increase, firstly, because this Bill is a proposal, as I shall shortly show, to increase the duty, and I say that, in the words of Mr. Lloyd this morning, it is not correct under cover of a Bill to alter an *Act*. Mr. Lloyd used that argument this morning and said it was not right to effect alterations of the Income-tax Act under cover of a Finance Bill. He made that statement both to Sir Gordon Fraser and Sardar Gulab Singh, and my case is exactly the same under this Bill. The Bill, as I now, Sir, will proceed to show, seeks to effect an increase in the rate of duties. In introducing the Bill (*Mr. V. J. Patel*: "Under cover of what?") Under cover of this Bill itself. (*A Voice*: "This Bill professes to amend the Tariff Act.") The Bill professes to impose a fixed duty on sugar and if the Honourable Member will turn to paragraph 2 of the Statement of Objects and Reasons he will find it stated there quite definitely. Paragraph 2 runs as follows:

"The present import duty on sugar is an *ad valorem* duty of 25 per cent. assessed on a tariff valuation which is calculated for each calendar year."

I need not weary the House by explaining exactly how that tariff valuation is arrived at. It will suffice for my purpose if I say that that basis has been agreed upon with the sugar trade and it is satisfactory to them and to the Government and has been accepted and in force for a number of years. Now, Sir, the present tariff valuation of sugar is Rs. 17-8 per cwt. A duty of 25 per cent. on Rs. 17-8 would be Rs. 4-6 per cwt. (*The Honourable Sir Charles Innes*: "Which is being levied now?") Yes, which is being levied now. The Bill proposes to increase that rate to Rs. 4-8. Now, I am not quarrelling with the slight increase of 2 annas which will be neither here nor there. Nor am I quarrelling with the principle of a specific rate *versus* an *ad valorem* rate. But I do point out to the House that this duty proposed in the Bill, namely, Rs. 4-8 per cwt., represents a 25 per cent. duty which is the present duty on a sugar valuation of Rs. 18 per cwt. Therefore, sugar which could reach this country at Rs. 18 per cwt. becomes Rs. 22-8 in the bazaar. Now, to-day's price is not Rs. 22-8 but considerably less. In introducing the Bill the Honourable Member gave you the prices, that is the tariff valuations, for the last five years, showing that they went down from Rs. 32-4 in 1921 to Rs. 17-8 for the current year. I will remind the House that the Rs. 32-4 was a legacy of the war, and the prices had not gone down. For the last five years we have had a steady decrease in the price. The first year it was Rs. 32-4, the next year Rs. 26-4, the third year Rs. 16-4, then Rs. 17-12 and finally Rs. 17-8, and I do not think the Honourable Member will quarrel with me if I say that the average for this year, I mean up to date, would work out on a basis of about Rs. 14-8. If that be true, 25 per cent. of Rs. 14-8 would be about Rs. 3-8, or Re. 1 less than the figure now sought to be inserted in the

Bill (*The Honourable Sir Charles Innes*: "And the figure now paid".) It would be one rupee less than the figure now paid. But, Sir, I have pointed out that the tariff valuation now in force has been a high one on a descending scale and I hardly think it is fair that the Government should have been content to take and collect an *ad valorem* duty for many years when prices were abnormally high and, when we reach the stage when we are getting back somewhere nearer to the normal, seek to change the whole basis and put on a specific duty which is higher than it would be under the *ad valorem* basis. The Honourable Member gave us one of his reasons—the financial effect. But I have pointed out that I am not asking nor claiming any reduction of taxation. I am merely opposing a measure which will have the effect of increasing it if the House passes it. It is therefore both on principle and in practice that I oppose it, and I trust the House will support me in carrying it to a division. The House must also remember that conditions of world trade are now getting back to normal, that sugar has been steadily decreasing in prices and the latest information I have of prices both from my Bombay Chamber and from my Bengal Chamber is as follows: Bombay quoted Rs. 18-6 as the price of sugar to-day including the duty of Rs. 4-6 which makes it Rs. 14 net; and Calcutta quoted Rs. 16-11, which, less Rs. 4-6, would be Rs. 12-5. So that those prices show a considerable reduction below the average of the year up to date. In addition to this, my information from a very reliable source as to the probable course of world prices of sugar is that the tendency is downwards and that already the prices are lower for shipment towards the end of the year than in the immediate future. (*Pandit Shamlal Nehru*: "Does not too much sugar interfere with the health generally?") Sugar is an article of food of which the consumption per head of the population is very greatly in excess of the consumption of salt. It is not a cheap article but it is an expensive one, and whereas in the case of a cheap article we may be able to ignore a tax of a few annas a maund, it presses more heavily on an expensive article. Some question has been raised as to the dividing line which I seek to follow out between a Rs. 4 duty and a Rs. 3-8 duty. It is thought by many that a more fitting dividing line would have been the Dutch standard No. 24. But the point is not important, and as it would take a certain amount of explaining to the House, I do not propose to press it. I do propose, however, to emphasize to the House that the demand I am making upon them is a very small one. It is not such a demand as I might reasonably be entitled to make. If the figures I have given you are correct, as of course, they are, showing the value of sugar at anything from Rs. 12 to Rs. 14, I would be perfectly entitled to demand a reduction of this duty by one rupee. But having regard to all the circumstances and in the hope that the modesty I am displaying may lead to your lending me your support, I have only moved for a reduction of 8 annas, to Rs. 4 and Rs. 3-8, and I hope the House will support me in resisting any increase of taxation in this way, and especially under a Tariff Amendment Bill, and not under a Finance Bill.

Sir Parshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): I intervene in this debate, Sir, only to point out that the apprehension I had when the Bill was submitted to the House at the first reading has been proved in the Select Committee to be absolutely correct, and that this Bill has been brought in more for the purpose of revenue, in view of the fall in the trade prices of sugar, than for anything else. And as I said then, it is absolutely open to this House now to decide whether they wish to give to the Executive that increased revenue which will come

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only if the Bill is passed now, or whether they would like the Executive to go without that increased revenue. In fact, Sir, with this amended Bill, the duty on sugar will not be 25 per cent., as it has been until now, but 33 per cent. I do not see much encouragement to my friend who has just spoken, looking at the presence in the House, but I think it should go down on record from a Member of the Select Committee that there was no other material reason advanced by Government for the change they want. It is a question of getting more money from the same source of revenue.

The Honourable Sir Charles Innes: Sir, I do not think the Honourable Member who has just spoken has given a correct or full account of the proceedings of the Select Committee. We discussed this question in very great detail, and I pointed out that the reason why we first took up this question of substituting a specific for an *ad valorem* duty was the extraordinary inconvenience caused to our finances by the extreme fluctuations of the revenue from sugar. Under our present system we have two uncertain factors to contend with. One is the uncertainty of the amount of our imports. They vary in the most surprising manner from year to year. And the other is the uncertainty of the rate of duty which, as I explained, is based on a tariff valuation, which tariff valuation represents the average value of sugar in the 12 months from the preceding September. The fluctuations in our revenue have amounted in some years to two crores of rupees, and that was the reason why we took up this proposal, and that was the reason why we came down in favour of a specific duty; and I would point out to the House that the Honourable Member who has just spoken was one of those who, in Select Committee, recommended that the Bill should be passed as amended.

Sir Purshotamdas Thakurdas: May I state that what I said now was the same as the substance of what was said by the Select Committee? Government did put forward these small points that did not matter. Regarding my being a party to the Select Committee report, all I would say is that I have not risen to-day yet to oppose the Bill. It is for the Members of the Assembly who do not want taxation to be thus increased to throw it out.

The Honourable Sir Charles Innes: I feel, Sir, that I must thank my Honourable friend Mr. Willson for the extreme moderation with which he put forward his case. It is a case which I know he feels somewhat strongly about. I feel I must also congratulate the Honourable Member on being a convert at any rate to my main point. I think when he first spoke on the subject of this Bill, he expressed more or less a preference for a continuation of the present system of an *ad valorem* duty, based on a tariff valuation. I am glad to see from his amendment that he has now come down in favour of the system of specific duties, and I make bold to say here and now that the sugar trade in India is entirely in favour of a specific duty as opposed to an *ad valorem* duty. In fact so far back as 1911 the sugar importers of India applied to the Government of India to have specified duties imposed. It is now merely a question between the Honourable Member and myself of the pitch of the duty, whether it should be Rs. 4-8 per cwt. or whether it should be Rs. 4 per cwt. I should also like, by way of preliminary remark to take up an observation made by the Honourable Mr. Willson. I took down his exact words. He said it was not correct,

under cover of a Bill to amend an Act. I think he meant that in some way or other we were trying to amend the Indian Tariff Act by a side-wind, and that we should have behaved more properly if we had included this proposal in the Finance Bill. Now, Sir, the reason why we did not include this proposal in the Finance Bill is a very simple one. In the first place when we took up this problem financial considerations were not present in our minds, except in so far as the instability of revenue to which I have already referred was concerned. It is a fact that, since we matured this proposal, as I said in my last speech on this subject, the bottom has dropped out of the sugar market, and this Bill has assumed financial importance, but the financial importance is not for the year 1925-26. Our present tariff valuation, that is to say that under which the actual duty now levied is Rs. 4-6 per cwt., remains in force till the 1st January, 1926, and it will only be in the last three months of the year that we shall feel any effect at all from retaining our present system. That was the reason why we did not include this Bill in the Finance Bill, and I should like to ask this House whether this House or the Honourable Member in any way is suffering from the procedure we have adopted. We are not doing what Mr. Lloyd said Sir Gordon Fraser was trying to do in the Income-tax Act. We are not trying to amend the Indian Tariff Bill by a subsidiary Bill. We are actually taking up the Indian Tariff Act, under which we levy all our import duties and putting the Act before the Assembly and asking the Assembly to amend it. By not including this proposal in the Finance Bill, I claim that we are giving this House a very much better opportunity of considering this proposal, and that was one of the main reasons why I put these three relating to cigarettes, mixed silk, sugar and the other things in the Tariff Bill instead of in the Finance Bill, because, as everybody knows, the Finance Bill has to be got through in a certain time. Of necessity the House must deal with it in a somewhat hurried fashion. Now, Sir, when I put this proposal in a Tariff Bill and proposed that that Tariff Bill should be referred to a Select Committee, I claim I was consulting the convenience and the interests of this House because I am giving this House the best possible opportunity of considering my proposal through the means of a Select Committee elected by itself. So I do not think it can be held up against me that I have acted in any way improperly in placing this proposal in a Bill directly to amend the Tariff Act instead of in the Finance Bill.

Now, Sir, let me take Mr. Willson's main point. He says in effect we are increasing the duty from 25 per cent. to something like 30 per cent. (*Mr. W. S. J. Willson*: "35 per cent.") To 33 per cent. I am quite prepared to agree with the Honourable Member that all indications are at present in favour of a drop in the value of sugar. Our present valuation, as the Honourable Member explained, is Rs. 17/8 per cwt. That remains in force till the 1st January next and a 25 per cent. *ad valorem* duty upon a Rs. 17/8 tariff valuation means a duty of Rs. 4/6. Now I am quite prepared to admit that since the 1st October last, till the end of January, the price of sugar has dropped, and the average price of sugar imported into India since 1st October last is Rs. 14/8 per cwt. The House must remember that month by month we collect the average price of sugar imported into all ports of India. We work out the average prices, and we publish it month by month in the Indian Trade Journal, so that the trade may know the course of sugar prices so that, by the end of September this year, the trade will know what the tariff valuation for the year 1926 will be. This figure, made up to the end of January, shows that the average price of sugar since

[Sir Charles Innes.]

the 1st of October imported into India is Rs. 14-8 per cwt. I am perfectly prepared to admit that in 1926 the tariff valuation for sugar, instead of being Rs. 17/8 as this year, is likely to be lower. It may be Rs. 14/8; it may be less, it may be more. I cannot say more than that. Sugar is a very chancy crop—you may have a failure in Cuba, you may have a corner in America, prices may go up or may go down. But all the indications are in favour of what the Honourable Member said, that the tariff valuation for sugar in 1926 is likely to be something like Rs. 14/8 per cwt. instead of Rs. 17/8 as it is now. And that is a consideration which is very relevant to this problem which is now before the House. For supposing the tariff valuation in 1926 on the present system is Rs. 14/8 and supposing we take 25 per cent. *ad valorem* duty, the actual duty we shall levy will be something like Rs. 3/10 per cwt. as against the Rs. 4/8 we are proposing. I am quite prepared to admit that, but my point is this, and that is the point which was brought to my notice when we were maturing this proposal if we do not alter this system and if we do not impose this specific duty at the rate which I now propose, for every 4 annas in duty we drop we lose 22½ lakhs of revenue. On our average imports of sugar of 450,000 tons per year a drop of Rs. 10 per ton (or 8/ a cwt.) would cost us 45 lakhs a year. That is the effect of the Honourable Member's proposal. I propose Rs. 4/8 a cwt.; the Honourable Member proposes Rs. 4. That means a drop in duty of Rs. 10 per ton, and that means a loss in revenue which we estimate at 45 lakhs.

Now I shall proceed to show the House that the rate of duty I propose will not hurt anybody; it will not hurt the trade and it will not hurt the consumer. (Mr. Devaki Prasad Sinha: "May I ask the Honourable Member". . .) The Honourable Member will be able to make a speech later. Now what is the objection to a high rate of duty? The objection of course is (a) that it presses hardly upon the consumer, and (b) that it loses import revenue by checking imports. The price to the consumer of course is made up by the landed price *plus* the duty. At the present moment the average price of sugar is Rs. 14/8. The actual duty we are levying at the present moment is Rs. 4/10 per cwt. That is, we are levying what is equivalent to an *ad valorem* duty of over 30 per cent. I should like to ask the Honourable Member whether that high rate of duty has checked in any way the imports of sugar into India? I have the actual figures here. Since the 1st of October up to the end of January, that is to say, in 4 months we have imported into India 275,000 tons of sugar. That is to say, we are importing sugar at this moment at the rate of 70,000 tons a month; and since the 1st of April last year we have imported 561,000 tons of sugar. Last year up to the 31st December our rate of duty was Rs. 4/7. Since the 1st of January our rate has been Rs. 4/6. We have imported up to January 561,000 tons of sugar. That is very much in excess of our normal imports. I ask anyone has that checked imports? Do these figures indicate that the consumer is suffering? The answer, Sir, is clearly in the negative. The fact is this, that though our duty has remained at Rs. 4/7 the actual price of sugar has been dropping. The consumer has had the benefit of that drop in price. He has not felt the incidence of the duty because he has had the benefit of the drop in prices; and so far from the consumer suffering in any way, on the contrary, the import of sugar into India has been stimulated. At present the price of sugar is dropping still further and the consumer is getting the benefit of that drop. He is getting the benefit at the present moment of a drop from the tariff valuation price of Rs. 17/8 per cwt. to an

actual price of Rs. 14/8; the average value *ex* duty of sugar imported into India since 31st September last has fallen from Rs. 17/8 to Rs. 14/8; he has got the benefit of the Rs. 3 drop and he does not feel this rate of duty. Now my claim is this. The figures I have shown indicate that the consumer will not suffer by maintaining the rate of duty approximately at its present figure. Last year it was Rs. 4/7; at the present moment it is Rs. 4/6, and we propose to stabilise it at Rs. 4/8. I would like to point out to the House that since the 1st April 1921 up to the 31st March 1924 we imported into India over 41 million cwts. of sugar at an average duty of Rs. 4/6. All we are doing is to propose to stabilise the duty at that rate; and I suggest it would be impossible for the House to accept this proposal made by the Honourable Member because we shall lose something like 45 to 50 lakhs of rupees revenue and there is not the slightest reason why the Government of India or this House should give up that revenue. We want that for provincial contributions; we want it for the cotton excise duty; and it seems to me the House would clearly be stultifying itself if for no reason at all they gave up this revenue, especially, as I have shown, it is not hurting the trade and it is not hurting the consumer. I oppose the Honourable Member's amendment.

Sir Campbell Rhodes (Bengal: European): Sir, I am thoroughly in agreement with the Honourable Member for Commerce in his desire to get to specific duties. I have always advocated them and now that so much of our income is derived from import duties I still more strongly advocate them for reasons into which I need not enter here. But the Honourable Sir Charles Innes has admitted that this is not only a tariff amendment Bill but is also a taxation Bill, a Finance Bill. We have passed a few minutes ago with remarkable unanimity the annual Finance Bill and now we are having attached to it an appendix. I submit, Sir, that the proper place for this particular proposal is in the Finance Bill so that we can look at the whole subject of taxation as one. This is a question of the raising of the duty which I think I might have supported under the Finance Bill; but my difficulty is this. I say quite frankly this imported sugar is distributed very largely round the ports—I mean, Calcutta, Bombay and Karachi, and therefore this 45 lakhs to which the Honourable Sir Charles Innes has referred is another tax on my poor province.

Mr. B. Das (Orissa Division: Non-Muhammadian): Sir, it is seldom that this Government do introduce any method of taxation that goes to help the industries of India. Well here I find the Government introducing a specific duty on sugar that is going indirectly to help the sugar industry of India. Time was when India did not import any sugar from outside; but now as Sir Charles Innes has just told us India imports 275,000 tons of sugar per annum. Time was when country-made sugar was manufactured in every village and the product was consumed throughout the country. If sugar is now imported it is for consumption in the larger towns; and by levying the specific duty which the Government propose, India may get a chance of making some headway in the manufacture of sugar in her numerous factories and by the country-made process as well.

My friend Mr. Willson has said that the trade condition of the world come to its normal state. I agree with Mr. Willson that trade conditions are normal and are in a much better position now and it is time that the Indian sugar industry has a chance to revive and hold its own head against foreign imported sugar. My socialist and free trader friends

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in this House may say that they want the duty to be abolished altogether. But, Sir, I am not for free trade; I am for tariff protection of Indian industries. One of the intentions of the Montagu-Chelmsford Reforms is the fiscal autonomy of India. I am for that, and I heartily support the duty that has been imposed by the Government. I agree with my friend, Sir Campbell Rhodes, that if Government can see their way to allow this sugar duty to be brought into the Finance Bill it will give us a chance of revising our decision every year.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Sir, I have not been able to understand whether this increase in the duty on sugar from 25 to 33 per cent. *ad valorem* is proposed in order to derive extra revenue for the needs of the State or whether it is necessary to give protection to the sugar industry in India. If additional revenue is required for the purpose of the State then to my mind this proposal for an increase in the existing rate of taxation should come in the Finance Bill. It, on the other hand, it is necessary to give protection to the sugar industry of India by raising the present level of import duty, then a proper case should be made out for it. I understood the Honourable Sir Charles Innes to say that the chief idea Government have in their minds in bringing forward this amending legislation was to change the character of the tax from *ad valorem* to specific. Well, Sir, that is very good and I think on that point we all agree; but what justification is there for introducing an increase in the amount of duty imposed upon imported sugar by means of a legislation like this? The principle which ought to govern any legislation of this kind is this: that when you require more money you ought to make out a case for more money; and when you require additional taxation and increase in customs duty for protecting Indian industries, you ought to make out a case for protection. I submit, Sir, that at the present moment while discussing this Bill we have not heard very cogent arguments for enhancing the present rates of taxation, and I have therefore very great pleasure in supporting my friend, Mr. Willson's amendment.

Mr. President: The question is:

"That in item No. 7 of the Schedule for the figures '4-8-0' and '4-0-0' the figures '4-0-0' and '3-8-0' respectively be substituted."

The motion was negatived.

Pandit Shamlal Nehru: On a point of order, Sir, I was all along saying "Aye".

Mr. President: The Honourable Member is usually more vocal than that when he has an opinion to express! I did not hear him when I finally declared that the Noes had it.

The next amendment in Mr. Acharya's name is not in order as it proposes an increase in taxation. I pass on to the one standing in the name of the Honourable Sir Charles Innes . . .

Mr. M. K. Acharya: Sir, it is not primarily with the object of raising the revenue that I have sent in the amendment, but to have my say against the policy of Government with regard to what I consider the cheapening of an article, which ought not to be encouraged and on which I do not think it is possible to put too heavy a duty. It is with a view to consider this point that I sent in my amendment and not with the object of

affecting the revenues; it may have the effect of subtracting or adding to it—I wish it would subtract—perhaps it may add—but I am indifferent about it; and if you do not allow me, Sir, to move this amendment, I cannot have my say.

Mr. President: The Honourable Member is quite entitled to argue on the item 9 as he pleases, but neither his motives nor his arguments can alter the fact that the actual proposal he has on the paper is in effect to increase the charge. He cannot move it, but he can speak on the Schedule.

The Honourable Sir Charles Innes: Sir, I beg to move:

“That to item 9 of the Schedule the following Note be added:

‘Note:—For the purposes of this item, ‘value’ means real value as defined in section 30 of the Sea Customs Act, 1878; provided that the amount to be deducted on account of duties payable on importation to determine the real value in accordance with the provisions of clause (a) of the said section shall be Rs. 7 per thousand.’”

Well, Sir, the amendment deals with rather a technical point which I am sorry I missed in the Select Committee. The object of this amendment is to clear up what would be a practical difficulty if we let the Bill go to customs officers in the form in which it left the Select Committee. Our proposal was that cigarettes of a value not exceeding Rs. 10-8 per 1,000 should be assessed at a duty of Rs. 7 per thousand, and that cigarettes exceeding Rs. 10-8 per 1,000 in value should be assessed to a duty of Rs. 10-8 per thousand. By value we meant landed cost excluding duty. Under the Sea Customs Act there are two methods of determining value for assessment of duty. Either the customs officer can calculate it from the invoice or he can deduce it from the local wholesale cash price. Invoices are not always to be relied on and the latter is the more usual method. But under this method, value means local wholesale cash price less duty payable, and if we leave the item as we left it in Select Committee, the customs officer will at once be confronted with the difficulty which of the two duties Rs. 7 or Rs. 10-8 he has to deduct. Take cigarettes of a local wholesale cash price of Rs. 18 per thousand. If he deducts Rs. 7, the value will be Rs. 11 per thousand, and the cigarettes will be liable to a duty of Rs. 10-8. But under the law he is required to deduct the duty payable. Therefore, he should have deducted Rs. 10-8. But if he deducts Rs. 10-8, the value of the cigarettes will be Rs. 7-8 per thousand and the duty payable will be Rs. 7. Thus the whole time he is working in a circle. It is necessary, therefore, to tell him what duty he should deduct, and the duty he has to deduct is clearly Rs. 7. I think I can explain that point by a very simple illustration. The most valuable cigarettes liable to this Rs. 7 duty are cigarettes whose landed cost *ex* duty is Rs. 10-8 per thousand. The local wholesale cash price of such cigarettes therefore is Rs. 17-8, that is, the landed cost *plus* duty. Any cigarettes with a higher local wholesale cash price than that, say Rs. 18 per thousand, should pay a duty of Rs. 10-8 and you get that result by deducting Rs. 7. Sir, I move my amendment.

The motion was adopted.

Mr. President: The question is:

“That the Schedule, as amended, stand part of the Bill.”

Sir Campbell Rhodes: Before you put this motion, Sir, I would like your ruling on a point on which I have some little difficulty, which may possibly be shared in other quarters of the House. This is a Bill further to amend the Indian Tariff Act and the Schedule contains the operative

[Sir Campbell Rhodes.]

part of the Bill and deals with certain matters such as rubber, sulphur, postage stamps, sugar, etc. The point on which I desire your ruling, Sir, is whether the Schedule can be amended and added to by us by putting in amendments on matters not dealt with in the Schedule as it stands, for instance, whether we can bring in the question of the machinery clauses of the Indian Tariff Act. I should like your interpretation as to the words in the Preamble "for the purposes hereinafter appearing"—whether those words limit us to the items named here or whether we can range over the whole extent of the Indian Tariff Act.

Mr. President: Honourable Members are aware that ordinarily a ruling on a point of order is reserved until the point actually arises in a practical case. The Honourable Member has put to me a question which, however, I can answer without actual reference to any specific item. The scope of a Bill is defined in the Preamble read with the clauses and Schedules. Where the Preamble to a Bill recites such words as are used in the present Bill—"for the purposes hereinafter appearing"—those purposes must be held to mean the purposes appearing in the clauses of the Bill on introduction and not anything that might be introduced thereafter. Therefore the scope of a Bill is defined by the introduction of those words and is limited to what is actually set forth in the clauses and Schedules of the Bill on the day of introduction.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, before the Schedule is passed, I desire to express my very strong protest against at least one item which is included in the Schedule, and I wish to record my very emphatic protest from what I may call the general standpoint. I am aware, Sir, that I am standing in a House where the vast majority of the Members, for whom otherwise I have great respect, may not agree with me in thinking that smoking is a very bad vice. But I shall not be true to myself if, as an orthodox Hindu, I do not say what I consider honestly to be a vice, if I do not call a vice a vice. And the greatest pity of it is that this vice is spreading very rapidly in this country, as I shall be able to show from facts and figures. It is very unfortunate that the smoking evil is spreading very fast and very wide. Little boys as well as old men have taken to it, and it is still more unfortunate that the Government, as I consider, are helping what is called the import of cheap cigarettes. It is sometimes said that smoking has become a necessity of life, and it is also said on behalf of the poor man that he must have cigarettes. I do not know if tobacco is an article of food or of necessity of any kind, but I for one, as an orthodox Hindu, am a very strong anti-smoker; and even if I should at any time take to smoking, which God forbid, that would still be a vice; and I should never consider it otherwise. Here are the figures in this book, and if anybody cares to look into the figures of imports that are given in this fine book which is published by the Government, they will see that a very large quantity of cigarettes is imported into this country. There is also a good deal that is manufactured in this country. And when I point out that even school and college boys have taken to smoking cigarettes in these days, nobody can deny the vice is spreading fast. I say that when I was at school and college some thirty years ago, neither Hindu nor Muhammadan boys, were in the habit of smoking. The change that has now come about is most grievous. I can quite understand when great men, big men, men who are held in esteem take to smoking publicly as an amenity of social life,—often times I am

offered cigarettes, and as often I am driven to the painful necessity of refusing the kind offer of my friends—but little boys cannot help following the pernicious example set before them. You are aware, Sir, that I am not in the habit of rising to speak too often; but here is a matter on which I cannot vote in silence; and although there is a very poor attendance in the House to-day, I wish to record my protest against the importation of cheap cigarettes into this country; this protest I desire that the outside world should know. I hope my worthy friend Pandit Malaviya at least will join me in my protest. Do we Indians really want cigarettes to be imported into this land? All kinds of cheap pernicious cigarettes, under fine names such as "Silver Cloud", "Scissors", "Battle Axes", "Elephant", all kinds of cigarettes are imported into this country,—I really do not know all their names,—and beautiful figures of men and women are temptingly drawn on placards and handbills distributed so as to reach the hands of little boys! and this has a very undesirable and pernicious influence on their tender minds. These beautiful figures and pictures tempt the little boys everywhere who buy cheap cigarettes and take to smoking. Those who are addicted to this vice, this very evil vice, not only pollute themselves but also pollute God's pure air. I contend, Sir, that we have a right to God's pure air, even that I am unable to get whether I go into a market, or get into a railway carriage or tread the thoroughfare, and I find that I cannot get God's free and gracious gift unto man, because so many men, so many passengers, begin to smoke and the air is tainted and rendered impure. The drunkard hurts himself, while the smoker not only hurts himself but hurts others as well.

Mr. M. A. Jinnah: We cannot get pure air in this House either.

Mr. M. K. Acharya: Yes; I fear it is very difficult to get pure air in this world even. May God help us at least in the determination that as far as we can endeavour, both physically and morally, we should try to live in as pure air as possible. I want therefore the smoking vice to be restrained; and to that end, of course, I suggest that the duty on tobacco should be increased twice, thrice or even four or five times; that is one way of checking the evil. It will also help the Government to put more money into their coffers, and I would suggest to the Honourable the Finance Member that he should increase the duty on tobacco if not this year, at least next year. I really do not see why this luxury should not be taxed. You want to tax sugar, why should you not tax cigarettes? Cigarettes are not at all a matter of everyday necessity whether here or elsewhere. I do not believe that tobacco is grown in Europe, it was introduced there some 300 years ago, but somehow it is being used all over Europe to an alarming extent. It is very difficult to grow roses but prickly pear grows everywhere. I do not want to hurt the feelings of any of my friends, but all the same I trust that even smokers themselves will admit that smoking is a vice and a very bad vice for children. I do not mind if grown up people who are addicted to smoking would continue in it, but I am entirely against children taking to smoking or children indirectly being encouraged to smoke. If old people want to smoke for their own pleasure, let them do so in such a way as to cause the minimum amount of harm and inconvenience to others. I thank you, Sir, for having given me the opportunity to record my emphatic protest against anything that may go to spread the use of cigarettes which I consider a most pernicious vice.

Mr. Devaki Prasad Sinha: What about "bidies"?

Mr. M. K. Acharya: I am as keenly against indigenous "bidies" and would urge a high Excise duty on these. I know it is said that "bidies" are hurt by the importation of foreign cigarettes. Even in the matter of indigenous cigarettes, I desire no protection; I do not mind that there is now competition between the indigenous and foreign article. All I wish to say is that cigarettes, whether foreign, and imported or native and indigenous, should be discouraged; and that a very high customs or Excise duty should be imposed on them so that we may have a chance of getting God's most precious gift of pure air which, as I said, is being tainted by those addicted to the pernicious habit of smoking;—a habit unfortunately which is rapidly spreading in this country.

Diwan Bahadur T. Rangachariar: Sir, having listened to the very eloquent appeal of my friend behind me, I am tempted to suggest to him that it is open to him as a Member of the Assembly and to the huge party to which he belongs to introduce a Bill prohibiting smoking in this country.

Mr. M. K. Acharya: Sir, my honourable friend is a leader, while I am only a humble Member of this House, and I therefore think he will take the initiative in this matter.

The Schedule, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Charles Innes (Commerce Member): Sir, I move: "That the Bill, as amended, be passed."

The motion was adopted.

THE PRISONS (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I move:

"That the amendment made by the Council of State in the Bill to amend the Prisons Act, 1894, be taken into consideration."

Sir, this is a very small matter. It is merely to correct a drafting mistake which was made in the Bill as it was introduced and as it was passed in this House. The effect of clause 2 of the Bill as here passed was to repeal the whole of clause 11 of section 46 of the Prisons Act of 1894. At the time it was not observed that the words "as defined in clause 11" which occur in clause 12 of the section I have quoted had been retained in the Act. The consequence is there is a reference to clause 11 which, as a matter of fact, has been repealed. It is, therefore, to correct this mistake that I make this motion.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, I wish to draw the attention of the Honourable Member to the very painful spectacle which I see every day almost in driving into this place of prisoners being dragged along the roads chained and manacled on their arms and also being hauled like bears along the road probably for their trial. I do not know, Sir, if the Honourable the Home Member will not introduce a measure by which this abominable practice will be done away with of human beings being dragged in chains along the street.

The Honourable Sir Alexander Muddiman: Sir, I am not prepared to reply off-hand to that. I have, of course, seen men in handcuffs being taken along but that is the usual method for dealing with prisoners in all

countries. However, if the Honourable Member will come and have a talk with me, I will see what can be done.

Mr. President: The question is:

“That the amendment made by the Council of State in the Bill to amend the Prisons Act, 1894, be taken into consideration.”

The motion was adopted.

Mr. President: Amendment made by the Council of State in the Bill to amend the Prisons Act, 1894, as passed by the Legislative Assembly:

“In sub-clause (d) of clause 2 of the Bill, after the word ‘and’ the following words were added:

‘the words ‘as defined in clause (11) shall be omitted; and’.”

The question I have to put is:

“That this House does agree with the Council of State in the amendment.”

The motion was adopted.

THE INDIAN STAMP (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member): Sir, I introduce the Bill further to amend the Indian Stamp Act, 1899, which has been already printed in the Gazette and circulated.

The Honourable Sir Basil Blackett: Sir, I move that the Bill further to amend the Indian Stamp Act, 1899, be taken into consideration.

The Statement of Objects and Reasons explains fully and amply the purpose of this Bill and I do not think that I am called upon at the moment to attempt to add anything to it.

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 Basil Blackett: Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN INCOME-TAX (SECOND AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member): Sir, I move that the Bill further to amend the Indian Income-tax Act, 1922, be taken into consideration.

Diwan Bahadur T. Rangachariar: Sir, may I take advantage of this opportunity which the Honourable the Finance Member has given to this Assembly of suggesting to him whether he does not consider it necessary that some provision should be made also for levying income-tax on securities held in England by those persons who escape the payment of income-tax in India simply because they are sterling loans. There is no reason why such a large volume of income-tax should be waived by us. No doubt they probably pay income-tax in England but that is a matter for adjustment between the two Governments. I think, Sir, we are surrendering a

[Diwan Bahadur T. Rangachariar.]

large source of revenue in this respect. I think that money is earned in our country and from our Government. The money is paid there and just as we take measures in this Bill to levy income-tax in England I think a similar measure might be introduced by the Honourable the Finance Member, and he will find the support of this Assembly for such a measure. Nearly two crores I think is surrendered by not subjecting that payment to income-tax.

The Honourable Sir Basil Blckett: I understand the Honourable Member is speaking of sterling securities of the Government of India issued in England. He has raised, as he is no doubt aware, a very large question. It is, of course, one of the terms of contract of the issue of Government of India sterling loans in England that they are not liable to Indian income-tax. It is the usual provision in sterling loans issued by foreign borrowers or dominion borrowers in the United Kingdom or in any case where one country borrows in the domain of another. It is ultimately a matter of weighing the balance of advantage whether you are willing to include a provision of that sort in your contract with the borrower or not. The whole matter has recently been examined at very great length by the Finance Committee of the League of Nations, in which I happen to have taken part at one time, and the ultimate conclusion that was reached during the time that I was concerned with the matter was this that if you as a borrowing country insist on collecting income-tax on the interest which you pay to a foreign creditor, you will have of course to pay higher rates of interest for all your borrowings and in the end a borrowing country is likely to get better conditions from foreign creditors if it allows those foreign creditors complete exemption from liability to its internal income-tax than if it makes the payment subject to income-tax and then takes back the income-tax. However, I do not think this is strictly germane to this Bill and my interest in this subject has misled me unintentionally into following the Deputy President and getting out of order.

Mr. President: The question is that the Bill further to amend the Indian Income-tax Act, 1922, be taken into consideration.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Basil Blckett: Sir, before I move that the Bill be passed, I should like to correct one statement that may possibly have been unintentionally incorrect. I said that it was one of the terms of contract with our foreign creditors that income-tax is not collected. I should have said an implied term of contract, which we have of course always observed. I did not intend to be misleading.

I move, Sir, that the Bill be passed.

The motion was adopted.

Mr. President: I observe that Mr. Bhore is not in his place.

The Honourable Sir Alexander Muddiman: Sir, the Government do not desire to proceed further with the business to-day.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 19th March, 1925.

LEGISLATIVE ASSEMBLY.

Thursday, 19th March, 1925.

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

STATEMENT OF BUSINESS.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I desire to make a statement in connection with the course of business in this House. With your permission, Sir, the next meeting of this House will be held at 11 A.M. on Saturday, the 21st instant, on which date the business left over from yesterday's list will be brought up, and it is also possible that we shall ask permission to make a motion in connection with the Finance Bill, should it pass in another place. Information was received yesterday that His Majesty in Council has given his assent to the Bengal Criminal Law Amendment Act, 1925, and we shall ask leave to introduce a small measure designed to supplement that Act on Monday, the 23rd. If leave is granted, I shall move that it be taken into consideration. Copies of the Bill will be distributed to Members this evening. I am not in a position to say at present whether there will be meetings of this Chamber on Tuesday or Wednesday of next week. Honourable Members will recollect that I said in respect of the Age of Consent Bill that if it was not disposed of to-day I would try to find time on a Government day for it. In the event of the Bill not being disposed of to-day, I will put it down after Government business every day on which the House meets next week.

Mr. A. Rangaswami Iyengar: May I know, Sir, having regard to the very heavy list of non-official legislative proposals on the agenda to-day, whether they will find another day for non-official Bills either at the end of the official business or give us another day to deal with non-official Bills. So far as we are concerned, we were told that we were booked here till the 25th. I am sure if the Honourable the Leader of the House will look into the matter he will be able to give us another day.

The Honourable Sir Alexander Muddiman: I have already made a statement which is as far as I can go in view of Government business. I have no idea how long the business of Government will take. I certainly cannot recommend it to the authority that has power to give another day.

Mr. A. Rangaswami Iyengar: But if the official business is done, is there any objection to the Leader of the House giving us another day for non-official Bills?

The Honourable Sir Alexander Muddiman: I have expressed my views on that point. I am afraid I could not do it.

Mr. A. Rangaswami Iyengar: Does it mean that the Honourable the Leader of the House refuses to give us any more time?

The Honourable Sir Alexander Muddiman: It does, at least so far as it lies with me.

Mr. W. M. Hussanally: May I know, Sir, what is the last day of the meetings of the session?

The Honourable Sir Alexander Muddiman: Well, Sir, I am unable to say with certainty. It may last till Wednesday or even Thursday. It depends on the course which is taken in another place with regard to the Finance Bill, the course of the Bill in this House, and it is a matter that I cannot foresee.

Mr. President: I may remind the Honourable the Leader of the House that under Rule 6 of the Indian Legislative Rules:

“The Governor General may allot so many days as may, in his opinion, be possible compatibly with the public interests for the business of non-official Members in that Chamber, and may allot different days for the disposal of different classes of such business, and, on days so allotted for any particular class of business, business for that class shall have precedence.”

And here the significant words occur:

“On other days no business other than Government business shall be transacted except with the consent of the Governor General in Council.”

That is to say that the *Governor General in Council* is the body that permits or refuses the transaction of business, other than Government business on a Government day.

The Honourable Sir Alexander Muddiman: The Honourable the President has caught me in an inaccuracy. It does not, however, affect the substance of my remarks.

Mr. A. Rangaswami Iyengar: That means that the refusal of time is to be from the Governor General in Council?

The Honourable Sir Alexander Muddiman: On a Government day.

Mr. President: No, on Government days it is the Government, as a whole, that is in charge and can say yes or no to the transaction of non-official business.

THE SPECIAL LAWS REPEAL BILL.

Mr. President: The House will now resume consideration of the motion moved by Mr. V. J. Patel on the 3rd February, 1925.

“That the Bill to repeal certain special enactments supplementing the ordinary criminal law, be taken into consideration.”

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, if I rise to speak in support of the Bill, it is not because I can add anything to what has already been said in this House but because I feel that I shall be lacking in my duty if I do not add my feeble voice, as one who has given notice of introducing a similar, although less comprehensive, Bill, which found the first place in the ballot, but was not reached on the 31st January last.

Sir, when moving a Resolution last year about this time for the repeal of Regulation III of 1818, I made it clear that I want to give an opportunity to the Government to prove by introducing a Bill of this nature that they have kept pace with ideas of freedom and liberty consistent with civilised systems of jurisprudence and thereby establishing that they have undergone a change of heart, which I fondly hoped to see in place of bureaucratic wrath and anger, which I witness to-day. Sir, it has been a paradox to me how a warm heart like that of the Honourable the Home Member, whose mellowed voice and conciliatory speech has won for him the love and esteem of this House, can oppose the Bill, after having declared in this House in no uncertain voice that he himself dislikes the Regulations and does not like this power of confining men without trial. That was what fell from the lips of Sir Alexander Muddiman as an Englishman, but unfortunately as the Home Member to the Government of India he at once realised that it is the one executive power that is retained in the hands of the Government which have to deal with 300 millions of people. Sir, I can only advise him that it would be better not to deal with the vast population if he has to deprive them of their liberty without the semblance of a judicial trial and beg to remind him of the rebuke of the old woman, whose son was murdered, to Mahomed Ghori:

“Keep no more territory than you can properly govern.”

Sir, if in your attempt to keep us safe from revolutionaries, you have to keep the whole population in perpetual dread of deportation without trial and internment—if in your attempt to preserve law and order you have to place our lives and liberties in the hands of an unscrupulous police and a no less unscrupulous magistracy (*An Honourable Member*: “Question?”) then in the interest of both the Government and the people, you should give up your self-imposed stewardship of this vast continent. You profess to love India and its people more than their elected representatives in this House, which reminds me of a popular Bengali saying: “One who pretends to love more than a mother is a witch.”

Sir, the other day, we had the amusing spectacle of witnessing the antics of a member of the Provincial Service holding a listed appointment on the floor of this House. In opposing the Bill he attempted to justify the Bengal Ordinance by referring to public speeches in the Harish Park and College Square and with that characteristic outlook of life which values a cheap Ford Car—and a still cheaper title—more than anything else in this world, he poured forth his venom upon the rank and file of the Swarajists, but with the true instincts of a votary at the shrine of Mammon, he did not fail to appreciate the sacrifice of at least one Swarajist of this House, owning a Rolls-Royce, for whom we also entertain great affection and high regard—not for his earthly riches—but for still richer qualities of head and heart. Sir, never did debate degenerate into such undignified language on the official side on the floor of this House as when he used epithets against a constitutional political party consistent with the culture which is the monopoly of the slums of Machua Bazar, and it would have been better for the dignity of this House if those who granted him the privilege and high honour of sitting here with the representatives of the people, had muzzled this oracle of Machua Bazar culture. In his long inspired speech, he has tried to prove the existence of dangerous commotion in Bengal, necessitating the retention of Regulation III of 1818, by citing the Nadia mail robbery case, which

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contrary to his magisterial expectations ended in the acquittal of the accused and which leaves no doubt in our minds that the case was a fabricated one. Even conceding for argument's sake that there was a mail robbery, would any one out of Bedlam suggest that it proves the existence of a commotion, as is contemplated in the Preamble of the Regulation? I ask this House, whether instances like these can create any commotion at all, unless the word has another meaning in his Worship's magisterial vocabulary. But it is certain that his settlement operations and his magisterial performances to have another Angora in the Gangetic delta created a commotion.

Murder and robbery there has been in all times in all countries, in times of peace, and because you have an inefficient police who fail to detect criminals, the Executive ask to be armed with extraordinary powers to deal with the liberty of 350 millions of people entrusted to their care. No civilised Government can claim to punish its subjects on mere suspicion without a judicial trial. It has been proved by facts and figures that these Regulations have been used without necessity against wrong persons. I do not wish to take up the time of this House by citing instances which are too well known. Sir, the Honourable the Home Member has told us that the situation in the country is very serious, but he has not given us any material from which we can arrive at such a conclusion. He has spoken of the Malabar outbreak as one of the reasons for retention of the Regulations. I fail to appreciate his logic, for the unfortunate happenings in that tract had its full orgy of bloodshed in spite of the existence of these Regulations which did not and could not prevent the outbreak. Then we have been told that the Government are confronted with an organisation outside India which is endeavouring to sap all government. Probably he refers to the Bolshevik menace, and if I am correct, I ask, what country is there in the world which is not threatened equally, if not more, with such propaganda? Are the Regulations in any way effective to check the same? He has spoken of inflammatory leaflets, but may I ask him, have the Regulations in any way helped in tracing their source or stopping their publication? The answer is an emphatic "No." Then, why do the Government ask for the retention of these Regulations? I shall give an answer.

The Executive wants these arbitrary powers to crush all constitutional and lawful opposition in the name of law and order. The Honourable the Home Member has admitted that the perpetrators of crimes referred to by him have been convicted and the conviction has been upheld by the highest court of the land. Does not this prove that whenever there is any crime of the type referred to by him, you can depend upon the ordinary criminal law of the country to bring the offenders to book? As to the seriousness of the situation in Bengal referred to by the Honourable the Home Member, it appears to me that there is a section of the people who are out to destroy the hybrid constitution "Dyarchy" and engaged in a constitutional struggle for redress of their grievances. If this be the serious situation complained of, I can suggest a very simple remedy. Do away with the root causes of the distemper by amending the constitution and introduce an element of real responsibility in the provinces. I also beg to remind this House that these Regulations were passed at a time when the British were consolidating their power, and there was another

rival in the field. There was also trouble in the northern frontiers of Nepal and the country was subject to the depredations of the Pindaris. Whatever justification there might have been in those days for those Draconian laws, whose objective was to secure the British dominions from foreign hostility and the maintenance of allowances with foreign powers and protection of the territories of the native princes, there is hardly any justification for their retention on the Indian Statute-book at the present moment unless you desire to strangle the political aspirations of the people in order to keep them perpetually in subjection by retaining such arbitrary powers in the hands of an irresponsible Executive.

Sir, I appeal to the Honourable the Home Member for a more just appreciation of the true situation in Bengal and then, if he can convince this House by facts of the necessity of retaining these Regulations, I can assure him that he will have our support for measures against conspiracies subversive of law and order. But so long as he will not take us into confidence and allow us to judge facts, we are bound to protest against the retention of such arbitrary powers of detention without trial in the hands of the Executive. I ask the Government to rely upon the Legislature as the sole judge of emergency contemplated by the Repressive Laws Committee.

Sir, the days of Regulations and Ordinances are long past and they are anachronism in all civilised systems of jurisprudence. Therefore, I appeal to every Member of this House, European or Indian, with all the earnestness that I can command, to support this Bill and thus help in dispelling the clouds of distrust from the political sky of India that have gathered round its horizon about the good intentions of England in India.

Mr. M. V. Abhyankar (Nagpur Division: Non-Muhammadan): Sir, the Honourable the Home Member has repeatedly told us that he hates these special laws which my friend the Honourable Mr. Patel seeks to repeal by this Bill. (*The Honourable Sir Alexander Muddiman*: "No.") These are his words, and I can show them to him from the official report if he wants. "Hate" is his word. He has told us that these special laws contain powers very grave for any Government to possess. He has also further told us that his natural instincts as a liberty-loving man is against them. But, he said, on the other hand, there was the anarchical revolver to be considered. He was thus oscillating between his natural instincts of which he might very well be proud and the anarchical revolver, and I am sorry to say that ultimately he succumbed to the latter, and cast to the winds his long imbibed natural instincts of liberty and freedom. That, Sir, is in itself a bad example for him to set to the people of this country. So far as I am concerned, at the very outset, I should like to tell this House that I hate anarchy. No man likes anarchy, not even the anarchist. I assure the Honourable the Home Member in all sincerity that he will have my full sympathy, and not only that, but also my active co-operation, in exterminating this evil, provided, however, he proceeds to his business like a rational being by first trying to find out the root causes and then trying to remedy them. I must however tell him that if he proceeds to his business like a quack by trying to treat the symptom only, howsoever strong be his remedies, they will not kill anarchy. they will only aggravate it instead of killing it. (*Mr. K. Ahmed*: "Prevention is better than cure.") The usual intelligent remark of my Honourable friend! What then are the causes of anarchy, and are these special laws a remedy for it?

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The Honourable the Home Member, whenever such a question crops up, often refers us to the oft-repeated story of the Bengal bomb and revolver, and he says, as he did say in his speech on the Ordinance the other day, that that is the history behind the Bengal Ordinance. And he stops there. I should request him to go further behind and see what he finds. What is the history behind this history of the Honourable the Home Member? It is the history of more than a century of oppression and suppression to cover up that oppression, denationalisation and emasculation. To maintain that denationalisation, all this ultimately ending in complete enslavement of the people of this country to the people of Great Britain like so many domestic cattle. It was this that brought the anarchist into being in this country, and when the Indian National Congress in 1921 *suo moto*, by adopting non-violent non-co-operation as a means to achieve its end tried to discount and exterminate him and actually succeeded in doing it as the Honourable the Home Member admitted the other day that there was no anarchical crime from 1921 to 1923, it was the British Government and the Government of India that really revived and helped him by refusing to respond to the national call and thus publicly declaring that they did not desire a peaceful revolution in this country. Then, Sir, I should also like to tell this House that the real anarchist in this country is here in this very House, and he is to be found in the person of the Honourable the Home Member and his colleagues on the Treasury Benches. If therefore any special legislation was necessary to kill anarchy I would seriously ask this House to pass some legislation that will keep these people in order, these people in check. Sir, the other day, the Honourable the Home Member in justification of the Bengal Ordinance referred us to look to the Irish history. He said, "Look at what happens there." Evidently he referred us to that portion of Irish history which begins after the signing of the Peace Treaty. But having once referred us to Irish history can he stop the people of this country from looking into chapters of that history which relate to periods prior to the signing of the treaty? And what does the anarchist of this country find there? He finds there that the revolver is the only successful weapon and that it is also the only weapon that Britain recognises. Then, Sir, I should like the Honourable the Home Member to say if the British Government and the Government of India have adopted and will adopt the same methods and remedies in similar circumstances when their own kith and kin, their own colour was or will be concerned. The white people of Kenya threatened rebellion. They gave notice to the Governor that if he were to do any such thing like giving equal treatment to the Indians or carry out laws framed by the British Cabinet to that effect, he with his senior officials would be seized and removed. Not only that, but they had made all preparations for their seizure and even the place of destination of these people had been settled. What did Government do there? Was it not a fit case for special laws? Lord Delamere presided over countless meetings and helped in their disorderly proceedings where these white people openly declared rebellion and it was this Lord Delamere who had sworn allegiance to His Majesty as an Executive Councillor of Kenya, who had promised to be impartial, who had promised to administer laws and not to do anything that would break the peace of the people! And what happened to him when he returned to England? He was received everywhere, he had a seat in the House of Lords, his words were listened to as if they were gospel truth, and the whole of the Colonial Office from top to bottom was sweet on him. Coming nearer home what

do we find? In the old days of the Ilbert Bill, when nothing more was at stake than the continuance of an invidious privilege of the Europeans, the Europeans of Calcutta and its neighbourhood banded themselves together and decided to deport Lord Ripon. Has the Honourable the Home Member forgotten all that? His Excellency Lord Ripon was to have been summarily seized and put on a boat that had come up the Hooghly and deposited somewhere on the more hospitable shores of Great Britain! Was not this Bengal Regulation III of 1818 then in existence? Did you use it against your own people? Was it not a fit case for its use, and if not, why not? Then, Sir, I would tell the Honourable the Home Member that it is his country, it is his people, and it is his history that teach the people of this country from day to day that freedom is won by revolution, and to support my statement I will quote no less an authority than His Royal Highness the Duke of Connaught. In his departing speech at Bombay after he left here inaugurating these legislative bodies which, as I said the other day were no better than debating societies, His Royal Highness said:

“Political freedom has often been won by revolution, by tumult, by civil war, at the price of peace and public safety. How rarely has it been the free gift of one people to another in response to a growing wish for greater liberty and to a growing evidence of fitness for its enjoyment?”

It was His Royal Highness the Duke of Connaught who told the anarchist of this country that political freedom is won by revolution. Why then blame the poor anarchists? Now, Sir, I should like to know from the Honourable the Home Member in view of what I have said if it is not his country, his people and his Government who have given birth to the anarchist in this country, and if it is not my Honourable friend, the Home Member and his Government who rear and foster him as a pet child that they may use him in order to embark on an orgy of repression in this country. So much for the causes.

Now, let us turn to the remedy. These special laws, which my Honourable friend Mr. Patel seeks to repeal, and I do hope he will succeed in this House—give full scope to the C. I. D. to pay attentions to people whom they decide in their imaginary and mysterious ways to suspect. The attentions of this C. I. D. have made the life of many an innocent man a hell for him. If at first one is not inclined to be an anarchist I may tell the Honourable the Home Member that a few months' attention from his C. I. D. will at once make him so. I may also tell the Honourable the Home Member my personal experience only a few days before. I was travelling to Patna with my friends, Mr. Kelkar and Mr. Rangaswami Iyengar in the same compartment. A ticket collector came and checked my ticket and went away. The same ticket collector came only two minutes after, to check my ticket again. I was surprised and then he took out a pencil and note-book and took down the number. Evidently he had forgotten the number as he had not written it down. I asked him what he wanted it for, though I knew what he wanted it for, for we are used to these things for some time in this country and he told me that it was wanted for the police. I said “Why? Do the police think that I am going to manufacture bombs or that I am going to throw bombs?” Let me say to the credit of that ticket collector that he gave me a very smart reply. He said: “Sir, you are a member of the Legislative Assembly. Why trouble a poor man like me who has simply to carry out orders to fill up my belly. Interpellate the Honourable the Home Member about it.” That is what happens to a Member of this House. If you keep that guard

[Mr. M. V. Abhyankar.]

on me, what must be happening to people who come from a lower position than me. What must the C. I. D. be making their life for them. I am positive if the same thing would have happened to my friend the Honourable the Home Member he would have on the very spot indulged in language not befitting his dignity.

The Honourable Sir Alexander Muddiman: I have no desire to interrupt the Honourable Member in his speech, but since he has referred to me I may say that I have had, on several occasions, my tickets checked.

Mr. M. V. Abhyankar: That fully shows, Sir, the evil nature of these methods since they turn round like reptiles on people who create and nourish them. You can thus see the magnitude of the evil nature of these methods. Then, Sir, I should like to tell this House that it is these special laws which create anarchy where it does not exist and which nourish anarchy where it is dying. It is the general atmosphere created by these laws that breeds anarchy, that breeds the anarchist who otherwise would not find any scope to propagate his doctrine if there was political contentment in the country. (*A Voice*: "What about other tickets.") They were also checked when we were going to Patna. There can be no doubt about it that these special laws are short-cuts to administrative peace and an administration which takes these short cuts to administrative peace has no right to turn round and complain against the anarchist who does nothing more than merely follow the administration and take what in his opinion are short cuts to freedom and liberty. You will not submit your action under these special laws to public scrutiny on grounds of secrecy when every exercise of an arbitrary power demands it. These so-called laws sap the very foundations of criminal jurisprudence, roll up the courts and lay low the Legislatures. The meanest of mankind, the meanest of criminals has a right to be heard and tried before he can be condemned and punished. Even in war when humanity throbs with excitement and peril, there are laws which must be observed against an enemy who is openly running for your throat. By asking us not to repeal these laws, the Honourable the Home Member is asking us a price far too high, even to punish the anarchist. When the Bengal Ordinance was promulgated we were told in almost pathetic simplicity, quite worthy of a paternal Government, that that Ordinance was going to be used only against the anarchist and that it shall never be used to put down legitimate agitation and legitimate movements in this country and that the innocent need have no fear from it. I wish this idyllic picture were true. We have however found it to the contrary. Then, Sir, if they want to kill anarchy I would tell the Honourable the Home Member to remove the causes of it and that remedy alone will succeed. Help us to pilot our political agitation peacefully to a successful end by responding to our call and thus strengthen our hands to help you to exterminate this evil. Whom have you behind you in this repressive policy, I ask the Honourable the Home Member? You have exasperated even the Moderates. All of them have arrayed themselves and openly arrayed themselves against you. Even a gentleman like Sir P. C. Mitter openly voted against your Bengal Criminal Law Amendment Bill in the local Legislature. All political parties are against you. You have governed India in isolation for more than a century without any public opinion behind you, and therefore I would tell the Honourable the Home Member that there is a top to every hill. Once you reach that, the next step is the descent and it is for you to decide whether the descent shall be graceful or otherwise, orderly or disorderly. I would

further advise the Honourable the Home Member, if he will not think it derogatory to his dignity my doing so, to make friends with India now at least in good time, before it is too late. It will not pay you to have enemies all round you.

Then, Sir, one last word and I have done. The Honourable the Home Member told us the other day that the use of force would hamper the political progress of this country. I would in the first place ask him to keep his mind perfectly at rest on that score. Our benign self-constituted trustees have removed all force from us on the pretext that they are there to protect us and that they would like to relieve us of that obnoxious and troublesome task of protecting ourselves. You have not left any force in India. You need not be afraid on that account. But may I, Sir, in my turn ask the Honourable the Home Member not to use force in carrying on his government as he is every day doing. Would it not be better if he accepts his own advice, takes his own counsel first before he so gratuitously offers it and hands it over to us. I think it will be far better if he does that. What is it that we do not want in this country and what is that that we want in this country? We do not want this barbarous government which has to be carried on from minute to minute by pure force. We want a government which we can make and unmake by the mere expression of our will. We want a government in the modern sense of the term; and allow me to assure the Honourable the Home Member that immediately this country gets it anarchy will be buried miles deep under the earth.

Several Honourable Members: I move that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. President: The question is:

"That the Bill to repeal certain special enactments supplementing the ordinary criminal law be taken into consideration."

The motion was adopted.

Mr. President: Clause 2. Mr. Rangachariar.

***Mr. V. J. Patel** (Bombay City: Non-Muhammadan Urban): May I rise to a point of order? My friend Diwan Bahadur Rangachariar has a number of amendments on this Bill and you will have to decide which amendments are in order and which are not in order. This Bill is a repealing Bill seeking the repeal of a number of Acts and Regulations, while most of the amendments are intended to amend certain Regulations—Bengal Regulation III of 1818. And therefore he wants amendments in the Title, amendments in the Preamble, in clause 1 and so on. I submit, Sir, that most of these amendments are outside the scope of the Bill and therefore you will have to decide first which of the amendments can be taken and which cannot be taken. So far as one amendment is concerned, namely, the omission of one particular Act of the Punjab, I submit it is in order; but the rest of the amendments are not in order; and therefore you will have to go through them one by one and decide first which are in order.

Mr. President: Does the Honourable Member suggest that Mr. Rangachariar cannot propose to amend certain enactments which he wishes to repeal? I do not think I can uphold that proposition.

*Remarks not corrected by the Honourable Member.

***Mr. V. J. Patel:** I want that the whole of Bengal Regulation III of 1818 should be repealed. My friend wants that that Act should be so amended as to restrict its operation to certain matters, and also to extend its operation to the province of Bengal and to the province of Madras, to which it does not at present apply. I want the whole Act to go. That is the scope of my Bill, while the amendments would extend the scope or limit the scope.

Mr. President: Certainly, those amendments proposing to limit the scope of this repealing measure are in order. As to the others lower down I shall inform him and the Mover whether they are in order or not when we come to them.

***Mr. Devaki Prasad Sinha** (Chota Nagpur Division: Non-Muhammadan): What about amendment No. 1? Mr. Rangachariar wants to propose the words to "amend and repeal". That evidently enlarges the scope of the Bill.

Mr. President: No; but as the Honourable Member is aware, we take the Title and Preamble to the Bill last, and whether it will be in order then to insert the words "and amend or" or not, we shall be able to decide in the light of what has been done to the closures. Meanwhile the amendment I have called on him to move in clause 2 is certainly in order.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, I should briefly explain the objects and scope of the amendments which I have tabled to this measure of my Honourable friend Mr. Patel. I may say at once that it is not my object by means of these amendments to obstruct the passing of this Bill. My object is to smooth the way for this Bill to become law. My object is that this Bill should go in such a shape to the other Chamber that it may have every chance of getting through that Chamber. My own feeling is that if this Bill is passed as has been proposed by my Honourable friend, we will only be passing a measure by a majority in this House without the chance of making it law. I take it my Honourable friend's object in bringing this measure before the House is to enact a law and not merely to record a vote. If the recording of a vote alone is needed, we have already done so by means of the Resolution which we passed last March. I take it my Honourable friend's intention is to follow it up by enacting this measure so far as this Legislature is concerned. I am sure, however powerful my Honourable friend Mr. Patel is, he cannot ignore the existence of other parties in this Legislature. (*A Voice:* "Do they agree to your amendment?") We are not the sole arbiters in this matter. Sir, taking that view I have introduced changes in the proposed Bill which I think there should be no hesitation in any reasonable mind to accept. That is the view I take of it and that is why I propose the amendments.

Sir, the substantial amendments are really to Bengal Regulation III of 1818, I mean of the amendments I propose. My Honourable friend seeks to repeal the whole of Bengal Regulation III of 1818. If Honourable Members will read sections 1 and 2 of that Regulation they will find that section 2 is the operative section and section 1 defines the objects for which the operative section can be put in force. Section 1, which is called the Preamble to the Regulation, defines the four objects for which the

Governor General in Council can order the detention of persons without trial. Those four objects the Honourable Members will find defined as follows:

"Whereas reasons of State embracing the due maintenance of alliances formed by the British Government with foreign powers,"

That is object No. 1. No. 2 is:

"the preservation of tranquillity in the territories of Native Princes inside the protection of the Government,"

No. 3 is:

"security of British Dominions from foreign hostility,"

And then fourthly:

"and from internal commotion."

Now, Honourable Members will recognize that the great objection to Bengal Regulation III of 1818 has been its abuse in connection with the last object, namely, to preserve the country from internal commotion. We all accuse the Government of India of abusing this Regulation III of 1818. They have used this Regulation for the purpose of suppressing political agitation in the country; they have used this Regulation for purposes foreign to the original object which the Government had in view in passing this Regulation in 1818. The great unpopularity of this Regulation arises from the fact of its abuse in connection with this last object. I do not remember having seen or heard of a single case of the use of Regulation III of 1818, or rather of the abuse of this Regulation in connection with any of the first three objects, namely, the maintenance of alliances with foreign powers, the maintenance of tranquillity within the borders of Indian States, or again the security of the British Dominions from foreign hostility. All the cases of outrages committed in the name of this Regulation have arisen from the fact that the Government have taken advantage of this language, "internal commotion" and applied it for purposes of suppressing political agitation. That is what the Repressive Laws Committee took into consideration. Sir, our agitation for the repeal of this Regulation has been based upon this solid fact and that solid fact was recognized in the report of the Repressive Laws Committee. In fact, when they speak of the repeal of Regulation III of 1818 they take care to say that this Regulation should be confined to its original purpose and should be so modified or repealed as to confine the operation of that Regulation to the original purpose which they define. My Honourable friend and those who moved the Resolution in 1924 in this Assembly relied very much on the recommendations of the Repressive Laws Committee. In accusing the Government the other day I myself took exception to their not taking action as promised by them in September 1921 in connection with the recommendations of the Repressive Laws Committee. What is it that the Repressive Laws Committee recommended? There is some confusion in the public mind as to what really the Repressive Laws Committee recommended. There has been some misunderstanding of my attitude in this connection, there have been misrepresentations of my attitude in this connection to the unthinking and the unwary public which was evidently led to believe that I am obstructing the path of the repeal of these repressive laws. Far, far from my intention is that. My intention is not merely to make a gesture, not merely to record an ineffective vote, not merely to help to pass a Bill

[Diwan Bahadur T. Rangachariar.]

which is sure to be rejected but to pass a Bill which is sure to be accepted or which must be accepted in the other House if really that other House has the interests of the country at heart. Sir, the recommendation of the Repressive Laws Committee as regards Regulation III of 1818 runs as follows:

“Our recommendation in regard to Regulation III of 1818 and the analogous Regulations in the Bombay and Madras Presidencies is subject, however, to the following reservations. It has been pointed out to us that, for the protection of the frontiers of India and the fulfilment of the responsibilities of the Government of India in relation to Indian States, there must be some enactment to arm the Executive with powers to restrict the movements and activities of certain persons who, though not coming within the scope of any criminal law, have to be put under some measure of restraint. Cases in point are exiles from foreign or protected States who are liable to be the instigators or focus of intrigue against such States; persons disturbing the tranquillity of such States who cannot suitably be tried in the Courts of the States concerned and may not be amenable to the jurisdiction of British Courts; and persons tampering with the inflammable material on our frontiers. We are in fact satisfied of the continued necessity for providing for the original object of the Regulation in so far as it was expressly declared to be the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection and the security of British dominions from foreign hostility, and in so far as inflammable material on the frontier is concerned, from internal commotion.”

Sir, my amendment seeks to carry out this object. Whether the words I have used accomplish that object I leave to the Honourable House to judge. But let there be no misunderstanding, let there be no impression created that this Bill of my Honourable friend seeks really to give effect to the recommendations of the Repressive Laws Committee. So far as Regulation III of 1818 is concerned and the analogous Regulations in Madras and Bombay are concerned, my Honourable friend seeks to travel far, far beyond the recommendations of that Committee. Sir, in speaking on this motion in 1924 my Honourable friend, Mr. Amar Nath Dutt, who moved this Resolution, stated this. He had no complaint to make against the recommendations of the Repressive Laws Committee. On the other hand, he acquiesced in those recommendations. His complaint was that those recommendations were not accepted by the Government, were not acted upon by the Government. I have not yet heard a single sentence in this Assembly complaining of the recommendations of the Repressive Laws Committee, saying that the recommendations did not go far enough. On the other hand, the complaint has always been that the Government who accepted those recommendations have not given effect to those recommendations. This is what my Honourable friend, Mr. Amar Nath Dutt, said. Having quoted the recommendations of the Repressive Laws Committee as I read out to you, this is what he says at page 2045:

“I am told that the Government of India accepted the recommendation. But no Bill has been introduced as yet to limit the scope”—*mark the words, no Bill has yet been introduced to limit the scope*—“of the Regulation to the extent suggested by the Repressive Laws Committee.”

That was his complaint. (*An Honourable Member*: “He meant ‘not even’”.):

“On the other hand, we find this venerable old Regulation being used with redoubled vigour against Congress workers in my unhappy province, with the full concurrence of the Central Government, not for the purposes for which the Repressive Laws Committee had recommended the restriction of its use, but to put obstacles in the way of *Swarajist* candidates, etc., etc.”

My Honourable friend Khan Bahadur Sarfaraz Hussain Khan in supporting this Resolution also complained in a similar strain (page 2051):

"So far as Regulation III of 1818 was concerned, the Committee recommended that it should be restricted to its original purpose, namely, the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Indian Princes entitled to its protection, the ^{ness} of the security of British dominions from foreign hostility and, only so far as the inflammable frontier is concerned, from internal commotion."

So that all those gentlemen who spoke on the Resolution did not complain that the recommendations of the Repressive Laws Committee did not go far enough; and if my Honourable friend the Home Member had had the good sense, had had the political insight to follow up those recommendations and introduce a measure in this Assembly, he would not have been faced with the situation with which he is faced to-day. Sir, my point is this, that no Government—even if my Honourable friend Pandit Motilal Nehru takes the place of the Home Member and had my Honourable friend Mr. Patel been occupying the place of the Foreign or Political Secretary to assist him—could do without some sort of a measure to deal with the situation in respect of those four matters. My Honourable friends shake their heads, but I know that in their heart of hearts they feel differently. They know perfectly that they are not in such a position and that is why they may say, "No, no". They say they would appeal to the Legislature. If so, if the Government appeal to the Legislature and if they are prepared to grant it, am I to take it that they would be prepared to grant such protection to the Executive? (*Mr. A. Rangaswami Iyengar*: "Let them come and satisfy us.") But would you give it?

Mr. A. Rangaswami Iyengar: I claim that it is the sole right of this Legislature to exercise its judgment in every case of exceptional power which the Executive may ask for in any exceptional circumstances.

Diwan Bahadur T. Rangachariar: Here is a case. My question was, supposing such a case arose, supposing we had our own Government, would we not require aids of this sort in order to protect the alliances with Indian States? Would we not require similar provisions in order to protect our own borders from external aggression? Would we not require these powers in order to deal with the frontier situation? Would we not require these powers, I say, to protect British dominions from foreign hostility? (*Mr. A. Rangaswami Iyengar*: "But there are other laws, other Regulations, other rule-making powers.")

Mr. President: Order, order.

Diwan Bahadur T. Rangachariar: I am coming to the other laws. My point is this, that it is not our object, at any rate the object of Members of this Assembly to have no Government. We want only to substitute one Government for another, and therefore any Government would require the aid of these laws for these four purposes.

Mr. M. A. Jinnah: Why did not Government come forward in September 1921 after the Report of the Repressive Laws Committee was published and take the necessary measures?

Diwan Bahadur T. Rangachariar: I make a present of that question to my friend, the Honourable Leader of the House. But still, Sir, I make my appeal to my Honourable friend Mr. Jinnah

Mr. R. K. Shanmukham Chetty: You are acting on their behalf, Sir.

Diwan Bahadur T. Rangachariar: I am not going to be frightened by such insinuations. Now, I appeal to my Honourable friend
 12 Noon. **Mr. Jinnah.** I quite realise the gravity of the mistake they have committed, but still are you prepared to abandon the law which you have got on the Statute-book? Take the frontier for instance. Take the immediate troubles which may arise with our neighbour there. Are you prepared to give up this provision of law which would enable the Executive to take immediate steps and await the introduction of a measure on the part of Government in order to enable them to do these needful things? Let us not confuse the issues. What is it that the country wants? Does the country want that these provisions enabling the Executive to defend our own country should disappear?

Mr. Devaki Prasad Sinha: The country wants that they should come to the Legislative Assembly.

Diwan Bahadur T. Rangachariar: I do not know where the country said so. My Honourable friend perhaps is better acquainted with the country than I am, but I have not yet heard a single statement either in the platform or the press that the country demands the repeal of the law so far as these matters are concerned.

Mr. Devaki Prasad Sinha: The Repressive Laws Committee themselves suggested that they should come to the Legislative Assembly for such powers.

Diwan Bahadur T. Rangachariar: If my Honourable friend cannot be convinced by plain English, by what I have read, if he is relying on the Repressive Laws Committee, by all means let him do so; I also rely on the Repressive Laws Committee, just as my Honourable friend does. Let us understand what the Repressive Laws Committee have recommended in connection with this Regulation. I am prepared to go to the fullest extent. And not only that, my amendment goes beyond their recommendation, as Honourable Members will see.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Are Government prepared even now to give an undertaking that they will introduce legislation at the earliest possible moment to give effect to the recommendations of the Repressive Laws Committee?

Diwan Bahadur T. Rangachariar: I also wait for an answer.

The Honourable Sir Alexander Muddiman (Home Member): I am certainly not in a position to give such an undertaking nor would I give an undertaking on any occasion in those words. I should immediately be charged with breach of faith. "At the earliest possible moment". What is the earliest possible moment? My Honourable friend knows I cannot do it.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions; Non-Muhammadan Rural): May I know whether it is a fact that Dr. Sir Tej Bahadur Sapru told this Assembly that the Government had legislation in contemplation? If it is so, may I know whether any legislation was prepared since the announcement was made and whether the Government of India have under their consideration any such Bill now?

Diwan Bahadur T. Rangachariar: Sir, let us not be beguiled into actions of irresponsibility on our part because we find the Honourable the Home Member is irresponsible. Let us at least teach him a lesson in responsibility. Sir, that is the point of view I take. I view my position here as a sacred position, to discharge to the best of my ability and to the best of my judgment what I consider right in matters of legislation. I yield to none in respecting public opinion. But in matters of legislation I put my own judgment superior to public opinion, I mean the vocal section. Sir, my point of view is this, that any Government would require these weapons in order to deal with those four matters which I have mentioned, no Government requires these weapons to deal with its own subjects in connection with internal commotion. In connection with internal commotion you must deal with your own subjects under the ordinary law. You cannot resort to these extraordinary measures. If they are rebels, if they are really your enemies, deal with them under the ordinary law. Why should you be afraid of facing the question in open court and putting them on their trial? If they have not brought themselves within the law, but if they are merely persons who are agitating for a better Government in this country, you have no right to deal with them. Your crime has been that you dealt with Babu Aswini Kumar Dutt and Krishna Kumar Mitra and such other noble gentlemen who really were actuated with noble motives in carrying on the political agitation which they did. The temptation is there to use this weapon. If you have got this weapon in your hands, unfortunately it is a temptation to the Executive. However good the Honourable the Home Member may be—he may be an angel there—still if you entrust him with a weapon of this sort, he is tempted to use it, because he is egged on to do it by his myrmidons. After all, under section 2 the Governor General cannot take action unless he is satisfied that for the reasons stated in the Preamble of this Regulation that action is required to be taken, so that if you limit the reasons in the Preamble to the Regulation, as I have suggested, then you thereby deprive him of the power to deal with internal commotion in the way in which he is seeking to do it now. That is the object of my amendment; that is the object which I think the Repressive Laws Committee had: and therefore the amendment which I have given notice of is to confine the use to cases of internal commotion only within the frontier districts. That is one of the amendments which I am moving. The second amendment in relation to this Regulation which I am moving is this. Honourable Members will notice . . .

Mr. V. J. Patel: On a point of order, Sir. Are we taking all the amendments together or are we taking them one by one? It would facilitate the business of this House if we restrict ourselves to one amendment at a time instead of going through the whole survey of all the amendments.

Mr. President: I understand the Honourable Member, on the motion that clause 2 stand part of the Bill, has taken the opportunity, not unreasonably, to explain what the Bill would be if his amendments were all carried. The Honourable Member can only *move* one amendment at a time, actually, and there will be only one amendment *put* from the Chair.

Diwan Bahadur T. Rangachariar: That is exactly my position. I want to explain what my amendments would amount to in case the House is good enough, without passion or prejudice, to consider them and if it pleases it to accept them.

[Diwan Bahadur T. Rangachariar.]

The second object I have in view is this. As it is, although I have limited the scope of the Regulation by means of the first amendment, namely, of confining internal commotion to the frontier districts, still I provide in all these cases that there should be some remedy for the aggrieved person, whether he be the subject of His Majesty or whether he be a foreigner. Now, Sir, I can well conceive how cases arise; we have got Indian States interspersed and surrounded by our own territory. I can well conceive, Sir, a person disaffected, say, with my dear province of Mysore, a person disaffected with the ruler there escaping across to Kurnool, Cuddappah or Anantapur or Bellary and trying to create trouble for the ruler of that province. Now, my Honourable friend Mr. Rangaswami Iyengar said, "Oh, you have got the Foreigners Act or something of that sort," and he quoted the other day about that. What does it empower? It empowers the Government to send him back—the very thing you should not do if you really have friendship for that State. It is only if he refuses to go back that you can put him in jail. That is not the protection that is needed. You want to prevent him from mischief if you have to fulfil your obligations to Indian States—treaty obligations and others.

Mr. A. Rangaswami Iyengar: May I read this? This is from Ilbert:

"Effect has been given to this requirement by Act III of 1864, under which the Government of India and Local Governments can order foreigners to remove themselves from British India, and apprehend and detain them if they refuse to obey the order."

Diwan Bahadur T. Rangachariar: That is exactly what I have been saying.

Mr. A. Rangaswami Iyengar: Therefore the point is that it should not be open even for the British Indian Government in this country to put foreigners in jail without trial and without telling them the nature of the evidence.

Diwan Bahadur T. Rangachariar: That is exactly the question I put to this Assembly. Now, may I ask my Honourable friend Mr. Rangaswami Iyengar, who has plenty of common sense, may I ask him really whether that would be the proper method which he would take in case of an enemy to the Maharaja of Mysore? Supposing the enemy of the Maharaja of Mysore establishes himself in Bellary and tries to create trouble from across—you know the districts are not bounded by any mountains, there are mere geographical lines which divide one estate from another—does he really suggest that that man who creates trouble should be ordered to go back?

Mr. A. Rangaswami Iyengar: But we cannot put him into jail without trial and conviction.

Diwan Bahadur T. Rangachariar: If really those reasons exist, namely, that it is undesirable in the better interests of the State, that it should be exposed in court. I daresay my Honourable friend may conceive of cases where, if you put a man on trial on those charges and make them public, you would give a cue to other people to follow their lead. I daresay my Honourable friend has read in the Shastras that it was part of our ancient wisdom of our Government to adopt these measures. Therefore it is absolutely wrong to say the Executive should not have these

powers. I quite agree that, when you are dealing with your own subjects, when you are dealing with internal agitation, there should be no such power. Beyond that I am not prepared to assent to the doctrine that the Executive should not have the power to deal with people from abroad who try to bring about trouble

Mr. Devaki Prasad Sinha: May I ask the Honourable Member what protection does he provide for those persons who are unjustly arrested on the ground of being enemies of Indian States?

Diwan Bahadur T. Rangachariar: That was just what I was going to explain when I was side-tracked into this matter by Mr. Rangaswami Iyengar's interruption. The protection I have provided in all such cases is I provide a remedy similar to the *Habeas Corpus* remedy which is so much prized by the English people. I have provided that in all such cases it shall be open to the High Court to call for the records of the case and call for the officer in charge of the person to explain the circumstances, and I enable the High Court to deal with the materials and to satisfy itself that the Regulation has been put to its proper use and has not been abused, and not been used for an extraneous purpose, that is, that it has only been used for the legitimate purpose as given in the Preamble of the legislation. Therefore, not only am I loyally obeying the report of the Repressive Laws Committee, but I am extending its recommendations. I am extending the usefulness of those recommendations by providing that people who are so detained should have the opportunity of going and seeking a remedy in the High Court

Pandit Shamlal Nehru: Will they be allowed to put in a defence?

Diwan Bahadur T. Rangachariar: Certainly; it depends on the High Courts. I have great faith in the High Courts, especially in the High Court of my Province. I have left it to them to frame their own rules in dealing with such cases. I have left it to them to decide how they will hear such cases. It depends on the nature of the evidence. Therefore I leave full discretion to the High Courts to deal with the matter as best they like. So that is the second amendment I provide. I limit the scope of the Regulation. I enlarge the remedies offered to the individuals who have to be dealt with by any executive, under any circumstances, because after all it is a human Government; it is not a divine Government, and a human Government will make mistakes, and is bound to make mistakes. And I say this is the remedy the people should have, and I have provided for it in my amendment. This is merely to give an opportunity to the Government to prevent them from saying that all of a sudden you are repealing these Regulations, what about the persons we consider dangerous whom we have put under confinement? I give them time by another amendment I have made, namely, they are not bound to release them at once, they can take their own time, but not beyond six months, from this becoming law. If my amendment is carried what would happen is the Government would not be in a position hereafter to confine subjects of His Majesty without trial so far as internal commotion is concerned. In the case of others who have already been confined, they would be bound to be released, but not later than six months from this date

Pandit Shamlal Nehru: To be re-arrested immediately.

Diwan Bahadur T. Rangachariar: Under what provision? They cannot be re-arrested under this Regulation unless it is modified, unless the

[Diwan Bahadur T. Rangachariar.]

Governor General acts dishonestly and puts it to a use which is not in the Preamble. And if the Governor General does act dishonestly, you have provided a remedy by enabling the person to go to the High Court, and the High Court will be able to say whether the Governor General has used this for a purpose not intended, or has abused it. And the High Court is there to order, if necessary, that the detention shall cease. Pandit Shamlal Nehru need not be under any mistaken notion that they can be re-arrested immediately. They cannot effectively be re-arrested immediately; that is my answer to Pandit Shamlal Nehru.

Sir, I had intended to move another amendment. I admit the principle that the Madras Regulation and the Bombay Regulation should go. The Bombay Regulation is not necessary. In Madras also it is not necessary, for the only tract with which I am familiar, to which my Honourable friend Mr. Moir referred, in which perhaps executive powers of a peculiar kind may be necessary is Malabar. There we have the Moplah Outrages Act, and one clause of the Moplah Outrages Act enables the Government to detain persons if they are suspected of having an intention to commit crimes. Therefore I have carefully thought out the matter and I at one time thought it would be necessary to give power to Local Governments or to the Governor General to extend the provisions of the Bengal Regulation to Madras and Bombay. I have since satisfied myself that it is absolutely unnecessary, and I therefore do not propose to move the amendment, and I do not know if it will be in order to extend clause 8. My position is this, that I have satisfied myself it is unnecessary, and as my Honourable friend Mr. Patel takes the exception that it is also extending the scope of the Bengal Regulation, his objection may be upheld. I therefore propose to move only the later amendment as clause 8. After clause 7, insert the following: Clause 8. That I do not propose to move. The only thing I propose to move is clause 9.

The only other amendment I am moving is the deletion from the Schedule of the item the Punjab Murderous Outrages Act. There is another item in the Schedule. That is, if my amendment to retain Regulation III of 1818 in part is carried, the State Prisoners Act of 1850 will only enable the Government to confine the persons so detained under the old Regulation. That will be necessary. No doubt on my Honourable friend's motion the whole of that may go, but if my amendment is carried, that portion will remain. Therefore from the Schedule I propose to omit the Punjab Murderous Outrages Act and the State Prisoners Act. In Bengal Regulation III there are two remedies given to the State. One is to detain persons and the other is to take hold of the property of persons to whom those Regulations apply. I take away the power to deal with the property in that manner. I cannot see any justification for those sections giving power to the Executive under Bengal Regulation III of 1818 enabling the Executive to take away the property of persons suspected, and I remove that power. I therefore agree with my Honourable friend in having those sections repealed. I therefore substantially amend Regulation III of 1818. I limit its scope to legitimate objects. I improve it by providing a remedy of reference to the High Court. I improve it by removing the clauses in reference to seizure of property. I am not quarrelling with my Honourable friend Mr. Patel. If my Honourable friends will dispassionately consider this question, they will see and my Honourable friend Mr. Patel will see that what I propose is more reasonable than what

he has done. With my proposal you can go and effectively appeal to our colleagues in the other Chamber. You cannot do so with your proposal. The only satisfaction you will get will be that you have made a gesture, and to make an empty boast to the world that you have passed this. But you have not passed it. Is it your object to place a mere paper in this House or is it your object to pass a law which will be effective? If your object is to pass a law which will be effective, I offer my amendment, and I move the first amendment, having explained the scope of my amendments, that after clause 2 of the Bill the following new clauses be inserted in the Bill.

Mr. President: Not the proviso?

Diwan Bahadur T. Rangachariar: The proviso I will come to later with your permission.

Mr. President: The motion before the House is that clause 2 stand part of the Bill, and therefore any amendment or addition to the clause will have to be made now.

Diwan Bahadur T. Rangachariar: If that is your view, Sir, I will also move the proviso now. As I have already explained, I do not wish that the Government should be put into any awkward position by the repeal of these Acts and I wish to give them time to release persons already interned. I move, Sir:

“ That to clause 2 of the Bill the following proviso be added, namely :

‘ Provided that no individual who has been placed under personal restraint under any enactment hereby repealed, shall be bound to be released until after the expiry of six months after this Act comes into force; nor shall the repeal of any enactment by this Act affect the powers of confinement conferred by section 12 of the Punjab Murderous Outrages Act XXIII of 1867, or by any other similar enactment ’.”

Lala Duni Chand (Ambala Division: Non-Muhammadan): Sir, my only justification not to be content with a merely silent vote in favour of Mr. Patel's Bill for the repeal of repressive laws is that I have been seeking an opportunity to deal with the policy of repression as has been pursued in the Punjab for some years. I thank my Honourable friend Mr. Patel and the Honourable the President for having given me an opportunity to deal with the situation in the Punjab. I have no desire, Sir, in the least degree to import any unnecessary heat or passion into to-day's debate. My only desire, Sir, is to deal with the matter of fact situation as it exists to-day and as it has existed for a good many years in the Punjab with reference to repression. I shall try to quote facts and figures and then ask this House whether it is open to any self-respecting Member of this Honourable House not to support the Bill of my Honourable friend Mr. Patel.

The Honourable Sir Alexander Muddiman (Home Member): I do not wish to interfere with the Honourable Member, but are his remarks in order on this particular motion before the House?

Mr. President: I was somewhat in doubt myself about it. Does the Honourable Member mean to suggest that there are any persons who are now under restraint in the Punjab under any of these six Regulations and Acts hereby proposed to be repealed?

Lala Duni Chand: Yes, Sir. That idea is not absent from my mind, that I should be absolutely relevant in putting my case before this House. Yes, Sir, there are. (*The Honourable Sir Alexander Muddiman:* "Who?") Under the Bengal Regulation recently I knew there was one gentleman under arrest. He has been released sometime ago—Professor Ghulam Hossain. (*The Honourable Sir Alexander Muddiman:* "Is he now under arrest?") Not now. He has been recently released. He was for about six months under arrest under this Regulation. I am not quite sure whether there are any prisoners under other laws; but my point is that a policy of repression has been pursued in many ways in the Punjab, and in view of that policy I say that all those repressive laws which are responsible for the policy of repression should be repealed. I shall try, Sir, not to go beyond the scope of the motion that is before the House. I shall not trace the history of the Punjab for a very long time so far as the policy of repression is concerned. I shall begin, Sir, from 1915 when under a special enactment special tribunals were set up in the Punjab in order to try a number of people who had come from foreign countries and who were supposed to have fomented rebellion in the Punjab. A very large number of people—I cannot give you the exact number—but a large number of persons were ordered to be hanged or transported for life or given long terms of imprisonment. I know it was due to the kind hearted Lord Hardinge that some of them were saved from the gallows. It was under the régime of Sir Michael O'Dwyer, the late Lieutenant-Governor of the Punjab, that these tribunals were set up. My point on this occasion is that there are yet some of these people who were convicted under these special tribunals that are rotting in the jails. I do not know their number but I know there are some people. I am not here to go into the correctness of their convictions or otherwise. My point is that the Government have been pursuing a policy of extreme vindictiveness, so far as these people are concerned. After all the object of that enactment was that these people should not be allowed to stand in the way of the prosecution of the war

Mr. President: Which enactment is the Honourable Member referring to?

Lala Duni Chand: I am referring, Sir, to the special enactment that was made in 1915 under which special tribunals were set up in the Punjab and those special tribunals were given absolute power without any right of appeal from their judgments.

Mr. President: The only Act relating to the Punjab which I can find here is the Punjab Murderous Outrages Act of 1867, and, perhaps, the Seditious Meetings Act.

Lala Duni Chand: My point is, Sir, that a ruthless policy of repression has been pursued in the Punjab since 1915. Therefore in view of the course taken by the Punjab Government, our duty is to repeal all repressive laws. I know that the Act to which I refer is not under consideration now. I am fully aware of that.

I will now turn to the martial law régime. Here again, Sir, I do not want to go into the question of the merits or demerits of the numerous cases that were tried in the martial law days. So far as my reference to martial law is concerned, my only point is

Mr. President: This Bill does not propose to deprive the Governor General of the power to declare martial law. Therefore any discussion

of martial law is not in order. I admit the Honourable Member is entitled to draw illustrations from his own past experience of martial law but he must not make it the main part of his argument. He must confine his argument to the subject of this Bill.

Lala Duni Chand: I accept your ruling; and in fact, Sir, it was only in that light that I was putting the case of martial law before the House. All that I want to say with regard to the martial law régime is that out of a large number of people condemned under the martial law régime there are yet in the Punjab over eighty prisoners of the martial law days. Notwithstanding the fact that there has been a good deal of agitation in favour of securing the release of those people, the Government have not yet thought fit to release any of them and therefore, in view of the attitude of Government, it is our duty to repeal wholesale all these repressive laws. That furnishes to me a reason to cast my vote in support of this Bill. I know, Sir, that martial law cases do not come exactly within the purview of this Bill but it is only from this point of view that I have placed the martial law cases before this House. So far as the policy of repression dealing with the political situation is concerned, I submit it has got certain limitations and should be exercised only within those limitations. It has been recognised all over the world that political prisoners should be released at the earliest possible opportunity; and amnesty or pardon should be granted to them at the earliest possible moment. Now take the case of the special tribunal prisoners and the martial law tribunal prisoners. Special tribunal prisoners have been in jail for nearly ten or eleven years and martial law prisoners have been in jail for nearly six years. Even assuming they were guilty of the offences for which they were tried, I submit that the Government should have adopted a different attitude and all these prisoners should have been released by this time. The very fact that the Government have not thought it necessary up to this time to release all those people who are either the victims of martial law or of special tribunals gives me a reason for supporting the motion for the repeal of these repressive laws.

Next, I want to deal with the later stage of repression in the Punjab in the non-co-operation days. So far as the Punjab is concerned, on this point it has got a history which will go down to posterity and which will shame the authors of that history. I could understand that there was justification for the Government to put in jail a number of people in order to prevent that upheaval of which Government were frightened at one time. But the Government could not go further than that. I know that there are people even now in the Punjab jails who were convicted during the non-co-operation days; to keep these people in jail now is the extreme limit of vindictiveness on the part of the Punjab Government. I would briefly deal with a few cases and that will show the attitude of Government with regard to this question. It is not possible for me to deal with the large number of cases that exist, I shall simply deal with a few specimen cases to show how the Government have been dealing ruthlessly with the liberties of the people. I would like to mention prominently the case of one Swami Gajanand who was tried under the Criminal Law Amendment Act and also under section 124A and was sentenced to six years and he is still in jail. What was his offence? His offence, according to the judgment, was that he had made a speech preaching boycott of liquor and foreign cloth; another offence of his was that he had asked two boys of 11 and 14 years to be recruited as volunteers. On the

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strength of these facts which were supported by three men of the Government, a *lambaradar*, a *zaildar* and a sub-inspector, that man is still undergoing a sentence of six years' rigorous imprisonment. I would also mention the case of Sardar Sardul Singh, which was also mentioned at one time by my Honourable friend, Pandit Madan Mohan Malaviya. The brunt of his offence was that he had written an article in which he had used certain expressions which were capable of being construed in two different ways but which the court construed as amounting to sedition. Of course this case was dealt with in the press fully; that gentleman is one of the greatest patriots of the Punjab and he has been in jail for the last four and a half years nearly, and the Government have not thought fit to reconsider his case

Mr. President: Will the Honourable Member tell me under which Act this gentleman is confined?

Lala Duni Chand: Under section 124A of the Indian Penal Code.

Mr. President: I do not find the Indian Penal Code among the Acts and Regulations proposed to be repealed by this Bill; I find there are three Regulations and three Acts which are proposed to be repealed and the debate will be strictly confined to what has been done under those laws and whether they should be repealed or not.

Lala Duni Chand: I will not take up those cases, then, that fall under the Indian Penal Code. In order to illustrate my point I would like to quote the case of a young man, named Pritham Singh. In 1922 he was tried by the Sessions Judge of Jullunder. What for? His offence was that he had posted copies of a *futwa* called the *Hindustan-ke-ulema-ka futwa* on the walls of the district courts of Jullunder. He was solemnly tried by the Sessions Judge of Jullunder with the aid of assessors and that young man of 20 or 21 was given seven years' rigorous imprisonment. (*Mr. K. Ahmed:* "Under what law?") It is a fact, I know. A young man for a mere boyish freak was tried and sentenced to seven years' imprisonment and he is still in jail. (*An Honourable Member:* "Under what section and under what law?") Probably, if I mistake not, it was under section 131 of the Indian Penal Code (Laughter)

Mr. President: I have been very lenient to the Honourable Member because some parts of his speech are in order and other parts are not. But I must ask him now to confine his remarks to the operation of these six measures.

Lala Duni Chand: I shall not then refer to any more of these cases, Sir.

I would next point out that the policy that has been pursued in my province is essentially a wrong policy, a policy that is not recognised in any part of the civilised world. I shall now take the case of the Akali prisoners. I understand, Sir, that so far as these Akali prisoners are concerned, I am quite in order and therefore I wish to take up their case. I am not placing before the House in detail all the facts relating to the Akali situation in the Punjab. I shall touch only one aspect of repression that is directed against the Akalis in the Punjab. (*Mr. K. Ahmed:* "That will be misleading.") Sir, we are in possession of very valuable information with regard to the campaign of ruthless repression and oppression that

has been pursued for the last few years against the Akalis. Sardar Mangal Singh, as President of the All-India Sikh League, has issued an appeal to the Members of the Legislative Assembly and also to the Members of the Provincial Legislative Councils in this connection. I will not deal with the whole article that he has written on the subject, but I shall read only the concluding portion of his appeal where he has summed up the whole case. This is what he said:

“ To sum up : So far 30,000 have been arrested, 400 died and killed and about 2,000 wounded. . . . ”

Mr. President: Under which Act did all this occur?

Lala Duni Chand: These people have been punished under the Criminal Law Amendment Act, Sir.

Mr. President: I have twice told my Honourable friend that that Act is not under discussion here, but I can help him by suggesting that in the last item of the Schedule there is plenty of material on which he can speak about the Punjab.

Lala Duni Chand: Very well, Sir. In support of the reasons as to why I support Mr. Patel's Bill, I submit, Sir, it is open to me to take up the question of repression against the Akalis, and so far, I submit, I am in order. I shall not take the case of individual prisoners, but I think that I am justified in submitting before the House that the policy of repression and oppression pursued in the Punjab with regard to Akalis is one which we are not prepared to countenance or support in any way, and as an indication of that attitude on our part, we support the Bill for the repeal of all the repressive laws. Had there been no policy of repression pursued in the Punjab, all those people who are now in gaol would not have been there. Therefore, Sir, it is in this light that I am placing the case of the Akali prisoners before this House. Sir, the sufferings, the sorrows, and the miseries of the Akali prisoners should be sufficient to melt the heart of anybody if he has really any heart. So far as the Akali situation in the Punjab is concerned, all that I wish to emphasise is that it should have been the duty of the Government long ago to deal with the situation in a proper manner. The Government have failed to tackle this problem, this most serious problem so far.

Pandit Harkaran Nath Misra: On a point of order, Sir. Is the Honourable Member in order

Mr. President: I warned the Honourable Member before that he is not entitled to deal with proceedings under the Criminal Law Amendment Act or under the Criminal Procedure Code. He must deal with proceedings under the Acts and Regulations now proposed to be repealed. On the motion that the Bill be taken into consideration, a wider scope of discussion is permissible, but as the motion before the House is limited by the amendment moved, the discussion must be limited to the operation of the three Regulations and the three Acts now proposed to be repealed. If the Honourable Member cannot find material within the scope of these six measures, then I shall have to ask him to sit down.

Lala Duni Chand: Then, I understand, Sir, that I am not allowed even to take up the case of Akalis in the manner in which I wanted to take it up. Very well, Sir, but before I sit down, I want to sum up the case. My case is that throughout Government have been prompted by a policy of

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vindictiveness; the Government want to crush out of the people all desire for freedom. (Mr. K. Ahmed: "Nothing of the kind.") It is not with a view to prevent any trouble in the country that the Government are pursuing this policy. It is really with a view to perpetuate domination of this country, and it is also with a view to crush all life out of the people that the Government have been pursuing this policy of repression and oppression. These reasons are sufficient for my purpose and they should be sufficient for other Members of this House as well to support wholeheartedly the Bill of Mr. Patel for the repeal of repressive laws. I shall oppose any amendment, even if it is considered to be a reasonable amendment. (Laughter.) I say this advisedly, because if the Government are growing unreasonable from year to year, it is our duty to grow more and more unreasonable. (Laughter.) The only way to meet the unreasonableness of Government is really to be unreasonable ourselves if it is necessary. Therefore, I support wholeheartedly the wholesale repeal of all the repressive laws, because the Government have adopted the policy of repression for the last so many years. I could consider the case of Government if they cry halt now at least. As the Government have for the last ten years, at any rate so far as my province is concerned, pursued ruthlessly, unreasonably, indiscriminately and wantonly the policy of repression and oppression, I think it is my duty to protest against that repressive policy and give out the mind of the people that they are not prepared to endorse that policy, and they want all your repressive laws to be repealed wholesale

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province: Nominated Non-official): Do you wish that these Regulations should be repealed in the Frontier Province?

Lala Duni Chand: I should very much like to deal with the laws that exist in the Frontier Province as well, but I am perfectly certain that the Honourable the President will rule me out of order, and therefore I am not prepared to say anything about the Frontier Province.

Sir, with these words which have come from the bottom of my heart I strongly support the motion brought forward by Mr. Patel for the repeal of repressive laws.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhamadan Rural): Sir, I do not propose to enter into any general discussion of the repressive policy of the Government, and in accordance with your ruling, I propose strictly to confine myself to the amendment which my friend Mr. Rangachariar has proposed and which he explained to the House in a speech which was couched in a very reasonable spirit. Sir, this reasonable spirit, I am afraid, has taken him off his feet in discussing the principles upon which we should legislate in this matter. I demur entirely to the proposition that because the Council of State will be unreasonable, therefore we shall be unreasonable and we shall not stick fast to principles in the way in which we should when we propose to enact laws.

Diwan Bahadur T. Rangachariar: Sir, I did not suggest that the Council would be unreasonable. On the other hand they will be reasonable if they reject this Bill as it is.

Mr. A. Rangaswami Iyengar: Sir, I think the Honourable Mr. Rangachariar laid particular stress on the fact that, if we pass the Bill in the form in which Mr. Patel would have the Bill passed, there was every chance of the Council of State rejecting it and that therefore in order to get the Council of State to agree with us and to put some sort of an Act dealing with repressive laws on the Statute-book, it was far better to tamper with values, to tamper with principles, than that we should . . .

Diwan Bahadur T. Rangachariar: I am sorry, I did not say, Sir, that it was far better to tamper with principles.

Mr. A. Rangaswami Iyengar: I am sorry, Sir, I did not mean to say that he actually said that. But the effect of what he said was that he was asking this House to tamper with values, to tamper with principles, in order that some Act should be on the Statute-book rather than that we should stick fast to our principles and declare them by means of provisions in the Bill we may now pass. He taunted us by saying that, if we pass a Bill on these terms, we shall be merely making a gesture, we shall not be doing anything which will result in anything tangible to the people. I say, Sir, these compromises have done us no good and on matters which affect the fundamental liberties of the people, compromises, I say, are entirely out of the question.

But, Sir, I do not see where the necessity for this compromise arises. My friend Mr. Rangachariar referred to the report of the Repressive Laws Committee and he said that there were four particular instances in which he said the out and out repeal of these Regulations could not be carried out. He instances the case of the Frontier. He instances the case of Native States subjects having to be dealt with otherwise than in due course of law, and he instanced the case, if I may say so, of certain other tracts, for instance the Moplah territory in Madras and similar places. For my part, I do not see at all where the difficulty arises. So far as the frontier districts are concerned, so far as the backward districts are concerned, the Government of India to-day possess the sole and exclusive power of legislating upon it. All the backward or non-regulation provinces have got their own Code and that Code is prepared not under the authority of the Legislative Assembly and the Council of State but under the authority of the Governor General in Council. Under the Government of India Act the procedure for making laws for non-regulation provinces and for the scheduled districts is for the Local Government of those areas to propose Regulations which the Governor General in Executive Council takes into consideration and they are by him enacted as law, so that, so far as the maintenance of order and of peace in the frontier districts or any other districts to which the Regulations apply are concerned, they are covered entirely by the authority which the law now vests in the Executive Government of the country.

Diwan Bahadur T. Rangachariar: May I ask, Sir, my Honourable friend, supposing this House repeals the law which is now in force on the Frontier, and the Governor General to-morrow re-enacts a law on the same lines as he suggests, whether he would not rouse a storm of opposition in the country?

Mr. A. Rangaswami Iyengar: Sir, the question that I was dealing with is entirely different. The question that I was dealing with was that my Honourable friend Mr. Rangachariar complained that there would be no

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power left in the Executive Government to deal with these mischievous outrages, with these dangerous people on the Frontier, who come in and do so much mischief, and I was only pointing out that Government is already armed with that power. Whether we are going to continue to arm them with that power, whether, if and when Swaraj comes, we are going to deal with the question in the same manner, is a matter entirely beside the point we are now discussing.

The next point he dealt with was in reference to the Native States and in reference to foreigners. I have already said in the course of the debate which took place last month that, so far as that is concerned, the powers which are vested in the Government under the Foreign Jurisdiction Acts, the powers which are vested under Act III of 1864 and the powers which the Government have possessed in ancient Statutes with reference to the action that they may take against interlopers and British subjects who may be found creating trouble in Native States, have made the use of these Regulations unnecessary. There are in fact any number of laws, regulations, rules and orders under which this Government are empowered to deal with people who are British subjects and who give trouble in Native States.

As regards non-British European subjects who come into British India or into Indian States, I say that Act III of 1864 as well as other enactments give the power to the Executive Government to expel them from this country. My friend says it is no good trying to expel them. A man who wants to create trouble against the ruler of a Native State might go into British territory. It is no good merely saying, "You go out of this country" because he will be merely going back to the Native State and creating the trouble there over again. I ask, Sir, what is it that my friend wants to do with a man whom a Native State complains of giving trouble and is in British territory? Does he want that this Government, merely on the *ipsi dixit* of the ruler of a Native State, should put him in confinement, in chains, without trial, without our Government knowing or letting him know the nature of the offence, and without giving him an opportunity to explain himself? Is that the power that he would want the Government to be armed with? I say, Sir, we shall not sanction that power, and I entirely differ from him when he says that because there is a Native ruler to whom he may be attached by many ties of sympathy or of fellow-feeling, we should simply do whatever he may want. No amount of that sympathy will permit me to deny to any human being, any civilised being, the ordinary rights of free and fair trial.

Then, Sir, we were told that as regards these people, if these people, being subjects of a Native State, go to British territory and give trouble, and we make an order under Act III of 1864, that merely expels them out of this country and does not protect the Native State. I ask, Sir, if that man gets out of this country, he must either get into a Native State or get out of British India. If he gets into a Native State, he gets again into the clutches of the very people who want to punish him or do anything with him.

Diwan Bahadur T. Rangachariar: May I remind the Honourable Member that, if expelled, he can get into a neighbouring Indian State which is at enmity with the other State?

Mr. A. Rangaswami Iyengar: I do not follow you.

Diwan Bahadur T. Rangachariar: We have had instances where two Indian Princes have been fighting tooth and nail, and if you expel a man of Nabha from British territory he goes to Patiala.

Mr. Rangaswami Iyengar: If he goes into Patiala, and if Nabha and Patiala cannot agree as to how to deal with people who are causing trouble, if the States quarrel between themselves, and if the British Government are not able to prevent that quarrel by the powers that they possess, it is not for us to arm the Executive Government to deal with him in any way they please, to put him into jail and to do whatever they like with him. That, I think, is a power which we cannot grant. If two Native States quarrel with each other

Mr. Denys Bray (Foreign Secretary): I rise to a point of order, Sir. Is the Honourable gentleman in order in referring time after time to "Native" States?

Mr. A. Rangaswami Iyengar: I am sorry, Sir. I stand corrected. I shall say "Indian" States. (*Diwan Bahadur T. Rangachariar:* "I have always been careful in that respect.") (*Mr. K. Ahmed* to Mr. A. Rangaswami Iyengar: "You are setting a very bad example".)

Mr. Devaki Prasad Sinha: That is the word used in the Bengal Regulation.

Mr. Denys Bray: It is not the word in use now.

Mr. A. Rangaswami Iyengar: I say, Sir, our Statute-book has clearly provided for these purposes in respect of all British Indian subjects in British India, of all British subjects in British India and of all subjects of Indian States who may come into British India, of all British Indian subjects who may go into Indian States, over all of whom we have full jurisdiction under the law. Who are the people against whom we cannot have jurisdiction under the ordinary Statutes of the land that we should now arm the Executive with the power to put people into jail merely because some Indian States or Indian rulers complain against them? I say, Sir, that such a power is fundamentally opposed to the elementary rights of citizenship in this country, and I cannot see how my Honourable friend Mr. Rangachariar should take the responsibility of making proposals of that kind. If there are such exceptional cases and they require exceptional treatment, I say again, Sir, this is the House before which such exceptional circumstances and such exceptional cases ought to be brought up for the necessary legislation. If we are satisfied that such exceptional circumstances exist and they must be dealt with by exceptional legislation, we should certainly know how to deal with them. It is not for us merely

1 P.M. to keep on the Statute-book an old Regulation which is absolutely unjustified, which is a lawless law, which is really a law which was not passed under the circumstances of the time by any method which can be called legislation. It is not on that account necessary to keep this exploded, this time-worn, this absolutely mischievous and irksome law on the Statute-book. The proper way of dealing with cases such as those which my Honourable friend Mr. Rangachariar says will occur, would be for the Executive Government honestly to come to this House and say, "Look here. We are quite prepared to protect the rights of

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citizenship. Here is a difficult case and how are we to deal with it?" And if they are able to satisfy us—they have not satisfied us so far—if they are able to satisfy us then we will give them new powers. It is not for us to go and say, "You keep this power and we do not mind your keeping it, because exceptional circumstances may arise." It is not for us to make a present of arbitrary powers to the Executive Government. I see therefore no difficulty whatever in repealing these Statutes.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): I do not wish to depart from the provisions of this Bill and the amendment before the House. Sir, the amendment of Mr. Rangachariar, as I understand it, instead of repealing the State Prisoners Regulation, 1818, has only got this effect. We are concerned now with the question of internal and external commotion, and according to my Honourable friend's amendment, it will apply to any person within British India who is charged with or suspected of creating a commotion not internal but external as applied to the Indian States or the three parts, namely, the North-West Frontier Province, Baluchistan, and a particular district in the Punjab, which are the subject of amendment. Now, Sir, are we going to keep this Regulation for that purpose alone? The question that this House has got to decide is whether we are going to return this Regulation to deal with a person or persons who are bringing about some trouble either in these three places that I have named, or in any of the Indian States. Are we going to keep this Regulation for that purpose alone and are we going to authorise the Executive Government on some representation of a charge of that character or an allegation of that character against a person that they should put any person in jail without trial and without an opportunity being given to him to defend himself? That is the amendment of my Honourable friend. I think I have understood him correctly, because he does not contradict the effect of his amendment which I am stating.

Diwan Bahadur T. Rangachariar: May I put it? It is for the purpose of preservation of tranquillity in the territories of Native Princes entitled to the protection of the British Government—that is one object. Or it is for the purpose of the due maintenance of alliances formed by the British Government with foreign powers, as for instance, protecting Pondicherry or Chandernagore, the French being our allies. Or the security of the British dominions from foreign hostility and from internal commotion in those places named—tranquillity in the Indian States, internal commotion in the Frontier province.

Mr. President: What is now under discussion is clause 2 which is sought to be amended by the addition of a proviso and not the new proposed clause relating to the application of the Bengal State Prisoners Regulation only to the North West Frontier Province, Baluchistan and the Dera Ghazi Khan District in the Punjab.

Mr. M. A. Jinnah: That may be perfectly correct but as far as the proviso is concerned, Sir, that is only a subsidiary part of the other amendment because the crux and the essence of the amendment is amendment No. 5 on the list and you cannot very well discuss the proviso without discussing what is of the essence, because that will follow. So I say that the point before the House should be made perfectly clear, and therefore it really comes to this. Now, I ask my friend Mr. Rangachariar: Is there any civilised Government in the world which puts a person in

prison without trial because that person is likely to create trouble in a State which is in alliance or with which it has got a treaty? Have you ever heard of such a thing? The utmost thing that any Government can do is this, to say to that person, "Get out of our country. You are an undesirable person"; and we have got that power under the Foreigners Act of 1864. If we find within the territories of British India any person intriguing against an Indian State or a State with which we are in alliance, we have power now to tell that person "Go out".

Khan Bahadur W. M. Hussanally: The Afghan Government recently stoned some people to death.

Mr. M. A. Jinnah: Do you also want people stoned to death in this country? Therefore I am really not satisfied but I do maintain this, that in those parts of British India or those parts which are under the British Government such as the Frontier Province and other places like Baluchistan, there you may have to resort to different methods and I am not prepared to pass my judgment with regard to that matter here, and I am also inclined, as I was on the last occasion, to ask my friend Mr. Patel to omit, when we come to that, from this repealing Bill the Punjab Murderous Outrages Act. But with regard to this amendment I am not satisfied at all and this is what the Repressive Laws Committee says:

"We recognise the force of these arguments, in particular the difficulty of securing evidence or of preventing the intimidation of witnesses. We also appreciate the fact that the use of ordinary law may in some cases advertise the very evil which the trial is designed to punish us but we consider that in the modern condition of India that risk must be run. It is undesirable that any Statutes should remain in force which are regarded with deep and genuine disapproval by a majority of the members of the Legislature. The harm created by the retention of arbitrary powers of imprisonment by the Executive may, as history has shown, be greater even than the evil which such powers are directed to remedy. The retention of these Acts could in many cases only be defended if it was proved that they were in present circumstances essential to the maintenance of law and order. As it has not been found necessary to resort in the past to these measures save in cases of grave emergency we advocate their immediate repeal."

Diwan Bahadur T. Rangachariar: My Honourable friend has omitted to add that they said:

"Our recommendation in regard to Regulation III of 1818 is however subject to the following reservations."

Mr. M. A. Jinnah: I am fully alive to that if my Honourable friend will follow a little further. They said:

"We desire to make it clear that the restrictions which we contemplate in this connection are not penal in character. We are satisfied that they have not been so."

Then they say:

"The reservation may also involve the retention in a modified form of the State Prisoners' Act of 1858. But this is a matter for legal experts. We have carefully considered the cases in which the Madras State Prisoners Regulation of 1819 has been used."

Therefore, I would remind my Honourable friend that this Committee of distinguished gentlemen said that "this is a matter for legal experts" as to how, if possible, to provide for that particular case which they had in their mind.

Mr. H. Tonkinson (Home Department: Nominated Official): "This is a matter for legal experts" that refers only to the State Prisoners' Acts of 1850 and 1858.

Mr. M. A. Jinnah: Who was to decide as to how these Regulations were to be amended?

Diwan Bahadur T. Rangachariar: Paragraph 14.

Mr. M. A. Jinnah: I have read that. Who was to do it? The Honourable Mr. Tonkinson interjects, but who was to do this? You, the Treasury Bench. What have you done since September, 1921? Why have you not done so? You now support my friend the Honourable Mr. Rangachariar to move this amendment. As I say, Sir, I am not against this principle. The only question is this, that it is up to you to do it.

Now, Sir, I will only point out, as was pointed out on the last occasion, that so far as the North-West Frontier Province is concerned, it has already got a Regulation which was passed very recently. So far as the Punjab is concerned, I have already stated that I am quite willing that my friend Mr. Patel should not insist upon that particular Regulation being repealed. Then, Sir, there is nothing else left except my friend Mr. Rangachariar and his amendment, and his amendment really deals with one particular kind of case, and that is, what is to happen to a man in British India who we will say is suspected to be, or is, according to the information, an enemy of any power with whom we are in alliance or an Indian State? What shall we do with him? I say, turn him out of this country, if he is undesirable. But if you think that you can suggest some other better method, if you can satisfy us that that is essential and that we should accept it, I am sure this House, at least I personally and I am sure several other Honourable Members, will be very glad to consider any proposal that the Government may bring forward in the shape of a Bill. Sir, what did France do recently? A well-known Indian gentleman, Mr. Roy, who was alleged to be a revolutionary was in France. What did you do? The British Government probably made representations to France—the Home Member is shaking his head and says, "No", probably. Well, I would say the conscience of the French nation was roused. What did that Government do? That great nation whose conscience was roused dealt with Mr. Roy, the great revolutionary who was going to upset the British Empire. What did they do? They told him, "Go out". That is all.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I did not rise to speak on the motion for consideration as I thought the House might like to get on as quickly as possible with the other business on our long paper, and I propose not to speak at very great length on this present motion which is the amendment of a particular section in a way which I think must appeal to most people. But I recognize that my Honourable friend, Mr. Rangachariar, has dealt not only with the one amendment which is now actually before the House but has explained, and I think we are all agreed in a very reasonable way, what are the effects of his amendments generally. Now, had I been dealing with Mr. Patel's Bill as it was originally introduced, it would have been a far easier matter to have made out my case. I recognize my Honourable friend Mr. Rangachariar has approached the subject with some regard to the actual facts. He has looked facts in the face. He has recognized that the Executive Government, whoever they are, whether they are a Swarajist Government or a bureaucratic Government, must in certain cases have special powers, which they must exercise free from control and in the manner which they regard as right although this may only be justifiable in exceptional circumstances. That is really what we want to get at. It is no use saying that

we sit here and keep these powers in order to intern people because we like to lock them up. I have been told to-day that I am an anarchist myself. Well, Sir, I am a very well fed anarchist. I have also been told I am not an angel—I make no such claim. But I do say that I am a reasonably humane person and I personally have no desire to put people into jail to amuse myself or to gratify feelings created by long years of unrestrained power. (*Mr. Devaki Prasad Sinha*: “But you are part of a machine”.) Yes, the machine is composed of units very much like myself, and when you form your own Government, you will find that your units will be very much the same. However, Sir, *Mr. Rangachariar* has put forward proposals which are practically those—I think he will admit that—of the Repressive Laws Committee; and when I was speaking the other day I did not attempt to defend my position by attacking the Repressive Laws Committee. What I said was that the time was not ripe when these proposals could safely be put into force, when we could take action on these proposals. It will be said, what have we done since July 1921? It has been said, what have we done? Well, we endeavoured to keep the peace as well as we could, for the ink was hardly dry on the Repressive Laws Committee’s Report before you had the Malabar trouble. This Regulation was of use in Malabar.

Diwan Bahadur T. Rangachariar: It was used very largely long after the trouble was over.

The Honourable Sir Alexander Muddiman: But it has been used in connection with Malabar, and I understood from my Honourable friend *Mr. Moir*, that if it had been used earlier, it would have checked the outbreak. (*An Honourable Member*: “Question?”) Well, he is a distinguished official of the Madras Government.

Mr. A. Rangaswami Iyengar: May I know if it is not the case that in the case of Malabar the Governor General issued a special Ordinance to deal with the situation?

The Honourable Sir Alexander Muddiman: I understand the Madras Regulation has been used in connection with the Malabar rising.

Diwan Bahadur T. Rangachariar: It has been used with reference to persons who have been tried under the martial law and whose sentences have expired, after the sentences have expired, and who were about to return.

The Honourable Sir Alexander Muddiman: I accept the Honourable Member’s correction. My argument was that it has been used in connection with that trouble. Well, it is of use also in another situation which is not met by my Honourable friend’s proposals. He has not considered the fact that the danger now-a-days does not only come from the frontier. He does not meet my statement of the activities outside India in regard to which I quoted at length to show that they were a real and serious danger to India. His proposals would not meet that. Nor would they meet the case of a known traitor expelled from a foreign country returning to this country. They would not meet the case, for example, of a man who helped a foreign Government during the war and who had been turned out by that Government. That Government would naturally not be prepared to supply evidence of that treachery of which they had availed themselves but of which we are perfectly well aware. His proposals would not meet

[Sir Alexander Muddiman.]

that sort of case. But I do recognise that his proposals are framed with the object of getting a law on the Statute-book, getting a law that may help us, and not of leaving us devoid of assistance in a matter which he recognises—and I hope the House will recognise generally—is a real and serious matter. It is not the faintest good taking the line that we have no dangers to meet. We have dangers, real dangers, and I have explained to the House at some length the particular situation with which we are confronted at present. It is true that special legislation has been taken to one part of the country. It may be asked "Why do you want the Regulation III in respect of a situation which you have provided for under a law?"

Mr. A. Rangaswami Iyengar: Is it not the case, Sir, that persons taken under Regulation III have now been put under the Ordinance?

The Honourable Sir Alexander Muddiman: That is correct.

Mr. A. Rangaswami Iyengar: Therefore you are not now using the Regulation.

The Honourable Sir Alexander Muddiman: The Honourable Member is perfectly correct in what he said. That is the further point I am making. I have pointed out that this is so. You may say that we shall always be able to come and get the necessary executive powers from the local Legislature or the Imperial Legislature as the case may be. I shall be interested to see possibly at a later stage of the session as to how far that is a true and sound proposition.

Mr. A. Rangaswami Iyengar: That depends on you.

The Honourable Sir Alexander Muddiman: I will not deal with the speech of my Honourable friend Mr. Duni Chand. He put me in some difficulty, Sir, for this reason that he made allegations against a Government which I am not in a position to reply to, because they are irrelevant. I will not be led away by my Honourable friend into the path of irrelevancy that he has chosen. But I take this opportunity of emphatically repudiating the suggestions that he has made.

Then, Sir, we are told that we really are in this unreasonable position, that we are opposing Mr. Rangachariar who is trying to help us. To show that at any rate on this particular amendment I do not propose to oppose Mr. Rangachariar, I shall support the amendment to add a proviso to clause 2 of the Bill.

Mr. President: The original question was:

"That clause 2 stand part of the Bill."

Since which an amendment has been moved:

"That to clause 2 of the Bill the following proviso be added, namely:

'Provided that no individual who has been placed under personal restraint under any enactment hereby repealed, shall be bound to be released until after the expiry of six months after this Act comes into force; nor shall the repeal of any enactment by this Act affect the powers of confinement conferred by section 12 of the Punjab Murderous Outrages Act, XXIII of 1857, or by any other similar enactment.'

The question I have to put is that that amendment be made.

The Assembly divided:

AYES—50.

Abdul Mumin, Khan Bahadur
Muhammad.
Abdul Qayyum, Nawab Eir
Sahibzada
Abul Kasem, Maulvi.
Ahmad Ali Khan, Mr.
Ahmed, Mr. K.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Ashworth, Mr. E. H.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Clarke, Sir Geoffrey.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Fleming, Mr. E. G.
Ghulam Bari, Khan Bahadur.
Gour, Sir Hari Singh.
Graham, Mr. L.
Hira Singh Brar, Sardar Bahadur
Captain.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Jeelani, Haji S. A. K.

Lindsay, Mr. Darcy.
Lloyd, Mr. A. H.
Makan, Mr. M. E.
Marr, Mr. A.
McCallum, Mr. J. L.
Mitra, The Honourable Sir
Bhupendra Nath.
Moir, Mr. T. E.
Muddiman, The Honourable
Sir Alexander.
Muhammad Ismail, Khan Bahadur
Saiyid.
Naidu, Mr. M. C.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rangachariar, Diwan Bahadur T.
Rau, Mr. P. R.
Reddi, Mr. K. Venkataramana.
Rushbrook-Williams, Prof. L. F.
Sastri, Diwan Bahadur C. V.
Visvanatha.
Setalvad, Sir Chimaral.
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Webb, Mr. M.
Willson, Mr. W. S. J.
Wilson, Mr. R. A.

NOES—64.

Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Aney, Mr. M. S.
Ariff, Mr. Yacoob C.
Badi-uz-Zaman, Maulvi.
Bhal. Mr. K. Sadasiva.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Dr. S. K.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghazanfar Ali Khan, Raja.
Ghose, Mr. S. C.
Goswami, Mr. T. C.
Gulab Singh, Sardar.
Hans Raj, Lala.
Hari Prasad Lal, Rai.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kasturbhai Lalbhai, Mr.
Kazim Ali, Shaikh-e-Chatgam
- Maulvi Muhammad.
Kelkar, Mr. N. C.
Kidwai, Shaikh Mushir Hosain.
Lohokare, Dr. K. G.
Mahmood Schammad Sahib
Bahadur, Mr.

Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Pandit Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Mauvi
Sayad.
Mutalik, Sardar V. N.
Nambiyar, Mr. K. K.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Pal, Mr. Bipin Chandra.
Patel, Mr. V. J.
Phookun, Mr. Tarun Ram.
Piyare Lal, Lala.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Sadiq Hasan, Mr. S.
Samiullah Khan, Mr. M.
Sarda, Rai Sahib M. Harbilas.
Sarfaraz Hussain Khan, Khan
Bahadur.
Shafee, Maulvi Mohammad.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Devaki Prasad.
Syamacharan, Mr.
Tok Kyi, Maung.
Venkatapatiraju, Mr. B.
Yakub, Maulvi Muhammad.
Yusuf Imam, Mr. M.

The motion was negatived.

Clause 2 was added to the Bill.

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes to Three of the Clock, Mr. President in the Chair.

Diwan Bahadur T. Rangachariar: Sir, I beg to move the following amendment:

“After clause 2 of the Bill the following new clause be inserted in the Bill, namely:—
 ‘3. In section 1 of the Bengal State Prisoners Regulation, 1818, after the words ‘internal commotion’ the words ‘in the North-West Frontier Province, Baluchistan and the Dera Ghazi Khan District in the Punjab’ shall be inserted.’”

Sir, I have already explained why I make this amendment. The eternal complaint against the Regulation has been that on the pretext of preserving order against internal commotion they have abused this Regulation in restraining legitimate political agitation; that has been our complaint; that has been the burden of our song on every platform and in the press. Now, by means of this amendment I restrict the power of the Government in interfering in matters of internal commotion. Unless the internal commotion or action creating or likely to create internal commotion is confined to the North-West Frontier Province, Baluchistan and the Dera Ghazi Khan District of the Punjab, the Governor General will have no power under the Regulation to restrain a person's liberty. That is the object of this amendment

Mr. C. S. Ranga Iyer: They can declare martial law if internal commotion compelled it.

Diwan Bahadur T. Rangachariar: I did not catch what the Honourable Member said.

Mr. C. S. Ranga Iyer: If there were internal commotion in the North-West Frontier Province, can they not declare martial law?

Diwan Bahadur T. Rangachariar: That is another question. I do not know if my Honourable friend prefers martial law to this. (*Mr. C. S. Ranga Iyer:* “Yes, if inevitable.”) If he does, I venture to differ from him; that is not my view of the situation. The object of this amendment, therefore, has been explained.

There is one answer which I have to give to my Honourable friend, Mr. Jinnah. My Honourable friend asked me “Is it at all consonant with our conscience or with our ideas of personal liberty and all that to restrain persons simply because they happen to create internal commotion in the adjoining Indian States or in places or States which are in alliance with us?” I quite agree; but then, I view it as a practical man; my conscience is not so soft as my Honourable friend, Mr. Jinnah's is. If they are enemies of my ally, then I have no soft corner in my heart for them; that is the difference between his point of view and my point of view. (*Mr. M. A. Jinnah:* “Then prosecute them.”) It might be worse to prosecute them. I feel I am under an obligation by the treaties I have entered into—when I say “I”, I am speaking as a legislator as part of the Government. This Government has entered into treaty obligations with our Indian Princes and with other allies and it is the solemn duty of every Government to go to the rescue of its neighbouring friendly Government. I put it to my Honourable friend Mr. Jinnah: Supposing for instance a

popular man in His Exalted Highness the Nizam's dominions gets into trouble with His Exalted Highness and he is popular in Hyderabad; and if he is there he might be able to create more effective trouble than if he were in the adjoining Presidency of Bombay. He goes to the Bombay Presidency because His Exalted Highness drives him out of his State and from inside the Bombay Presidency he creates trouble in the adjoining borders of the Nizam's territory. Does my Honourable friend think that he will be keeping up his connection, he will be extending that protection to His Exalted Highness the Nizam by sending him back to the Nizam's territory where he will be able to create more effective trouble to the ruler of the State? After all, we have to consider this question from the practical point of view, and considering it from that standpoint, Government have sometimes to restrain the liberty of persons. But in such cases it is the obvious duty of one State to come to the rescue of another State in order to prevent troubles there. In that view, I say, so far as your subjects are concerned, internal commotion is there, and you should try to protect yourself under the ordinary law. Your forces are there, your police is there, and therefore it is no excuse for you to confine your subjects in your own territory without trial; but in the case of those persons who want to create trouble across the frontier in connection with your allies, I take a different view of the situation.

Mr. A. Rangaswami Iyengar: May I draw the Honourable Member's attention to sections 125 and 126 of the Indian Penal Code by which it is made a serious State offence on the part of anybody in British India who attempts to wage war in the State of an Asiatic ally or to commit depredations in the territory of any Asiatic State in alliance with the British Government.

Diwan Bahadur T. Rangachariar: You may read the whole section, but I am quite familiar with those sections. The Honourable Member has reminded me of those sections, but the hypothesis of this Regulation is that it is not wise to bring those people to trial. It is one of the fundamentals, it is one of the premises, on which we start; it is not wise as statesmen to bring such cases to trial, because a trial incites other people to similar courses of action.

Mr. A. Rangaswami Iyengar: Government can send them away.

Diwan Bahadur T. Rangachariar: My Honourable friend will recognise that there are cases which cannot often be dragged into open court. I dare say as a family man he will recognise that domestic necessities may prevent cases being brought into court. Does my friend recognise that similarly domestic policies of a State require that certain things should not be washed in public, because the greater exigencies of the State require such precaution to be taken? That is one of the premises on which this Regulation starts. That being so, therefore, it is essential that in order to fulfil the obligations of the people across that you should have this power. That is my justification for departing

Sir Chimanlal Setalvad: Is the power of detention in prison to be confined to subjects of Indian States or is to extend also to British subjects creating trouble in Indian States?

Mr. A. Rangaswami Iyengar: I have really no protection against those who wish to drag me to court in this country.

Diwan Bahadur T. Rangachariar: In answer to my friend Sir Chimanlal, I may say that it may be our own subjects, or it may be the subjects of a

[Diwan Bahadur T. Rangachariar.]
foreign State. Our own subjects may perhaps create trouble. But I am only pointing out to Honourable Members which is the more practicable course for us to adopt, which is the lesser evil for us to choose? It is in that view that I approach the question

Mr. M. A. Jinnah: Which is the lesser evil in 1924? It was all right in 1818?

Diwan Bahadur T. Rangachariar: When we have got full responsible government, we may consider that. Until then we have to consider various elements. You have a foreign Government, which is essentially unpopular. That also we have to consider, and therefore every step taken by the foreign Government is discounted. That also you should take into account in dealing with the situation as it is. However, my point is this. I have been drawn away from the present amendment, simply out of deference to my Honourable friend Mr. Jinnah, if not for others, and I am bound to explain the position I took

Mr. C. S. Ranga Iyer: Although not for others?

Diwan Bahadur T. Rangachariar: You only interrupted. I defer to you.

My point is this. It improves the Regulation. It deprives the Regulation of the sources of mischief which we have been complaining about all along, namely, that under the guise of preventing internal commotion they have been doing all those things in Bengal. Therefore, if my amendment is carried, then the chances of improving the situation are far greater than if the Honourable Mr. Patel's Bill is carried. Therefore, Sir, I commend my amendment.

Mr. President: Amendment moved:

"After clause 2 of the Bill the following new clauses be inserted in the Bill, namely:

3. (1) In section 1 of the Bengal State Prisoners Regulation, 1818, after the words 'internal commotion' the words 'in the North-West Frontier Province, Baluchistan and the Dera Ghazi Khan District in the Punjab' shall be omitted."

Does the Honourable Member move the second clause?

Diwan Bahadur T. Rangachariar: No, only the first one.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, my Honourable friend Diwan Bahadur Rangachariar with all the weight of his responsibility on his shoulders, has evidently lost his way into this irresponsible Chamber. His proper place, I should think, is in another place. (*Diwan Bahadur T. Rangachariar:* "Which place?") Another place. He can understand what I mean by another place. But I cannot really understand, Sir, how such a shrewd lawyer as my Honourable friend is so simple as to imagine that the amendment that he has now placed before this House takes away the obnoxious character of Regulation III of 1818 and, Sir, if he is simple enough to think that the amendment as proposed by him will have that effect, the House is not simple enough to imagine even for a moment that it would have that effect. Sir, my Honourable friend has pointed out to the House that under the guise of suppressing internal commotion, Regulation III has been used for other purposes, such as suppressing legitimate political agitation, and he imagines in his simplicity that the addition of these words after "internal commotion" as suggested in his amendment will remove the obnoxious character of the Regulation.

(*Diwan Bahadur T. Rangachariar*: "You suggest something else.") Yes, Sir, I will show the absurdity of your amendment. I would invite the attention of my Honourable friend to the first four words that occur in the Preamble to Regulation III of 1818. It runs:

"Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary . . ."

certain provisions are enacted. My position is this, Sir. The words following "Whereas reasons of State" are purely illustrative and they cannot be construed as words of exhaustive definition or limitation of "reasons of State." So long as the words "reasons of State" are retained in the Preamble, any sort of activity, whether it is legitimate political activity or otherwise, can be brought under the comprehensive scope of this Regulation. (*Mr. M. A. Jinnah*: "And against any person.") And against any person, certainly. Any act done by any person with whatever motive might be construed by the Executive as an act which is against the interest of the State and any person can be shut up for reasons of State. I am really surprised, Sir, that my Honourable friend *Mr. Rangachariar* should have overlooked such a simple point and should have imagined that the addition of the words suggested by him would take away the extraordinary power of the Executive. (*Mr. T. C. Goswami*: "He is a reasonable man.") Sir, our position in this House is that we will not be parties any longer to continuing these Regulations empowering the Executive to wield extra-legal and extraordinary powers in this country.

In inaugurating the new reforms one of the distinguished authors said:

"For the first time the principle of autocracy which had never been wholly discarded in the earlier reforms was definitely abandoned."

The principle of autocracy was supposed to be definitely abandoned for the first time since the inauguration of the reforms. I would therefore ask, is it not one of the conditions of the extinction of the principle of autocracy that these repressive laws should be removed from the Statute-book? Sir, every one knows the conditions, the circumstances under which these Regulations were enacted. They were enacted at a time when the affairs of British India were in a turmoil, at a time when there was no Indian Penal Code on the Statute-book, and when the British Raj had to struggle for its very existence in India. These obnoxious Regulations were perhaps justifiable in those days. Am I to understand, Sir, that the conditions which prevailed in the year 1818 prevail even, to-day? If my Honourable friend the Home Member would say that even in the year 1925 the political conditions that existed in India in 1818 prevail, then I would only say that it is a very sorry commentary upon your administration of the country. These Regulations are a relic of a semi-barbarous time. If these Laws are sought to be maintained on the plea that the conditions in India have not materially altered, as I said, it is a sorry commentary on the administration of the Government of India. Sir, we do realise the responsibilities of the Executive in this country for maintaining law and order. Speaking on another occasion, the Honourable the Home Member in a very vehement appeal asked if this House was prepared to condemn anarchy and revolutionary movements. The House had given its emphatic answer to that appeal. We do condemn anarchy and revolutionary movements. But, Sir, we condemn more emphatically any

[Mr. R. K. Shanmukham Chetty.]

executive Government which sets in a reign of legal anarchy. One of the critics of the Government of India once observed that the Government of India can neither wage war nor preserve peace but that it takes shelter under the cloak of a timid despotism. Here to-day, even that cloak of timid despotism is sought to be thrown away to be replaced by one of aggressive repression. It is time that the Government of India realise that any Government which cannot function except by means of extraordinary powers is a Government that has miserably failed. We for our part cannot support for a moment longer the trifling with the elementary right of every citizen, however heinous his crime may be, to a fair, open and impartial trial. A trial where the accused is not permitted to know who the witnesses are and what they depose to is not a fair trial. A trial which is conducted in the precincts of a jail is not an open trial. A trial before a specially constituted tribunal is not an impartial trial. Each of these defects is a serious infringement not merely of the principles of law and civilisation, but of the principles of morality itself; and in asking for the total repeal of these measures, this House is only giving its verdict that they would not be parties for continuing these immoral laws on the Statute-book. I therefore, Sir, oppose the amendment of my Honourable friend Mr. Rangachariar.

(A Voice: "I move that the question be now put.")

The Honourable Sir Alexander Muddiman: Sir, whatever this amendment may be in the opinion of the Honourable gentleman who has just sat down, it is certainly not an absurd amendment. It is anything but an absurd amendment. It is a carefully thought out amendment: I should like to make my own position as a Member of the Government perfectly clear in respect of it. I am going to support this amendment because it gives me half a loaf which is better than no bread. The House will doubtless reject it. Very well, the responsibility is with the House. I will not say that if this amendment is carried, it will alter my position as regards the Bill at large. I must make it plain that it will not, but I am not one who will pass over an amendment which has been moved after careful consideration by an Honourable Member who at any rate has applied his mind to the matter without recognizing the fact that his amendment is a serious attempt to deal with the position. My Honourable friend who has just sat down was good enough to observe that the Government of India can neither wage war nor keep the peace. I will tell my Honourable friend that if the Government of India were not able to wage war he would not be in the place where he now sits, and if they were not able to keep the peace, my Honourable friend would not be able to get to his home to-night.

Diwan Bahadur M. Ramachandra Rao: I should like to know from the Honourable the Home Member exactly the position of Government. If they accept this amendment will they support the Bill as amended?

The Honourable Sir Alexander Muddiman: I accept this amendment on the principle that half a loaf is better than no bread. I shall certainly oppose the Bill as a whole.

Mr. President: The question is:

"That after clause 2 of the Bill the following clause be inserted, namely:

'3. In section 1 of the Bengal State Prisoners Regulations, 1818, after the words 'internal commotion' the words 'in the North-West Frontier Province, Baluchistan and the Dera Ghazi Khan District in the Punjab' shall be inserted.'

The Assembly divided:

3 P.M.

AYES—41.

Abdul Mumin, Khan Bahadur Muhammad.	Lindsay, Mr. Darcy.
Abdul Qaiyum, Nawab Sir Sahibzada.	Lloyd, Mr. A. H.
Abul Kasem, Maulvi.	Makan, Mr. M. E.
Ahmad Ali Khan, Mr.	Marr, Mr. A.
Ahmed, Mr. K.	McCallum, Mr. J. L.
Ajab Khan, Captain.	Moir, Mr. T. E.
Akram Hussain, Prince A. M. M.	Muddiman, The Honourable Sir Alexander.
Ashworth, Mr. E. H.	Muhammad-Isma'il, Khan Bahadur Saiyid.
Bhore, Mr. J. W.	Naidu, Mr. M. C.
Bray, Mr. Denys.	Raj Narain, Rai Bahadur.
Calvert, Mr. H.	Rangachariar, Diwan Bahadur T. Reddi, Mr. K. Venkataramana.
Cosgrave, Mr. W. A.	Rushbrook-Williams, Prof. L. F.
Crawford, Colonel J. D.	Sastri, Diwan Bahadur C. V. Visvanatha.
Dalal, Sardar B. A.	Setalvad, Sir Chimanlal.
Fleming, Mr. E. G.	Stanyon, Colonel Sir Henry.
Graham, Mr. L.	Sykes, Mr. E. F.
Hira Singh Brar, Sardar Bahadur Captain.	Tonkinson, Mr. H.
Hudson, Mr. W. F.	Webb, Mr. M.
Hyder, Dr. L. K.	Willson, Mr. W. S. J.
Innes, The Honourable Sir Charles.	Wilson, Mr. R. A.

NOES—63.

Abhyankar, Mr. M. V.	Mehta, Mr. Jamnadas M.
Acharya, Mr. M. K.	Misra, Pandit Shambhu Dayal.
Aiyangar, Mr. C. Duraiswami.	Misra, Pandit Harkaran Nath.
Aiyangar, Mr. K. Rama.	Murtuza Sahib Bahadur, Maulvi Sayad.
Aney, Mr. M. S.	Mutalik, Sardar V. N.
Badi-uz-Zaman, Maulvi.	Nambiyar, Mr. K. K.
Bhat, Mr. K. Sadasiva.	Narain Dass, Mr.
Chaman Lall, Mr.	Nehru, Dr. Kishenlal.
Chanda, Mr. Kamini Kumar.	Nehru, Pandit Motilal.
Chetty, Mr. R. K. Shanmukhan.	Nehru, Pandit Shaunlal.
Das, Mr. B.	Neogy, Mr. K. C.
Das, Pandit Nilakantha.	Pal, Mr. Bipin Chandra.
Datta, Dr. S. K.	Patel, Mr. V. J.
Duni Chand, Lala.	Phookun, Mr. Tarun Ram.
Dutt, Mr. Amar Nath.	Piyare Lal, Lala.
Ghazanfar Ali Khan, Raja.	Purshotamdas Thakurdas, Sir.
Ghose, Mr. S. C.	Ramachandra Rao, Diwan Bahadur M.
Goswami, Mr. T. C.	Ranga Iyer, Mr. C. S.
Gulab Singh, Sardar.	Ray, Mr. Kumar Sankar.
Hans Raj, Lala.	Sadiq Hasan, Mr. S.
Hari Prasad Lal, Rai.	Samiullah Khan, Mr. M.
Ismail Khan, Mr.	Sarfraz Hussain Khan, Khan Bahadur.
Iyengar, Mr. A. Rangaswami.	Shafee, Maulvi Mohammad.
Jeelani, Haji S. A. K.	Singh, Mr. Gaya Prasad.
Jinnah, Mr. M. A.	Sinha, Mr. Ambika Prasad.
Joshi, Mr. N. M.	Sinha, Mr. Devaki Prasad.
Kasturbhai Lalbhai, Mr.	Syamacharan, Mr.
Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.	Tok Kyi, Maung.
Kelkar, Mr. N. C.	Venkatapatiraju, Mr. B.
Kidwai, Shaikh Mushir Hosain.	Yakub, Maulvi Muhammad.
Lohokare, Dr. K. G.	Yusuf Imam, Mr. M.
Mahmood Schammad Sahib Bahadur, Mr.	

The motion was negatived.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, I move the next amendment formally:

"That after clause 2 of the Bill the following new clause be inserted, namely:

'3. In section 1 of the Bengal State Prisoners Regulation, 1818, all the words beginning with 'and whereas the reasons above declared' and ending with 'authority of Government' shall be omitted'."

And I want that it should be taken along with my amendment No. 7 (1) which is:

"That in the Schedule to the Bill—in the fourth column in the entry relating to the Bengal State Prisoners Regulation, 1818, for the words 'the whole' the words and figures 'sections 9 to 11' be substituted."

The object of this amendment, as I have said, is to amend the Regulation by taking away the power of Government to forfeit the property, or rather to take hold of the property of the offender under the Regulation, which is in addition to the power given to the Executive to deal with the person of the supposed offender.

Mr. President: Is the Honourable Member moving his amendment to the Schedule?

Diwan Bahadur T. Rangachariar: Yes, because they go together. That portion of the first section beginning with the words "and whereas the reasons above declared" and that portion of the Preamble deal with the power of the Executive to take hold of the property of the offender, and that is why they go together. The object therefore of this amendment is not to give the Government that power to seize hold of the property of the supposed offender. I hope the House will agree to this amendment at least.

Mr. President: Amendment moved:

"After clause 2 of the Bill add the following new clause:

'3. In section 1 of the Bengal State Prisoners Regulation, 1818, all the words beginning with 'and whereas the reasons above declared' and ending with 'authority of Government' shall be omitted'."

Mr. A. Rangaswami Iyengar: May I ask how this amendment can arise after the motion which has now been defeated? If the Regulation is not to be applicable to any particular part of India, how is one part of the Regulation alone to be retained by the amendment of a clause which does not exist?

Diwan Bahadur T. Rangachariar: That has not been passed yet.

Mr. A. Rangaswami Iyengar: No, the Bill has not been passed, but the amendment by which you sought to retain the Bill in certain areas has been vetoed.

Mr. President: The decision just made by the House is that the Bengal State Prisoners Regulation is not to be extended to those areas mentioned in the proposed new section which the House has just thrown out. But the Honourable Member is not entitled to assume for the purposes of order that the item No. 1 in the Schedule will necessarily remain in the Bill when passed.

The Honourable Sir Alexander Muddiman: Sir, this is a motion that I must oppose. I think my Honourable friend really has not quite appreciated the exact position. I do not think he would desire, if he had

grasped the case as it actually stands, to move this amendment. The Honourable Member will agree with me that practically his amendment is to omit sections 9, 10 and 11 of the Regulation. That is the real point of the amendment. These sections give the Government a power of attachment of estates of the persons against whom action has been taken. I would draw the attention of the House to section 11, which runs as follows:

"Whenever the Governor General in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estate which may have accumulated during the attachment."

That is, we have to account when we release from attachment. There is no question of forfeiture. That is my point. I would draw the attention of the House to the fact that this power has been used with the unanimous consent of this House comparatively recently. I will read to the House the Preamble to Act XXIV of 1923. It establishes two things, one that the House considers that in certain circumstances at any rate it was justifiable to make an attachment, and in the second place it shows that the Regulation itself does not operate as a forfeiture. The Act was entitled, an Act to provide for forfeiture of the estates and other property of Mahendra Partab Singh and for their grant to his son, subject to certain conditions. The Government desired in that case to act, as I trust they will always act, merely against the person in fault and not against the innocent son; and they had to pass this Act with the assent of this House, and I believe I am correct in saying that they passed it with the unanimous assent of the House. This is the Preamble to the Act:

"Whereas Mahendra Partab Singh, formerly a resident of Hathras in the District of Aligarh in the United Provinces, son of the late Raja Ghansham Singh Bahadur and adopted son of the late Raja Har Narayan Singh, did treasonably ally himself with and assist His Majesty's enemies in the late war and is now a fugitive from justice; and

Whereas the estates of the said Mahendra Partab Singh have been and are now attached under the provisions of the Bengal State Prisoners Regulation, 1818."

The Act then went on to forfeit the estates. A deliberate legislative forfeiture was passed, and it went on to provide that the estates should go to his son. Now there is an instance where by the judgment of this House Government have acted perfectly correctly.

Mr. M. A. Jinnah: The judgment of this House was that it should be restored—nothing more.

The Honourable Sir Alexander Muddiman: The judgment of this House was that it should be forfeited. (*Several Honourable Members:* "No, no.") Well, I will read the long Title again:

"An Act to provide for the forfeiture of the estates and other property of Mahendra Partab Singh."

And what other power had Government to forfeit except by an Act of the Indian Legislature? For these reasons therefore I oppose the amendment moved by my Honourable friend.

Mr. President: The question is that that amendment be made.

The motion was negatived.

Diwan Bahadur T. Rangachariar: Sir, I beg to move that after clause 2 the following new clause be added:

“After clause 7 of the said Regulation the following new clause shall be inserted, namely:

‘8. Notwithstanding anything contained in section 491 of the Code of Criminal Procedure, 1898, the High Court may for the purpose of satisfying itself that any individual placed under personal restraint within its jurisdiction has been so placed for the reasons stated in the Preamble of this Regulation, and for that purpose alone, call for the record concerning that individual from the officer in whose custody such person is placed, or from the Government and if after making such inquiry and in such manner as it thinks fit, it is not so satisfied, it may order that such detention shall cease.’”

Sir, as already explained by me, this is another attempt to improve the Regulation in cases where unfortunately restriction has to be applied, and I hope Honourable Members will approve of this as it provides a remedy in the nature of *Habeas Corpus*.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Sir, the Honourable Mover of this amendment in his speech moving his first amendment said that this new clause is intended to afford some protection to those who come within the purview of this Act. Well, Sir, supposing we accept this amendment as it has been proposed by the Honourable Mover and allow the Preamble to stand as it is, then let us examine what the effect of this amendment will be. The Preamble says among other things (the last four lines):

“against whom there may not be sufficient ground to institute any judicial proceeding.”

Again, Sir, in paragraph 3 the Preamble contains the following sentence:

“otherwise than in pursuance of some judicial proceeding.”

Now, Sir, what power is sought to be conferred upon the High Court by an amendment like this? If the person concerned applies to the High Court, then the only thing which the High Court would be competent to inquire into is—if the Preamble is allowed to remain as it is—whether or not it is advisable to detain that man for reasons of State without any judicial proceeding because, Sir, if the Preamble remains as it is, it governs the new section proposed to be added.

Diwan Bahadur T. Rangachariar: The Preamble is for the Governor General's action. It has nothing whatever to do with what the High Court may do, when it gets the power I propose to give it.

Mr. Devaki Prasad Sinha: But the Preamble says that the ground upon which such action can be taken (*Diwan Bahadur T. Rangachariar*: “For the Governor General.”) against a person is that he is a person against whom there may not be sufficient ground to institute any judicial proceeding. If the High Court is informed by a representative of the Government that such and such person has been arrested under this Regulation because there is no ground

for instituting a judicial proceeding against him, will the High Court be competent to go into the facts of the case or to hear evidence in regard to the criminality of the man? All that the High Court need be told by the Public Prosecutor or by the Advocate General in this case would be that for reasons of State it is not possible, it is not desirable to institute judicial proceedings against him. What protection then does this new section afford to the person arrested under Regulation III of 1818? Well, Sir, I submit that this amendment even if it is passed will not satisfy the purpose which the Honourable Mover has in view, for the simple reason that the amendment would be entirely infructuous if the Preamble to the Regulation is to remain as it is.

Mr. President: Amendment moved:

"That after clause 7 of the said Regulation the following new clause shall be inserted, namely:

'8. Notwithstanding anything contained in section 491 of the Code of Criminal Procedure, 1898, the High Court may for the purpose of satisfying itself that any individual placed under personal restraint within its jurisdiction has been so placed for the reasons stated in the Preamble of this Regulation, and for that purpose alone call for the record concerning that individual from the officer in whose custody such person is placed, or from the Government and if after making such inquiry and in such manner as it thinks fit, it is not so satisfied, it may order that such detention shall cease.'"

The question is that that amendment be made.

The amendment was negatived.

Diwan Bahadur T. Rangachariar: I do not think I need move the amendment regarding amended clause 6. It is consequential and depends upon the other amendments. I would only move the last one, No. 7.

Mr. President: The question is that clause 3 stand part of the Bill.

***Sir Hari Singh Gour:** May I rise to a point of order, Sir? If clause 3 is passed, it will be impossible afterwards to amend the Schedule, because the House will have stood committed to the enactments mentioned in the Schedule; they are either repealed or they are not repealed, and any modification of the Schedule thereafter would become impossible. I would therefore suggest that Mr. Rangachariar might move amendments to the other clauses, amend the Schedule and afterwards take up clause 3.

Mr. President: The Schedule does not become part of the Bill unless it is added. The Honourable Member seems to think that by placing a printed clause on the Table it becomes an Act. If the Schedule is passed by this House, then and then only does it become part of the Bill and operative under the conditions of clause 3.

Sir Hari Singh Gour: That is perfectly true. When the House is called upon to pass the Schedule as it exists now, I submit, Sir, it would have been more in order if the Schedule were added first and then the clause.

Mr. President: The question is:

"That clause 3 do stand part of the Bill"

The Assembly divided:

AYES—70.

Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Aney, Mr. M. S.
 Ariff, Mr. Yacoob C.
 Bhat, Mr. K. Sadasiva.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Dr. S. K.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Ghazanfar Ali Khan, Raja.
 Ghose, Mr. S. C.
 Goswami, Mr. T. C.
 Gour, Sir Hari Singh.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Hussanally, Khan Bahadur W. M.
 Hyder, Dr. L. K.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kasturbhai Lalbhai, Mr.
 Kazim Ali, Shaikh-e-Chatgam
 Maulvi Muhammad.
 Kelkar, Mr. N. C.
 Lohokare, Dr. K. G.
 Mahmood Schamnad Sahib
 Bahadur, Mr.
 Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jannadas M.

Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Mutalik, Sardar V. N.
 Nambiyar, Mr. K. K.
 Narain Das, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Pal, Mr. Bipin Chandra.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Piyare Lal, Lala.
 Purshotamdas Thakurdas, Sir.
 Ramachandra Rao, Diwan Bahadur
 M.
 Rangachariar, Diwan Bahadur T.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Reddi, Mr. K. Venkataramana.
 Sadiq Hasan, Mr. S.
 Samiullah Khan, Mr. M.
 Sarda, Rai Sahib M. Harbilas.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Setalvad, Sir Chimanlal.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Syamacharan, Mr.
 Tok Kyi, Maung.
 Venkatapatiraju, Mr. B.
 Yakub, Maulvi Muhammad.
 Yusuf Imam, Mr. M.

NOES—39.

Abdul Mumin, Khan Bahadur
 Muhammad.
 Abdul Qaiyum, Nawab Sir
 Sahibzada.
 Abul Kasem, Maulvi.
 Akram Hussain, Prince A. M. M.
 Ashworth, Mr. E. H.
 Badi-uz-Zaman, Maulvi.
 Bore, Mr. J. W.
 Blackett, The Honourable Sir
 Basil.
 Bray, Mr. Denys.
 Calvert, Mr. H.
 Clarke, Sir Geoffrey.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Fleming, Mr. E. G.
 Graham, Mr. L.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Hudson, Mr. W. F.
 Innes, The Honourable Sir
 Charles.
 Lindsay, Mr. Darcy.

Lloyd, Mr. A. H.
 Marr, Mr. A.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir
 Bhupendra Nath.
 Moir, Mr. T. E.
 Muddiman, The Honourable
 Sir Alexander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Naidu, Mr. M. C.
 Raj Narain, Rai Bahadur.
 Rau, Mr. P. R.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V.
 Visvanatha.
 Singh, Rai Bahadur S. N.
 Singh, Raja Raghubandan Prasad.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.

The motion was adopted.

Mr. President: The question is:

"That this be the Schedule to the Bill."

Diwan Bahadur T. Rangachariar: Sir, in the Schedule to the Bill I propose that the whole of the entry relating to the Punjab Murderous-Outrages Act, 1867, be omitted.

I hope here at least my Honourable friends will not part company with me. I think my Honourable friend Mr. Jinnah has already vouchsafed his support in this direction. At any rate the Honourable Mr. Jinnah has said he expects support from Mr. Patel in this direction. (*Mr. M. A. Jinnah:* "I will go with you!") Thank you. I thank him for small mercies. Sir, I do not know why my Honourable friend Mr. Patel in his thirst for repeal included this and did not include the Moplah Outrages Act. The Moplah Outrages Act is word for word a copy of the Punjab Murderous Outrages Act. (*Mr. V. J. Patel:* "I am sorry; it was an oversight.") My Honourable friend says it was an oversight. He may have overlooked it because Punjab is nearer his home than Malabar (*Voices:* "No, no!"); then probably because the Punjab is nearer his heart if not nearer his home. At any rate it appears to me that it would be a crime on our part to repeal this Punjab Murderous Outrages Act, and therefore I move that that item be omitted.

***Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban):** Sir, I agree with my Honourable friend Diwan Bahadur Rangachariar that it is a crime; but I do not know that I agree with him when he says it is a crime if we repeal this Act. On the contrary, I think if we do not repeal it it will be a crime. That is my position. I see no distinction between this particular Act and the general Ordinance which has just been promulgated by His Excellency the Viceroy. The first eleven sections deal with the trial of certain offenders under the Act and the trial is to be before a Special Commissioner to be appointed by the Executive Government and there are to be no committal proceedings, no jury and no appeal. That is exactly on a par with the provisions of the Bengal Ordinance. Now if you turn to section 12, which is most dangerous, it gives power to the Executive Government to detain. It runs: any person who is suspected of committing or attempting to commit any particular crime without any trial whatsoever. So that also is exactly on a par with the provisions of the Bengal Ordinance. In the latter part of it any way it gives unlimited power to the Executive who can keep the man in detention under the powers given by clause 12 for any length of time without giving any reasons and without ever bringing him to trial. I see no distinction between the Bengal Ordinance and this particular Act which I seek to repeal. I may point out, Sir, that there may have been some justification for it at the time when that Act was passed in some districts, but when it is applied to the whole of the Province of the Punjab, when it empowers the Executive to extend it to the whole Province, then there is a little objection. If the Act were limited to particular districts . . . (*Diwan Bahadur T. Rangachariar:* "It is.") No, it is not. It says:

"It shall be lawful for the Lieutenant-Governor of the Punjab, with the previous consent of the Governor General of India in Council by a proclamation published in the official Gazette, from time to time to declare any part or parts, etc., etc."

*Speech not corrected by the Honourable Member.

Diwan Bahadur T. Rangachariar:—All these years it has been applied only to the frontier.

Mr. V. J. Patel: This power is particularly dangerous and I see absolutely no reason why this particular Act should not be repealed. But I should like to say that as we know when to fight we also know how to unite, and it is our desire to present a united front against this Government and therefore I agree not to press this.

The Honourable Sir Alexander Muddiman: Sir, I am disappointed in Mr. Patel. He has now apparently agreed to maintain on the Statute-book an Act which he calls a crime; he has made a speech attacking the provisions of this law in the most violent terms and then calmly accepts the proposal to omit its repeal. (*Diwan Bahadur T. Rangachariar:* "Surrenders principle for compromise.") This is the first time we have ever known Mr. Patel compromise. (*Mr. V. J. Patel:* "Just to attack you.") I shall just read to the House an instance of the way in which this Act is applied—I put my hand on it just now; it gives an account of a typical outrage of this character and then the House will judge whether it is a crime to maintain the Act or whether it is a crime to repeal it.

"After dinner—on the evening of the 7th December 1919 (I leave out the names) Mrs. E. and her family were sitting in the bed room with Mr. E., station master at Peshawar Cantonment Railway Station, who was in bed with fever. The eldest boy, aged 17, had occasion to go to the dining room for something and in order to do so had to pass through the sitting room which has three doors leading respectively to the dining-room, bedroom and the garden; as he entered from the bedroom an Indian was coming in from the garden door; the boy at once questioned him as to what he was doing, whereupon the stranger immediately attacked him with an axe which he had hidden behind his back. In parrying the blow the boy's fore-arm was broken. The boy then closed with the man and his shouts for assistance brought his mother into the room. When she arrived the man had dropped the axe and was stabbing her son with a dagger. She rushed at once to the boy's assistance, and threw her arms round the Ghazi to try and prevent him from stabbing her son again. The man then attempted to stab Mrs. E. but the first blow only grazed her nose. She never relaxed her hold, however, and was then stabbed in her side. Even this failed to make her let go, and in spite of her wounds she managed to seize the man by his wrist. At this stage Mr. E. came from his sick bed to the rescue and the Ghazi wrenched his hand free from Mrs. E. and stabbed her husband in the thigh. Mrs. E. again tried to seize the dagger and at last succeeded in getting hold of the handle, but in so doing received several more wounds on her hand and wrist. Finally with the aid of some servants the assailant was overpowered. . . ."

Their assailant, who proved to be a murderous fanatic, was tried, sentenced and duly hanged under the North-West Frontier Murderous Outrages Regulation.

Now, my Honourable friend the Diwan Bahadur has been on the frontier; he has some idea of what this means and that is why he moved his amendment and that is why I hope the House is going to accept it—not, Sir, because to retain it on the Statute-book is a crime, but to remove it from the Statute-book would be a crime.

Mr. M. A. Jinnah: Sir, I may tell the Honourable the Home Member that my reasons for supporting the amendment of my Honourable friend, Mr. Rangachariar, are these. First of all this Act deals with specific kinds of offences. The Preamble says:

"Whereas in certain districts of the Punjab fanatics have frequently murdered or attempted to murder servants of the Queen and other persons."

Therefore the object of this Act is really to direct it against fanatics who either wish to murder or attempt to murder. The second reason is that it is restricted in so far as the offences are concerned. I may draw the attention of Honourable Members to the fact that originally it included many other offences and they were all repealed except the offence of murder or attempt to murder. I cannot possibly stand here and say that because it is restricted in its scope and only deals with offences of murder or attempt to murder, therefore we shall depart from the normal, ordinary fundamental principles of law. But here again I find that the Government have not extended this Act beyond a certain part of the Punjab. Further this Act has been in force for a long time. It has been in force since 1867, and I have not heard of any case which was tried under this Act which can be characterised as gross or outrageous conduct on the part of the Government. Therefore, it stands somewhat on a very different and special footing, although I can tell the House that it goes against my grain, it is against my ideas of justice that any accused person should be tried in the summary manner which this Act provides. Also I feel with Mr. Patel that section 12 gives extraordinary powers to the Government to restrain the liberty of a subject. But, Sir, I also wish to show to the Treasury Bench, that since you are pressing and since you are impressing upon us constantly that these powers are necessary for you on the frontier, since we have got the result of the Repressive Laws Committee in which also it is pointed out that these powers are necessary, a Committee which consisted of distinguished men, therefore, for the present, we are prepared not to touch this Act, and I hope that my Honourable friend the Home Member will appreciate this at any rate, that we are ready to meet him if we can and if we think that it is really for the best interests of India.

Mr. President: The question is:

"That in the Schedule to the Bill, the whole of the entry relating to the Punjab Murderous Outrages Act, 1867, be omitted."

The motion was adopted.

The Schedule, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. V. J. Patel: Sir, I beg to move that the Bill as amended be passed. I do not wish to say anything at this stage, except this, that although circumstances have compelled me practically to withdraw one Act, of which I wanted to seek repeal, I may assure the House that it will not be very long before this particular Act as well as the Moplah Outrages Act which still find a place on the Statute-book will be brought forward in the form of a Bill by me.

Colonel Sir Henry Stanyon (United Provinces: European): Sir, I beg to oppose the motion that this Bill be passed into law. The Bill is directed against three Regulations and three Acts of the Governor General in Council, one of which, the Punjab Murderous Outrages Act, now disappears by amendment. The Preamble tells us that it is expedient to repeal all these enactments. When we look at the Statement of Objects and Reasons for the causes of this confidently asserted expediency, we read: (1) "The Regulation became obsolete on the enactment of the Indian Penal Code"; (2) "The Acts are no longer necessary". Reading this blunt

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statement left me unconvinced of the expediency claimed in the Preamble and created the impression on my mind that the real object and true reasons for this Bill had not been stated. Let us briefly examine those that have been stated. First, as to the Regulations. The Bengal Regulation III of 1818 has been extended also to the United Provinces, the Central Provinces, the Punjab, Bihar and Orissa and Assam. The Madras Regulation II of 1819, more briefly, and the Bombay Regulation XXV of 1827, in slightly different words, contain Preambles similar to that set out in the Bengal Regulation. It will suffice for my argument, Sir, to quote from Regulation III of 1818 as much as is now material. It reads:

“Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign powers, the promotion of tranquillity in the territories of Native Princes entitled to its protection and the security of British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceedings or when such proceedings may not be adapted to the nature of the case or may for other reasons be inadvisable or improper”

and so on. It is thus clear, as pointed out by my Honourable friend Diwan Bahadur Rangachariar, that the objects of the Regulation may be placed under four heads: (1) maintenance of treaties with foreign powers, (2) protection of Indian Princes; (3) defence against foreign invasion, and (4) prevention of internal disorder. Manifestly, the provisions of the Indian Penal Code cannot touch the first three of these objects. The Honourable Mr. Denys Bray the other day gave us a striking illustration of the first of them in the case of a rebel against the Government of His Majesty the Amir of Afghanistan. There remains therefore the fourth object, namely, the prevention of internal disorder. As to this, it must not be forgotten that the Regulation is expressly reserved for use *occasionally* and is confined to those cases in which (a) circumstances make it necessary to arrest before collecting evidence, and (b) judicial proceedings may not be adapted to the nature of the case or for other reasons may be inadvisable or improper. Since what I have to submit will be equally applicable to the Acts aimed at by this Bill, it seems expedient to bring those Acts in at this point. The Statement of so-called Objects and Reasons merely declares that these Acts are no longer necessary. Reasoning of that kind merits no examination or any further reply than this, that they are necessary. Act XXXIV of 1850 is like the Regulations an enactment relating to State Prisoners only. Act XXIII of 1867 I need not talk about as it has now gone out of the Bill. Finally, we have the Prevention of Seditious Meetings Act, 1911. Mr. Patel's Bill says it is no longer necessary. My submission is that it is more necessary to-day than it was when first enacted, and I leave public opinion to judge between these conflicting views.

Now, Sir, there are two methods of dealing with crimes, namely, (1) prevention, and (2) punishment. All students of penology will concede that prevention is far better for all concerned than attempts to cure by punishment, even where both methods can be applied. But there are potential criminals and intended crimes,—crimes in embryo,—which can only be countered effectively by preventive measures. This fact is beyond reasonable dispute. It was brought home to the people of Bengal when the *goonda* developed his activities in Calcutta and its neighbourhood.

I commend to the attention of those of my friends who dispute this proposition the debates on the Goondas Act, 1923 (Bengal Act I of 1923), which took place in the Bengal Legislative Council on the 20th and 28th November, 1922, and the 30th and 31st January, 1923. They are reported in volumes X and XI of the proceedings of that Council. My friends will there find arguments from enlightened Indian politicians to support, far better than I am able to do, the proposition that there are cases the nature of which makes the ordinary law inadequate and preventive action the only effective weapon for the preservation of law and order. The enactments which Mr. Patel would repeal are, with one exception now swept away by Mr. Rangachariar's amendment, measures for arming the Government with preventive powers. Every Government in the world responsible for the maintenance of law and order must have such powers, and I was glad to hear so experienced a politician and sincere a friend of India as Mr. Rangachariar admit that fact. The occasions and extent of their use must vary with the conditions of time and place. We have heard more than once of the protection to the liberty of the subject which is secured in England by the common law right of *Habeas Corpus* and the Statutes in which from time to time that right has been embodied, notably the Statute of Charles II (31 Car. II, c. 2). It is known as the Habeas Corpus Act, 1679. But, even in England, the operation of the Habeas Corpus Act, 1679, has at various periods been temporarily suspended by the Legislature on the ground of urgent political necessity. Such suspension has usually been effected by a Statute enabling persons to be arrested on suspicion of treasonable practices or certain other crimes of a political nature, and detained in custody without bail or trial. The conditions in India bear no analogy to those in England, and comparisons would be entirely misleading. I hope the time is not far distant when we shall have a Habeas Corpus Act of our own. I should certainly support any reasonable effort which may be made to enact it in terms suitable for India. My friend Mr. Rangachariar unsuccessfully attempted to introduce, by an amendment of this Bill, a provision in the nature of *Habeas Corpus*. The defect of the position taken up by him was this, that if that provision had been made law, it would have allowed the provincial High Courts to override orders which, under the Regulations, must be passed by the Governor General. But, at present, it has been admitted and proved that we have amongst us in India a dangerous and secret enemy to the public weal,—a malignant growth the roots of which may reach to Moscow. This is not the time to deprive the Government of these preventive powers,—powers, be it noted, that have attached to them safeguards against misuse far stronger than those incorporated by the Bengal Council in the Goonda Act, 1923. I have said that when I read the Statement of Objects and Reasons appended to this Bill, I was left with the impression that the statement did not set out the real objects and reasons which had animated the author of the Bill. That impression has been confirmed by his own speech and the speeches of those who have supported the Bill.

Many years ago I was compelled by experience to the conviction that a serious obstacle to the progress of India towards her proper place in the sun was an almost universal want of public opinion among Indians against crime, as such. In recent years there have been signs of improvement in this popular defect of character among the educated classes. But, even now, public opinion against crime as such has not attained any real working strength. It is easily overcome by other impulses. It has been overcome

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in the present case by a more popular impulse—that of attacking Government. Under this impulse, the tendency, even among the educated classes, is to minimise conspiracies which threaten innocent lives and seek to undermine law and order. It has been easy for politicians whose creed is “Whatever Government does is wrong” to lose sense of the hidden dangers with which society is threatened, and to raise a popular agitation against exceptional measures used or taken to counter that danger.

It is this predominating impulse to attack a Government which he has taught and trained himself to distrust that is the real object of and reason for this Bill being introduced by my Honourable friend, Mr. Patel. I believe that at one time the loudly proclaimed distrust of the Executive Government was more of a political exploit than a real conviction. But since people learn to believe what they tell themselves to believe, that exploit has become chronic, and I must and do credit the author of this Bill with absolute sincerity. I hope he will try and believe that in opposing this Bill as unwise I am equally sincere. Preventive action is always difficult and must be necessarily more executive than judicial in procedure. But to obtain the best results the executive agency employed must have the support of public opinion and must be trusted. The support of vocal public opinion among educated India for the present Government is conspicuous by its absence. (*A Voice*: “Why?”) The continual derogation of every Government measure in season and out of season has become a habit among Indian politicians until it has passed from censure of the form of Government to distrust of the *personnel* of Government. We have had it roundly asserted that His Excellency the Viceroy and his Council are abusing laws designed to prevent crime for the purpose of stifling political progress and to obstruct the Swaraj Party. We have had it said that the European Members of Council are engaged in fraudulent devices to exploit India for ulterior purposes. We have had it said that the Indian Members of Council are lost souls who have passed from condemnation of Government through compromise to congratulation. It is indeed difficult for any Government to work preventive measures against crime if its very honesty is distrusted. But if public support continues to be withheld it is the public who will eventually suffer. The Government is in the position of having to protect a people who show no inclination, in some matters, to protect themselves. Such a state of things make the law-abiding citizen, who is alive to his interests, thank God that the maintenance of law and order and the protection of India from the cancer of Communism are in the hands of an Executive which is not responsible to those who are blinded by such a belief as occupies the mind and blurs the vision of my friend Mr. Patel. To try and combat revolutionary crime by ordinary law would be like trying to stop hostile mining by above-ground rifle fire. We have heard anarchy condemned in very definite terms by those who support this Bill. That seemed to me like saying to a man “We condemn those who would assail you with poisoned weapons, but we think it fair that you should be disarmed of all weapons of defence and should have your hands tied behind your back.” I implore this House before adopting this ill-timed Bill to consider what results are likely to ensue if this preventive power is taken away from Government. The Executive, in my humble opinion, can be trusted never to abuse its provisions wilfully or for any ulterior purpose. It is right that this House should be alert to inquire into executive action touching the

liberty of the subject, but, having inquired and obtained assurances from men of honour whose integrity of purpose is beyond reasonable doubt, let the House lead the educated people of India to trust and support their Executive. Let it abstain from so marked a declaration of distrust as will be implied by a vote to deprive the Executive of preventive power against concealed and dangerous crime. We have had a great deal said about the Executive Government not trusting the House. That complaint is constantly put forward by a certain section of politicians in this House. Have those gentlemen—has this House,—given that trust to the Executive Government which is necessary before we have any right to ask for trust in return? I raise my voice to-day against a large majority. But I have said what I believe to be true, and I have said it sincerely. If my views are not acceptable, at all events I have to thank the House for the courtesy and patient hearing which it has given me,—somewhat unusual now-a-days when one has to say something which is not in agreement with the view of the majority. Sir, I oppose the Bill.

Mr. C. S. Ranga Iyer (Rohilkhand and Kumaon Divisions: Non-Muhammadan Rural): Sir, I thank you very much for giving me an opportunity to answer some of the arguments of my esteemed friend Sir Henry Stanyon. Sir, I concede that he is very sincere in his opposition to this Bill. I concede, as he has conceded that every one who is opposed to this Bill is sincere and I also think that he is honest in his opposition. I do not attribute either dishonesty or want of sincerity to the other side; but, Sir, it is a case of sincerity *versus* sincerity, and I do think that those whose sincerity is based on Patriotism will triumph over those whose sincerity is based upon Imperialism. If I were an Englishman, who could say, I might have also been an Imperialist. It is the business of an Englishman to retain the English Empire from the Imperialist standpoint. The English Empire is "a mission" to the Englishmen and they think and they feel that the English Empire is in danger in India, but I happen to be an Indian and as an Indian, Sir, I am a patriot first and I am a patriot to the last. And it is my duty to fight Imperialism when

4 P. M. Imperialism stands between India and the light of the world. (Hear, hear.) We are to-day soldiers in the field of battle fighting a glorious fight. We are fighting the battle for Freedom; we are fighting the battle against Imperialism. (*Sardar Bahadur Captain Hira Singh Brar*: "Where are the soldiers?") My friend Captain Hira Singh asks, "where are the soldiers?" He is one of them and I do think that though he is fighting on the wrong side, the day will not be far distant when his own children will fight on the right side. He is an Indian and to-day he is fighting the Englishmen's battle, because he is not thoroughly convinced that we can succeed. Sir, we have a class of men in our country who like to be on the winning side, on the side which for the time being appears to be winning. But that state of affairs cannot continue very long. For the Englishmen, however mighty they may be with their modern weapons of warfare, however mighty they may be with their Ordinances and Regulations, cannot, once a great people is roused, stand against them. Sir, we are asking you to put aside those nineteenth century weapons, because I feel that the time has come when we should come together. I feel that England and India united can be a great organ of peace in the world. But union can be only on equal terms. Union there cannot be, so long as you hang above our heads those Damocles' swords, Ordinances and Regulations which you forged in the nineteenth century. The Regulations

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which are included here are the Bengal State Prisoners Regulation of 1818, the Madras State Prisoners Regulation of 1819, a Regulation for the Confinement of State Prisoners, Bombay, of 1827, the State Prisoners Act, 1850, and the Prevention of Seditious Meetings Act, 1911. Sir, with the exception of the Seditious Meetings Act of 1911, all these Regulations were forged when the Englishmen came to India, when they did not understand us, when they did not trust us, when they came "as conquerors", as Lord Curzon said, and conquered the country with the help of Indians themselves. Sir, at such a time perhaps these Regulations were necessary. At such a time perhaps you could not get on without these weapons. But we gave you co-operation for years and years. We worked with you. Who are the people who are running "the steel-frame," as Mr. Lloyd George would put it, of the British administration? They are Indians. Co-operation is there. If non-co-operation were complete, the British administration would be paralysed.

You know the Indian temper. The Indian people have not sided with the revolutionary movement. That is at present confined to a handful of men who believe in violence. We do not believe in it. But is it proper for you when the people have given you their trust, is it proper for you when the people have given you their co-operation, that you should try their patience and stick to these Regulations? The Honourable the Home Member said the other day that he has got almost an indefensible proposition. He said that it was easy to elocutionise on the horrors of these Regulations which would remind us of *lettres de cachet*. But, Sir, it is more easy to take shelter under these Regulations against the united wish, the unanimous opposition of an awakened or rather a fast-awakening people.

My friend, the previous speaker, said, "crime has got to be prevented". He said that "public opinion against crime as such has not attained any real working strength." I understand that proposition. Sir, if public opinion against crime as such had not attained any working strength in this country, what would have happened? We would have become revolutionaries and fought you in the secret and perhaps in the open. The proof that public opinion against crime as such had attained a real working strength was furnished by the leader of the non-co-operation movement. Sir, my Honourable friend, Sir Henry Stanyon, could not be unaware of the fact that when at Chauri Chaura the non-co-operation campaign went beyond our control, when it began to travel along the path of violence, what did the leader of the non-co-operation movement do? Mahatma Gandhi gave up his Bardoli campaign, he laid down his arms—not because he was afraid of you.

Mr. K. Ahmed: Why don't you co-operate now?

Mr. C. S. Ranga Iyer: I do not propose to answer Mr. Kabeerud-Din's interruptions. I may tell him that I am not going to take notice of them.

Mr. K. Ahmed: You must not obstruct me, but you may obstruct the Government if you like. (Laughter.)

Mr. C. S. Ranga Iyer: Mahatma Gandhi, Sir, laid down the arms only because he saw that there was a danger of red ruin and the violent breaking up of laws. When the state of feeling in the country had reached a very high level, when there was an unprecedented upheaval, such upheaval as

was unknown to India before—at such a time, Sir, the leader of non-co-operation stopped that movement! That is the best answer to the remark of my esteemed friend Sir Henry Stanyon.

Then he talked of “attacking the Government.” I presume he referred to our attacking the Government. We attack the Government, we consider the Government, as my friend Mr. Goswami put it, devilish. We consider it to be Satanic—not any Member on the Government side, but the system; and I know that my friend, Mr. Goswami, when he called it devilish, meant the same even as Mahatma Gandhi meant when he called it Satanic. He did not attribute, the Mahatma is the last man to attribute any devilish qualities to the good men on the other side. Not a bit of it. They are as human beings as any one of us; but the engine of repression that you are working, “like a devilish engine,” in language Miltonic, “back recoils.” Yes, it is the devilish engine of repression that you are working; and when we attack the Government it is not the Honourable the Home Member that we attack, it is not His Excellency the Viceroy, the Earl of Reading, whom we are attacking personally. We are attacking the entire system of government, because that system stands between us and India's co-operation with England. That system stands between us and India's place in the English Empire, and until that system is removed willing co-operation is impossible; and so long as you cling to these Regulations, how can there be any hope of real co-operation? That is why, Sir, we want you to give up these things.

My Honourable friend Sir Henry Stanyon talked of “potential criminals.” Who are these potential criminals? Whom have you been detaining under Regulation III of 1918 as potential criminals? Sir, if I were an anarchist, if I were a revolutionary, if I believed in destroying the Empire with bombs and pistols, I would not have come to this Assembly and taken the oath of allegiance here. (Hear, hear.) And you have regulated men in Bengal who have taken the oath of allegiance to the King of England. Two of those men whom you have put in prison are men who came to your Councils and took the oath of allegiance to the King of England. You call them potential criminals, you call them revolutionaries. Sir, to the revolutionary, an oath is a very sacred thing, (Inaudible interruptions by Mr. K. Ahmed) to Mr. Kabeerud-Din Ahmed “oaths are wafer-cakes”! To the revolutionary who gives his life so recklessly on the gallows, an oath is a sacred thing. He fights in his own way the country's battle. I do not agree with him. You know people in your own country, in Ireland, who have fought their country's battle with revolutionary methods. You condemn them. But you cannot deny the fact that they keep their oaths more sacred than Mr. Kabeerud-Din Ahmed.

Mr. K. Ahmed: Day or night (Inaudible.)

Mr. C. S. Ranga Iyer: Two gentlemen, whom you have interned as revolutionaries, came to the House and took the oath of allegiance to the King of England. If you have proofs, you will certainly try them openly. I say the Government have no proof against those men, for if you had proof, would you stop for a moment from trying to discredit the Swaraj Party, whom you hate? I do not think the Government would have missed one single opportunity to destroy or discredit this obstructive party. But you have no proof, and therefore you carry on a campaign of terrorism against the men who have not declared war on the King of England.

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It is you, Sir, who under these 19th century Regulations are seeking to destroy a constitutional movement. If India should adhere to the constitutional movement, you must get rid of these Regulations.

My Honourable friend talked of preventing crimes and he also said that the analogy between India and England cannot hold good. "Conditions in India bear no analogy to those in England." That is what he said and I perfectly agree that conditions in India cannot bear analogy, because Englishmen govern England, aliens govern India. (Hear, hear.) If we had our own Government, we know how to deal with the revolutionary movement. We know who is revolutionary and who is not. But what has Government been doing all these years, ever since the Regulation came into existence? Sir, the Regulation was used against the constitutional movement. Men who were associated with Mr. Bipin Chandra Pal were regulated fifteen years ago and I believe if Mr. Pal had not gone away to England to preach his own propoganda there he too might have been regulated in Bengal. Two of his best friends, two of the old associates of Babu (now Sir) Surendra Nath Banerjee were regulated; and, Sir, it was the Home Member of Bengal who admitted that in regard to Aswini Kumar Dutt, they regulated him for his whirlwind political campaign. In regard to Krishna Kumar Mitter, he said the Regulation was an unfortunate application. He uttered words to the following effect: "We can never imagine, now that we know him, that he could have anything to do with the revolutionary movement. We are convinced that he had nothing to do with the revolutionary movement." And whom have you regulated to-day? My young and much respected friend Subash Chandra Bose. (Mr. T. C. Goswami: "Shame!") It is a great shame. It is difficult to speak with restraint when I think of a Government putting in prison a man of the character and calibre of Srijut Subash Chandra Bose. My esteemed friend from Bengal Mr. Willson will agree with me that his character is irreproachable. I believe he said something to that effect in the Corporation meeting of Calcutta. Sir, Europeans who came in contact with him, Indians who knew him, men like Pandit Motilal Nehru, whom you cannot accuse of flirting with the revolutionaries, men like Mr. Jinnah, others whom you cannot accuse of egging on the revolutionaries, these men had the greatest regard for him. Sir, Subash Chandra Bose is a great personal friend of mine, and I know that he dreaded nothing so much as the coming of a revolutionary movement, for he knew that the revolutionary could not successfully contend with a Bureaucracy which had better organization and more destructive weapons. He was a constitutionalist to the core, if he were a revolutionary, he would not have cared to join the Swaraj Party. Sir, I make this charge against the Government that they have laid their unholy hands on the Swaraj Party. They have snatched away one of the most prominent men of the Swaraj Party in Bengal, who was more necessary for the Calcutta Corporation than even Mr. C. R. Das. He was contributing to the successful working of the Calcutta Corporation. He left the Civil Service, though he stood very high in the I. C. S. examination, and the moment he left you and joined the non-co-operation movement, the moment he began to fight his country's battle, he became your *bête noir*. You began to loath him and you have heaped upon him crimes and curses,—on the very gentleman whose appointment Lord Lytton's Government sanctioned as an executive officer of the Corporation! Sir, you have regulated him. You did not and do not give him an open trial, and why? Because you have no proofs. Would

this Government whom, not Mr. T. C. Goswami this time, but an ex-Secretary of State, Lord Olivier, described as "champion hypocrites of the world", in a recent article in the *Manchester Guardian*, could this Government whom one of your own erstwhile Secretaries of State described as champion hypocrites of the world, have abstained for a moment, if proofs they had, from coming into the open and prosecuting him? You have no proofs, and when you say you have proofs, I say you are telling a lie and a double distilled lie. I challenge you to prove that Subash Chandra Bose was connected with the revolutionary movement; I challenge you to prove that other prominent members of the Swaraj Party whom you have interned, prominent lieutenants of the President of the Swaraj Party, are connected with the revolutionary movement. Do not brag that you have materials and proofs,—give up that vast amount of bluff,—you have relied on bluff a little too much here. You say you have proofs and you want us to take you to be demi-gods and angels, which certainly, as members of a system of government, you are not.

Sir, referring to Mr. Patel and "the Statement of Objects and Reasons" of his Bill, Colonel Sir Henry Stanyon said the reason is not there. "The reason is not adequately given in the Objects and Reasons," and therefore what shall I do? "I shall oppose it." That is his "reason." Sir, I am surprised that this is the statement of a great and learned judge, but I must respectfully submit that he knows we have enough reasons, for he is not an absentee or an absent-minded member of this House. You cannot write down all the speeches here in the Statement of Objects and Reasons. Mr. Patel, the Mover of the Bill, made a speech; Mr. Jinnah has made a speech; other Members of this House have made speeches, and if my friend at this last stage of the Bill takes up the Statement of Objects and Reasons and finds that Mr. Patel has not been ponderous, pedagogic and pedantic, I can only pity him. Reasons you have had, but if you are unwilling to listen to reasons, then all that I can say is, you are putting your head into the sand like the proverbial ostrich.

The Honourable Member talked of "law and order." Law and order, Sir, are certainly very good, but it was an eminent statesman, the late Lord Morley, who said "the law-and-order-people are sometimes responsible for the fooleries of history," and when you emphasise too much law and order, I am afraid you are preparing for one of the fooleries of history. We are unwilling to be fooled because we have to live in this country; you may leave us bag and baggage, but we have got to live here; and therefore we cannot support that excessive emphasis on Law and Order. (Voices: "Divide, divide." "Go on, go on.")

My Honourable friend said instead of censuring the form of Government, the censure has degenerated into distrust of the personnel of the Government. Sir, I do not think he has any justification to make that remark. Do we not meet at social functions as friends? Surely if our censure had degenerated into distrust of the personnel of Government, we would not be meeting each other (Colonel Sir Henry Stanyon: "You have just accused them of telling lies! Systems do not tell lies; persons tell lies!") (Mr. T. C. Goswami: "Some persons do, no doubt.") You may tell lies to prop up a system; and when you tell such lies, I do not say you are liars; you are diplomatic liars. Diplomacy requires that you must resort to certain statements which are not God's truth, certain statements which may be polite fictions or dangerous fictions. I do not accuse you of being liars; I make no personal accusations; but

[Mr. C. S. Ranga Iyer.]

foreign rule, the rule of one people by another, is the greatest lie on God's earth; and so long as you are perpetuating that rule, I can say to you as the rulers of this land that you cannot run the system on truthful lines. (Voices: "Divide, divide." "Go on, go on.")

Sir, in conclusion I must refer to three phrases which the Honourable Sir Henry Stanyon used: "Condemnation, Compromise, Congratulation." I look forward to that day when from condemnation we shall pass to compromise and end with congratulation. Do you not know the history of your own country? Take the case of Ireland—how they fought you, how they swore against you, how they hunted you down and how they killed you. They fought you and they shot you; but did you not compromise with them? Your papers, even the *London Times* which is supposed to be a dignified paper, your papers denounced Arthur Griffiths and Michael Collins as murderers and assassins; and yet were they not at a Round Table Conference shaking hands with His Majesty's Ministers? Sir, there can be no happier end to this great fight than that the stage of condemnation should reach a stage of compromise and conclude with congratulations. The olive branch of compromise has been offered to you by my leader Pandit Motilal Nehru when, after taking his seat in this House, he moved the Resolution on the Round Table Conference. Panditjee was supported by my Honourable friends Mr. Jinnah and Diwan Bahadur Rangachariar, whose presence, by the way, is necessary in this House; I do not agree with the remarks of his younger friend from Madras who said "We do not want him here". We want his wisdom, his learning, his sincerity and also his moderation; but for his moderation to-day how could he have succeeded in putting the Government in the wrong since even his moderate view has been rejected by them? (Voices: "Divide, divide!") Sir, all these gentlemen, members of this House, were parties to that compromise proposition; but you have not accepted the compromise. I hope when His Excellency Lord Reading comes back from England, if he comes at all . . . (A voice: "If he comes at all") My Honourable friend there, I believe Mr. Darcy Lindsay, rightly repeats, "if he comes back at all".

Mr. Darcy Lindsay: I never said anything.

Mr. C. S. Ranga Iyer: I see it was another Honourable Member sitting close by my friend Mr. Ghose, who repeated "if he comes at all". Sir, I did not make that remark in sarcasm. I read in a newspaper, the *Daily News*, London, Lord Reading's own party organ, that it was reported that the Viceroy was going on a particular mission; that he might resign if his mission failed. But if he comes to further regulate us, then he will find a nation prepared to lay down its life for its liberties, notwithstanding Regulations and such other abominations.

Mr. M. A. Jinnah: Sir, after these eloquent speeches of my friends, Sir Henry Stanyon and Mr. Ranga Iyer, I do not wish to detain the House for more than one minute; and the object with which I am going to address the House is this, that as we have now amended the Bill and as section 12 of the Punjab Murderous Outrages Act of 1867 stands, unless

a consequential amendment is made it might create some difficulty; and therefore what I propose is this:

"That the following be added to clause 2 of the Bill:

'Provided that the repeal of any enactment by this Act shall not affect the powers of confinement conferred by section 12 of the Punjab Murderous Outrages Act, 23 of 1867, or by any other similar enactment.'

Now, Sir, the reason is obvious because we are repealing all those Regulations in the Schedule of the Bill and section 12 of the Act of 1867 says this:

"The said Lieutenant-Governor shall have, in respect of the confinement of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in the Governor General of India by any law regarding the confinement of persons charged with or suspected of State offences."

Therefore, unless we have this safeguard, serious difficulty may arise in the interpretation of section 12 because we are saving the Punjab Murderous Outrages Act of 1867 completely and it is not going to be repealed. That is all I have to submit. I move my amendment.

The Honourable Sir Alexander Muddiman: Sir, I should like to ask my Honourable friend one question. What does he mean by the words "by any other similar enactment"?

Diwan Bahadur T. Rangachariar: The Moplah Outrages Act contains a similar provision.

The Honourable Sir Alexander Muddiman: Is that a similar enactment?

Diwan Bahadur T. Rangachariar: Word for word the same.

The Honourable Sir Alexander Muddiman: As a matter of drafting, will that meet the point? I submit it is very doubtful.

Mr. M. A. Jinnah: I am quite willing if you want to make it clear, because I was not sure whether there was any other Act or not.

The Honourable Sir Alexander Muddiman: The truth is that we must make an examination to see if there are any other Acts; I do feel some doubt as to whether you may not be omitting something which you do not intend to repeal. "Any other similar enactment" are curious words and they might cover the Malabar Outrages Act or they might not.

An Honourable Member: I think we might add these two Acts.

Diwan Bahadur T. Rangachariar: I think my Honourable friend mistakes the meaning of it. "Any other similar enactment" means any enactment similar to the Punjab Murderous Outrages Act. We are not repealing that Punjab Act; we mean any enactment similar to that Act which we are not repealing.

Sir Chimanlal Setalvad: The words are rather vague—"by any other similar enactment".

Diwan Bahadur T. Rangachariar: I know that the Moplah Outrages Act contains—I think in section 6—a similar provision:

"The Governor in Council shall have, with respect to the confinement or trial of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in him by any law regarding the confinement or trial of persons charged with or suspected of State offences."

[Diwan Bahadur T. Rangachariar.]

Now we are repealing the Madras Regulation according to the Bill and therefore that will affect the power conferred by section 6 of the Moplah Outrages Act; so we want to save that power for the benefit of Government.

The Honourable Sir Alexander Muddiman: I quite appreciate your object and I quite appreciate the object of the amendment. What I am not clear at all about is that by putting these words in you do save it. What I am not clear about is in respect of the words "by any other similar enactment". You say "by any other similar enactment". What is the similarity? What is the *ejusdem generis*?

Mr. M. A. Jinnah: I am afraid, Sir, the Honourable Member does not appreciate our object.

The Honourable Sir Alexander Muddiman: I quite appreciate your object.

Mr. M. A. Jinnah: I submit, Sir, the position is quite clear. What we are doing is this. We are repealing certain Regulations which are in the Schedule to the Bill. Those are, the Bengal State Prisoners Regulation of 1818, the Madras State Prisoners Regulation of 1819, the Regulation for the confinement of State prisoners, Bombay. Then you have the State Prisoners Act of 1850. We are omitting the Punjab Murderous Outrages Act of 1867. As I have pointed out, section 12 of the Punjab Murderous Outrages Act, instead of having its independent provisions, relies upon the State Prisoners Act. Similarly, it may be that there may be Acts similar to the Punjab Murderous Outrages Act, and the Moplah Act. There may be something else, there may be some other Acts, because we are not repealing all the Acts, and they may in their turn instead of having independent provisions be relying upon the Regulations which we are repealing. Therefore, what we say is this, that the repeal of these Regulations shall not affect the Punjab Murderous Outrages Act or any other similar enactments of which we are not aware at present. We do not know how many more Acts there are of that character. Therefore, it is only saving those Acts which rely upon the Regulations which we are repealing. I cannot see what the difficulty is.

Mr. K. Rama Aiyangar (Madura and Ramnad cum Tinnevely: Non-Muhammadan Rural): Sir, I only wish to point out that those words are unnecessary now, because the present Bill only repeals those Acts in the Schedule, and one of those that is exempted is the Punjab Murderous Outrages Act.

Mr. M. A. Jinnah: No, Sir. These words are absolutely necessary, because we are repealing these Regulations and we are allowing the words "any other enactment of a similar character" still stand. If you want to repeal the others, then bring in a Bill and repeal those.

The Honourable Sir Alexander Muddiman: I will not oppose the amendment, but I am not by any means satisfied that it does what the House desires to do.

Diwan Bahadur T. Rangachariar: The House has already disallowed a similar amendment at a previous stage. These words are taken by my friend from that amendment of mine which the House has already disallowed. My Honourable friends now see the necessity for introducing these words, and they did not see the necessity for these words when they voted against my amendment. That is all I want to say now.

Sir Chimanlal Setalvad (Bombay: Nominated Non-Official): I am afraid, Sir, we are at cross purposes. The purpose which Mr. Jinnah has in making his suggestion is a necessary purpose. If we are repealing the Regulations mentioned in the Schedule, then any power conferred by section 12 of the Punjab Murderous Outrages Act which gives a reference back to those Regulations, it is necessary to save in some manner. Therefore, no doubt, the proviso as suggested by my Honourable friend with regard to the Punjab Murderous Outrages Act is necessary. But when the proviso proceeds further and says "or by any other similar enactment" I do not agree. I quite follow the object of Mr. Jinnah, but with great respect to him and to Mr. Rangachariar who had a similar amendment as part of his proviso, I may say that it is very loose drafting. It is bad drafting indeed to say "or by any other similar enactment". What is meant by 'similar' and who is to decide whether an enactment is similar or not? All sorts of difficulties will arise which the courts would have to deal with if the question was raised. Therefore I submit, Sir, that if you have in mind the Moplah Act as a similar enactment, then specify that Act along with the Punjab Murderous Outrages Act, but do not leave the wording of the section in such a loose manner as it is worded here "or by any other similar enactment", which may mean anything and which one court may construe in one sense and another court may construe in another. So I would suggest, Sir, that we should specify the two Acts which we have now in mind, the Punjab Murderous Outrages Act and the Moplah Act describing it properly. But do not use such loose phraseology as would lead to difficulties when you come to the application of the proviso. I would therefore accept a proviso as suggested by Mr. Jinnah omitting the words "or by any other similar enactment" and substituting in their place the Moplah Outrages Act, 1859. I think that would meet the requirements of the situation. I quite conceive that there may be other Acts besides these two which may have incorporated by reference some provisions of the Regulations which are being repealed. (*Mr. M. A. Jinnah*: "Quite so".) Then the only way is to pass this proviso mentioning these two Acts now and if after properly exploring the situation the Home Department discovers any other Act of similar import, then they should come in with an amending clause later. But you cannot leave it in this vague form "or any other similar enactment".

Mr. M. A. Jinnah: I suggest, Sir, that the Government should really make up their minds on this point and give us the information as to how many Acts there are which might be affected by the repeal of these Regulations. My whole object is that I do not wish by the repeal of these Regulations that all those Statutes or those Regulations which are still in force should be made absurd. If the Government will give us the entire list of those Regulations or Statutes which are affected by the repeal of these Regulations, they can be inserted in the amendment as formal amendments.

Mr. W. M. Hussanally: Why not adjourn the whole debate and pass the Bill after examining the whole point?

Sir Chimanlal Setalvad: Put in these two particular Acts for the present; then, if the Home Department after investigation finds out that some other Acts require to be included in the proviso the necessary amendment for the purpose can be put in by the Council of State.

Mr. President: Further amendment moved:

"That for the words 'or any other similar enactments' the words 'section 6 of the Moplah Outrages Act, 1859,' be substituted."

Mr. W. M. Hussanally: Sir, I move an adjournment of the whole debate until the Government have examined the whole point.

Pandit Motilal Nehru: Sir, I have only one word to say on this controversy. I think, as my friend Sir Chimanlal Setalvad put it, we are working at cross purposes. I do not think any amendment is necessary to carry out the purpose either of Mr. Jinnah or of Sir Chimanlal Setalvad. If there is any enactment which refers to any of the repealed Regulations and Acts, then I take it, Sir, as a canon of interpretation that that repealed Regulation or Act is revived by reference in that enactment. That is to say, the reference will stand good although the Act referred to may be repealed. Any reference in an Act which is not repealed to a repealed Act would ordinarily leave the provisions of the repealed Act unaffected for the purposes of the unrepealed Act and the said provisions would still be available on the correct interpretation of both Acts. That is how I understand it, Sir.

Mr. L. Graham (Secretary, Legislative Department): Sir, with reference to the point made by Pandit Motilal Nehru, I should like to draw his attention to the fact that there are two classes of sections. In respect of one class of section I entirely agree with him, but that is not the class of section with which we are now concerned. The class of section to which his remarks apply is the section of the Ganjam and Vizagapatam Act, 1839, which runs as follows:

"Each of such Agents as aforesaid shall have the power of making commitments by warrant under his hand which is possessed by the Governor of Fort St. George in Council by virtue of Regulation II of 1819."

That is exactly a case of reference which would keep that Regulation alive. But in the case of the Moplah Outrages Act and the Punjab Murderous Outrages Act, that is not the case. The provision in section 6 of the Moplah Outrages Act is:

"The Governor in Council shall have, with respect to the confinement or trial of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in him by any law regarding the confinement or trial of persons charged with or suspected of State offences."

That is a different class of section altogether. That saves nothing by reference. That is what Mr. Jinnah is trying to do by his amendment.

Mr. President: The question is:

"That in the original amendment, the words 'or by any other similar enactment' be omitted and the words 'or by section 6 of the Moplah Outrages Act of 1859,' be therein inserted."

The motion was adopted.

Mr. President: The question is:

"That to clause 2 of the Bill the following be added:

'Provided that the repeal of any enactment by this Act shall not affect the powers of confinement conferred by section 12 of the Punjab Murderous Outrages Act, XXIII of 1867, or by section 6 of the Moplah Outrages Act of 1859.'

The Honourable Sir Alexander Muddiman: Is it the object of this House to save all subsidiary legislation which confers powers of detention by

means of reference? If so, I do not think that you have got the amendment right and I think that it is not quite easy to put it right now. The draftsman must have time to look into it.

Mr. M. A. Jinnah: In order to get this matter through I merely did bring this to the attention of Mr. Tonkinson, I am quite willing that the Government Department should produce a proper draft in order to give effect to that intention.

The Honourable Sir Alexander Muddiman: If so, the Bill cannot pass to-night.

Mr. M. A. Jinnah: Then we must have another day.

Khan Bahadur W. M. Hussanally: I proposed an adjournment of the debate.

The Honourable Sir Alexander Muddiman: There is another place where this could be set right, if necessary, if the Bill does pass.

Mr. President: The question is that that amendment be made.

The motion was adopted.

Mr. President: The question is:

"That the Bill to repeal certain special enactments supplementing the ordinary criminal law, as amended, be passed."

The Honourable Sir Alexander Muddiman: It is on the question of substance, Sir, that I now wish to speak. So far we have been merely discussing the question of the consequential amendment to be made on Mr. Jinnah's original motion. Sir, I cannot allow this House to proceed to vote on this measure without saying a few words even at this late stage on the proposals which it contains. The Bill on which you have now to vote is practically the Bill as introduced by my Honourable friend Mr. Patel. There has been a change in regard to one of the Acts contained in the Schedule, and in regard to that Mr. Jinnah said that the Government should be grateful. Sir, I am glad that the amendment is made, but I would say that the people of this country and not the Government should be grateful for it. I notice that Mr. Patel, pursuing his fell purpose to the end, gave us quite a clear warning that the moment he can leave this Chamber, having committed these Acts to the safe custody of the waste paper basket, he will come back as early as possible to repeal even the Punjab Murderous Outrages Act. That is exactly what his position is in that respect.

Now, Sir, many attacks have been made on the Government in the course of this debate. Very bitter attacks have been made on their good faith. One gentleman was good enough to say we were liars. I should take the point more seriously, but I gathered from his subsequent remarks that he used it in a Pickwickian sense. I therefore leave it at that. Still, Sir, these attacks have been made and it is almost impossible at the end of a long debate to take up every point that has been raised, to deal with every assertion that has been made or to follow through every province in India the alleged cases of abuse of the law or individual acts of harshness. No one man in India can possibly traverse those points at the end of a long debate. I have had instances brought forward of the great oppression recently perpetrated on three Members of the Legislative Assembly who while travelling on their peaceful avocations to Patna were subjected to the extraordinary outrage of an attempt to have the numbers of their tickets recorded! Sir, that frequently happens. I myself, a comparatively innocent person, certainly

[Sir Alexander Muddiman.]

not under the police supervision, have had to give up the number of my ticket. I suggest, Sir, that if that is the sort of case on which charges of undue and improper police supervision are based, that only gives the whole thing away. Surely, the number of the ticket is frequently taken for purposes which are utterly unconnected with police purposes, and I can assure the House, as far as I know . . . (Mr. A. Rangaswami Iyengar: "In this case they were for police purposes.") The Honourable Member is giving me information. I have heard of tickets being frequently examined in connection with the destination of the traveller for railway purposes—sometimes when people are travelling in a class the tickets do not correspond to, and matters of that kind. But as far as I know, to use ticket inspectors for police purposes is a matter I know nothing of. I can say no more on that. That is the kind of case that is brought forward as real acts of repression or oppression!

Then it has been said that we have powers to deal with foreigners, that we have powers of various kinds to expel people. But I have not heard one word said during the whole course of this debate of what we are to do with our own bad characters who have been brought back to India very often much against our will. That is one point. Secondly, it has been said by my Honourable friend, Mr. Ranga Iyer, that we have used these powers under the Acts which the House is now trying to repeal to break up the Swaraj Party. I will merely say looking round the House, that if that was our object we have used them exceedingly inefficiently. (Laughter.) That charge therefore rebuts itself. I will not detain the House any further, but will merely say that by taking away these powers which we have asked you to continue to us in circumstances which I have narrated before at great length, you are determined to make this, as my Honourable friend has said, a starting ground for depriving the Executive Government of all the powers that it possesses of an executive character. Just as he would deprive us of supplies to carry on the Government so he would deprive Government of all powers of an executive nature. That may be a perfectly sound policy in his view, but it is not a policy that I can support. Sir, I oppose the motion.

Diwan Bahadur T. Rangachariar: I wish to say one word in the final stage of this Bill. Much as I dislike one portion of this Bill I am bound to say that I cannot withhold my support from the Bill. I have quarrels with the Government that they have not carried out the recommendations of the Repressive Laws Committee, and if they come forward with a measure of the sort recommended by that Committee they will find me and others supporting Government in the way I have indicated. But as the Government have not chosen to take steps to do so, it is my duty to give my support to this Bill. With the four Acts mentioned there I have no quarrel. They should go. I had a quarrel with the Punjab Murderous Outrages Act which the House agreed to refuse to repeal and I have objections to the major portion of the Bengal State Prisoners Regulation. I have tried to improve it but the House would not help me. Notwithstanding that I am bound to give my support to this Bill as I agree with its principle and also with its main details.

Mr. President: The question is:

"That the Bill to repeal certain special enactments supplementing the ordinary criminal law, as amended, be passed."

The Assembly divided:

AYES—71.

Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Ahmad Ali Khan, Mr.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Aney, Mr. M. S.
 Ariff, Mr. Yacoob C.
 Bhat, Mr. K. Sadasiva.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Dr. S. K.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Ghazanfar Ali Khan, Raja.
 Ghose, Mr. S. C.
 Goswami, Mr. T. C.
 Gour, Sir Hari Singh.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Hussanally, Khan Bahadur W. M.
 Hyder, Dr. L. K.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kasturbhai Lalbbhai, Mr.
 Kazim Ali, Shaikh-e-Chatgam
 Maulvi Muhammad.
 Kelkar, Mr. N. C.
 Kidwai, Shaikh Mushir Hosain.
 Lohokare, Dr. K. G.
 Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jamnadas M.

Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi
 Syad.
 Mutalik, Sardar V. N.
 Nambiyar, Mr. K. K.
 Narain Das, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Pal, Mr. Bipin Chandra.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Piyare Lal, Lala.
 Purshotamdas Thakurdas, Sir.
 Ramachandra Rao, Diwan Bahadur
 M.
 Rangachariar, Diwan Bahadur T.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Reddi, Mr. K. Venkataramana.
 Sadiq Hasan, Mr. S.
 Saniullah Khan, Mr. M.
 Sarda, Rai Sahib M. Harbilas.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Setalvad, Sir Chimanlal.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Syamacharan, Mr.
 Tok Kyi, Maung.
 Venkatapatiraju, Mr. B.
 Yakub, Maulvi Muhammad.
 Yusuf Imam, Mr. M.

NOES—40.

Abdul Mumin, Khan Bahadur
 Muhammad.
 Abdul Qaiyum, Nawab Sir
 Sahibzada.
 Abul Kasem, Maulvi.
 Akram Hussain, Prince A. M. M.
 Ashworth, Mr. E. H.
 Bhole, Mr. J. W.
 Blackett, The Honourable Sir
 Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Clarke, Sir Geoffrey.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Fleming, Mr. E. G.
 Graham, Mr. L.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Hudson, Mr. W. F.
 Innes, The Honourable Sir
 Charles.
 Lindsay, Mr. Darcy.

Lloyd, Mr. A. H.
 Mahmood Schamnad Sahib
 Bahadur, Mr.
 Marr, Mr. A.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir
 Bhupendra Nath.
 Moir, Mr. T. E.
 Muddiman, The Honourable
 Sir Alexander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Naidu, Mr. M. C.
 Rau, Mr. P. R.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V.
 Visvanatha.
 Singh, Rai Bahadur S. N.
 Singh, Raja Raghunandan Prasad.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. K. A.

The motion was adopted.

THE INDIAN PENAL CODE (AMENDMENT) BILL

(AMENDMENT OF SECTION 375.)

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-
5 P.M. madan):

Sir, I beg to move:

"That the Bill further to amend the Indian Penal Code (Amendment of section 375), as reported by the Select Committee, be taken into consideration."

Honourable Members are sufficiently familiar with the controversy which this Bill involved. The Members of the Select Committee have recommended that the age of consent be raised from twelve to thirteen, and I have given notice of an amendment that the age be restored to fourteen as it was in the original Bill before it was committed to the Select Committee. At this stage I do not propose, Sir, to tire this House by making a long speech; and I shall therefore formally move that the Bill be taken into consideration; and anything that I have to say I shall say later on if I get a chance. Sir, I move my motion.

Mr. S. C. Ghose (Bengal: Landholders): I rise, Sir, to oppose the motion of my Honourable friend Sir Hari Singh Gour, that the Bill be taken into consideration. The question which we have to consider is whether this Bill if passed will add to the social and national welfare of the country. I do not know whether the Honourable Members have read the debates of the Imperial Legislative Council when the Age of Consent Bill was passed (Act X of 1891). The matter at that time was threshed out thoroughly. What has happened in the meantime that we must again thrust another measure down the throats of the people of this country whom we are supposed to represent? Sir, Honourable Members will surely admit that India is a continent inhabited by different kinds and races of people living in different kinds of climate. Sir, Honourable Members will admit that this country has not got representative Government in the true democratic sense as prevailing in Western and other civilised countries. This measure if passed will affect the lives of every Indian family—Hindu, Muslim and even Indian Christian. We are legislating for people who have not heard even now of the Age of Consent Bill. We have no primary education. The people are not educated yet up to the standard of Western people. We have no press which permeates the masses of the people. I should like to know whether the masses of the people inhabiting this country have heard of this measure. If the people of this country had been educated, then I would have demanded that a referendum should be made among men and women over 21 as regards the necessity of this Bill. Much has been said and written that this Bill will tend to the welfare of the women and children of this country. I should like to know how many measures have been passed for the welfare of the women and children in this country. We have got no statistics to prove how many girl wives under 12, 13 or 14 have died through cohabiting with their husbands. India is a member of the League of Nations. India sends representatives to International Labour Conferences which are held annually at Geneva. This year even India will send representatives to the International Labour Conference to be held on 19th of May 1925, and I hear two Honourable Members of this House will go to Geneva as representatives of the

employees. May I ask why this House did not ratify the conventions and recommendations which were passed at the 3rd session of the International Labour Conference? All these recommendations were passed for the welfare of workers including women and children. Is there any Act in force in India similar to the National Health Insurance Act in England? Have you any old age pensions? Have you any Maternity Benefit Act? The Government of India pride themselves on having passed in the year 1923 the Indian Factories (Amendment) Act, the Indian Mines Act and the Indian Workmen's Compensation Act. India stands eighth among the industrial countries of the world. Will Members please compare the legislation affecting the social welfare of women and children in this country with the legislation of other countries? Coal in India up to the 30th June 1924 was stained with the blood of babies and children. Even now it is tainted with the blood of women and children over 13. There are many Honourable Members of this House who were Members of the Legislative Assembly when this Legislative Assembly first came into existence. Did any one table any Resolution to prohibit the employment of babies, women and children underground in mines.

Sir, Honourable Members may not be aware that the Government of India had power under the Indian Mines Act of 1901 to prohibit the employment of women and children underground in mines. Nothing of the kind was done. Sir Charles Innes in introducing the Indian Mines Act of 1923 in his speech said that the Secretary of State for India had written to the Government of India about 30 years ago to prohibit the employment of women and children underground in mines. But still not a single Honourable Member of this House, whose heart bleeds for the girl wife under 13 or 14, tabled a Resolution prohibiting the employment of women underground in mines. We want to pass this measure making it punishable for a husband to cohabit with his wife under 14, but to-day the spectacle can still be seen of girls under 14 working in the horrible atmosphere underground in mines in India and liable at any moment to be killed or blown to bits. Does not the heart of this Assembly bleed for these poor children over 13, both boys and girls, working underground in mines. Sir, if Honourable Members will care to peruse the report of the Chief Inspector of Mines they will see the large number of women and children killed yearly while working in mines.

Mr. President: Order, order. So far as I can gather, the Honourable Member seems to be discussing labour in mines. That is not the point.

Sir Hari Singh Gour: Labour in mines.

Mr. President: This is a Bill affecting women and children in a very different way from labour in mines!

Mr. S. C. Ghose: I shall now deal with the question at issue. Sir Provash Chandra Mitter, the Secretary of the British Indian Association, Calcutta, which represents the land-holders, says, "by interfering with the husband, the Legislature will make the life of the wife miserable." It is ridiculous to suggest as has been done by some of the Members that in case of a husband cohabiting with his wife between 12 and 14, the punishment may not be so severe as in the case of an outsider. Will any husband take back his wife after conviction and live with her? No doctor can swear if a girl is really between 12 and 14 and, if well developed, that she had not completed her 14th year two days before the date of the occurrence.

[Mr. S. C. Ghose.]

Moreover no father, husband, or the girl herself, will under any circumstance consent to the examination of the girl by a medical man. Sir Provash Chandra Mitter says that the proposed legislation is opposed to the Hindu Shastras.

I agree with Mr. Rangachariar when he states:

“So far as married women are concerned, it will be fraught with great danger indeed if the principle applying the Bill were applied to married women. It would create a lot of trouble having regard to the social habits and customs prevailing in the country.”

Two Hindu Judges and one Muhammadan Judge of the Calcutta High Court say in a note that the evils of early marriage are much exaggerated and in any case should be removed by the spread of education and social reform and not by legislation. The religious idea of Hindus on the point is discussed in paragraphs 8 to 10 of the minute by the late Justices Ghose and Banerjee in connection with the Age of Consent Bill of 1891. In the mufasil in Bengal, where the bulk of people reside, it is still widely entertained that respectable families feel some social humiliation if a girl of the family is not married before puberty and the consummation of marriage is one of the ten Sanskarans enjoined by the Shastras.

The Government of Bengal consider that public opinion continues to be strongly opposed to raising the age within marital relations and such legislation was not desirable until public opinion was better instructed in the matter of social opinion and even if enacted was likely to prove a dead letter. The majority of the Judges of the Patna High Court are strongly opposed to this measure and even one of the Judges, Mr. Justice Foster, says that the Bill is “misguided” and “meddlesome”. Sir, I am fortified in my opinion with the majority of the opinions of the High Courts and public bodies. I can cite another opinion, the Government of the Central Provinces, from which my Honourable friend the Mover of this Bill comes:

“The proposal to raise the age of consent within the marital relations has been condemned strongly both by officials and non-officials.”

The majority of Indian Judges of the Madras High Court are opposed to this measure.

Mr. Bipin Chandra Pal: Are you quoting opinions on this Bill?

Mr. S. C. Ghose: Yes.

I wish to assure the House that the marriageable age of girls is automatically raised; education will force the pace. Now, this measure will only create panic and mischief. It might also be represented that the Government of India are unnecessarily interfering with social and religious customs of the people and the result might be that it will engender a feeling of dissatisfaction. We have already enough political troubles. Why create more?

I request my Honourable friend to devote his time to the social welfare of the masses of the country. He might go to the villages and see that the people are educated. Then those very people will not get their children married at an early age. There is one matter, Sir. Honourable Members are probably aware that there are 67 per cent. of married girls between the ages of 12 and 14 in Calcutta. You want, Sir, to send the husbands of

these girls to jail. What will be the fate of these girls? There is one point more. If a girl becomes pregnant, then what will be the effect? There will be cases of abortions, forgeries of horoscopes and perjuries. Let us advance, but let us advance cautiously. Sir, I oppose the measure.

An Honourable Member: I move that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. President: The question is:

“That the Bill further to amend the Indian Penal Code (Amendment of section 375), as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Mr. President: In view of the fact that the Government have undertaken to put this Bill down after Government business on a subsequent day

The Honourable Sir Alexander Muddiman: On Monday, and subsequent days, if necessary.

Mr. President: On Monday, I do not propose to ask the House to sit any further to-day, because I think that gives the Bill a reasonable chance of passing.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 21st March, 1925.



LEGISLATIVE ASSEMBLY.

Saturday, 21st March, 1925.

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

MEMBERS SWORN:

Mr. Andrew Gourlay Clow, M.L.A. (Industries Department: Nominated Official), and Mr. Robert Blair Milne, M.L.A. (Legislative Department: Nominated Official).

DEATH OF THE MARQUESS CURZON.

The Honourable Sir Alexander Muddiman (Home Member):
Sir, I have a melancholy duty to perform to-day. It has been generally known for some days past that the Marquess Curzon was seriously ill but the news of his death yesterday came, I think, as a shock to the public. It was received by the Government of India with profound sorrow and regret and it seems but fitting that this should be expressed in this House which is the descendant of the Legislature which often listened to his eloquent voice with rapt attention. The sad news will rapidly penetrate to the remote places of the whole East through—to use his own pregnant phrase—"the whispering galleries of Asia"; but it must necessarily awaken many memories in this country, for Lord Curzon was Viceroy and Governor General for a period longer than any other occupant of that exalted post. It is now nearly 20 years since he demitted office and those who served with him and knew him personally are becoming increasingly few, but the shadow of his great name remains. India, and Delhi in particular, bear triumphant witness to his devoted and passionate interest in the past and the things of the past. He lived to see the enlightened policy which he introduced in regard to the memorials of India's great and varied history brought to a triumphant issue and India owes a great debt to him in this respect. If that were all, that in itself would be an abiding claim to fame. But there was much more. The career which ended yesterday included, besides the years of his Viceroyalty, many years of devoted service in the highest offices under the Crown. This is not the time, nor the place, nor am I the person to attempt to review or to pass judgment on the events of a career such as this. That will be the work for historians of the time in which he lived, for his life was so intertwined with great events that its story is almost the history of the period. The feeling which is uppermost in my mind and which I desire to express, however feebly, in this House is the sense of loss—the feeling that a great character has left the world's stage on which he strode so impressive a figure and that the world is poorer by his loss. His remarkable mental

[Sir Alexander Muddiman.]

capacity, his dominating personality, his great powers of oratory, his devotion to the service of the Crown made him by common consent one of the most remarkable personages of his day. The Empire which he served so long may well feel to-day:

“ Now is the stately column broke,
The beacon light is quenched in smoke,
The trumpet's silver sound is still,
The warder silent on the Hill.”

Mr. President: In associating the Chair with this expression of regret, I will convey to His Majesty's Government and to the relatives of the late Marquess Curzon the words which you, Sir, have chosen to salute the passing of a great servant of the Crown.

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 Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to remit or vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to reduce the import and excise duties on motor spirit, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax, which was passed by the Legislative Assembly at a meeting held on the 18th March, 1925, was passed by the Council of State on the 20th March, 1925, with the following amendment:

‘ In sub-clause (1) of clause 2 of the Bill, for the words ‘ one rupee ’ the words ‘ one rupee and four annas ’ were substituted.’

The Council requests the concurrence of the Legislative Assembly in the amendment.”

Sir, I lay on the table the Bill, as amended by the Council of State.

THE INDIAN FINANCE BILL.

The Honourable Sir Basil Blackett (Finance Member): Sir, I rise to move:

“ That the amendment made by the Council of State in the Indian Finance Bill be taken into consideration.”

The amendment made by the Council of State is in clause 2 of the Bill and is the addition of the words “ and four annas ” in regard to the rate of salt duty. It has the effect of bringing back the rate of duty on salt to the rate at which it stands at present and the rate at which it was originally proposed by the Government to continue it for the ensuing year. The House will remember that when the Bill was under consideration in this House, several motions were moved and carried to a division in regard to the rate of duty, and I think it was to some extent to the surprise of the House that the particular motion to reduce the duty from Rs. 1-4-0 to Re. 1 was carried. There was, I think, a feeling in all quarters of the House that the full significance of that amendment had not been altogether grasped at the time that it was carried, (*Mr. Jamnadas M. Mehta*: “ No.”)

and the Government of India felt that it was desirable, if possible, that another opportunity should be given to this House to consider this matter in relation to the finances of the year as a whole. The question before us is now reduced to a very simple one. It is the question whether the rate of duty for the year 1925-26 on salt is to be Rs. 1-4-0 or Re. 1. The effect of a reduction of the salt duty to one rupee will be, as I have already stated to the House, a loss of revenue in the year 1925-26 amounting approximately to Rs. 90 lakhs and a recurring loss for 1926-27 and the years thereafter of Rs. 125 lakhs. The Budget, as originally introduced, showed a total surplus of Rs. 324 lakhs of which Rs. 268 lakhs were regarded as recurring and Rs. 56 lakhs as non-recurring. In order to put the matter fully in its proper relation it is desirable in this connection to remember also the Bengal contribution of Rs. 63 lakhs. If you would treat that as part of the surplus for the year, the surplus for the year in the Budget, as originally introduced, was Rs. 387 lakhs of which Rs. 331 lakhs were recurring and Rs. 56 lakhs were non-recurring. The effect of the reduction of the salt duty is to reduce the recurring surplus to Rs. 206 lakhs, that is to say, Rs. 143 plus 63 lakhs—143 lakhs without the Bengal contribution and Rs. 206 lakhs including the Bengal contribution, while the non-recurring surplus becomes Rs. 91 lakhs and the total Rs. 297 lakhs. In any case it is clear that the amount of surplus that is available for distribution to the provinces on a recurring basis must be reduced to Rs. 206 lakhs including anything that may be given to Bengal, that is, if the reduction of the salt duty stands as proposed.

Now, the first point to remember is that the Government of India and this House are committed to the view that reduction and eventual extinction of the provincial contributions should be the goal and is the goal of our financial policy and that we aim at arriving at that goal at the earliest possible moment. The Honourable Pandit, the Leader of the Swaraj Party in this House, himself stated that he regarded it as most undesirable that there should be any reduction in the amount set aside originally in the Budget for the relief of the provinces. The effect of a reduction of the salt tax must unfortunately be to reduce the amount of that relief. It is clear, therefore, that the House must exercise its responsibility in choosing between the one or the other. I have been told that this is in the nature of a threat. I would put it to the House that there is no question of a threat: it is merely the inevitable position as the figures stand. There is no question now of anything except the amount of the surplus. The amount of the surplus depends simply and solely on the rate at which the salt duty stands. The amount of surplus will be reduced by Rs. 125 lakhs recurring if the salt duty is reduced to one rupee, and the only question that then remains is how to distribute the reduced surplus.

The choice before us is the distribution of the surplus in the form suggested in the Resolution that stands on the paper and the salt tax at Rs. 1-4-0, or some smaller relief to the provinces and the salt duty at one rupee. My Honourable friend, Diwan Bahadur Rangachariar, pointed out the other day that at Rs. 1-4-0 the salt duty is at the same rate as it stood at when the reforms were inaugurated, when the Meston Settlement took place and the contributions of the provinces were fixed. The position a year ago was somewhat different. We were then considering the question of the reduction of the salt duty from a higher rate back to the rate at which it stood when the reforms were inaugurated. This year it is a choice

[Sir Basil Blackett.]

between a reduction of the provincial contributions and a reduction of the salt tax below the figure at which it stood in 1921. I do not think that at this stage I need do more than put the problem before the House as it stands. Relief to the provinces has been the goal of the Government of India's financial policy now for some years and this year we felt that we were in a position to make a real and substantial beginning. We felt further that in the interests of the poor man most particularly, this relief to the provinces was urgently demanded, that far more true consideration would be paid to the interests of the poor tax-payer by a reduction in the provincial contributions than by this suggested reduction in the salt tax, and that the claim that the salt tax ought to be reduced in the interests of the poor tax-payer is one which at the present moment will not stand examination by those who are thinking of the true interests of India in the next generation. If the poor tax-payer is poor, it is partly at any rate because education has not reached him, because the sanitary conditions under which he lives have not been improved as much as they might be now, and because the money has not been available to give him an opportunity of a better life. And it will be by giving him an opportunity of that better life that we shall better serve the interests of the poor tax-payer to-day and of his children in the next generation than by making this reduction in the salt duty, which, as has been pointed out eloquently by my Honourable friend, Mr. Bipin Chandra Pal, can reach the individual only to the extent of three-fifths of an anna a year, and cannot, I think, for a moment, be regarded as a satisfactory, or at any rate, an adequate compensation for the loss of opportunities of improved education, improved medical attendance and improved conditions generally which reduction of the provincial contributions puts within his reach.

Sir, I move the motion that stands in my name.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): The Honourable Member has not indicated to the House, if the salt duty stood at one rupee and the recurring surplus was reduced to Rs. 206 lakhs, what the rateable reduction of the provincial contributions would be on that basis. For instance, taking Madras, we would have got one crore 26 lakhs under the surplus as it stood before. What would be the amount which Madras will get, for instance, under the reduced surplus?

The Honourable Sir Basil Blackett: That is a hypothetical question which the Government of India have not thought it necessary to decide until they know the decision of the House on the question of the salt tax. All I can say is that it means a reduction of the amount available for recurring relief to the provinces of 125 lakhs.

Pandit Motilal Nehru (Cities of the United Provinces, Non-Muhammadan Urban): I rise to oppose the motion. This House after a full-dress debate reduced the salt duty from Rs. 1-4-0 to rupee one. We are now asked to reconsider our decision, because the Council of State has again restored the original duty which was proposed by the Government. Sir, the action of the Council of State was expected and fully anticipated when we came to our decision. Nothing new has happened. No new facts have been brought to light. No new arguments have been advanced. It is the

same old story of provincial contributions *versus* salt duty. We, Sir, refuse to recognise these as rival claimants. We want our food and we want our salt to eat it with. The relief to provinces is the food which the provinces require and the relief in salt duty will give them the salt they want to eat it with. But we are told by the Treasury Bench, who consider themselves the salt of the earth, that we can only have one or the other. Now, Sir, we feel that we shall not be true to our salt if we did not insist upon both. We have satisfied ourselves that you can give us both. You can find all the money you need for your own purposes. You can find over a crore of rupees to carry out the recommendations of the Lee Commission and you can find money for a hundred other things. You have a huge military expenditure. The least retrenchment if you were only so minded would give you all the money that you require to give relief in both the directions that we seek. At any rate we refuse to make a choice between these two, both of which are absolutely necessary. The choice will be yours, and not ours. I think, Sir, that that sums up the whole position and I need not take up the time of the House at any length. Sir, I oppose the motion.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, having been myself a party to carrying the motion to reduce the salt tax to one rupee, as a result of which the Honourable the Finance Member has given a threat that the provinces would suffer, and which threat if given effect to would very seriously affect the province from which I come, I feel called upon to say something in vindication of the position that I have taken up and that I propose to take up to-day also. In voting for the reduction of the salt duty from Rs. 1-4-0 to one rupee I was not in the least actuated by any motive to embarrass the Government or by any sentiment or by political motives to play to the gallery. Sir, my position with regard to the salt tax is this. While I am prepared to concede the proposition that every individual in the State, however poor he might be, must contribute something towards the maintenance of the State, I contend that any tax upon an indispensable commodity like salt must not result in preventing the poor man from taking as much of that commodity as is necessary for his life. My criterion with reference to the salt tax will be this. If as a result of reducing the duty from Rs. 1-4-0 to one rupee you thereby increase the consumption of salt, then by keeping the duty at Rs. 1-4-0 you deprive the poor man of the maximum quantity of salt which he would otherwise have taken. Any duty on an indispensable article of food like salt must stand at such a figure that any further reduction from that would not materially increase the consumption of that commodity. That, I consider, must be the proper test in fixing a duty upon a commodity like salt. When I take up this position I am reminded that, having been a party to the Voting of the Demands for Grants under the Budget, it is my duty as a responsible Member of this House not to tamper with the Finance Bill in such a way as materially to affect the grants that we have voted. I am sure that it would be conceded by all Honourable Members of this House that neither this Legislature nor any Legislature in the world can have the time or the capacity to so scrutinise the figures of expenditure placed before the House by the Finance Member as to materially reduce them. But, Sir, in other Legislatures there are checks and counter-checks upon the Executive which compel them to keep expenditure at its absolute minimum. There are in the constitution of other Governments incentives

[Mr. R. K. Shanmukham Chetty.]

for the executive itself to come forward with proposals for the reduction of taxation on their own initiative. In this Government there is not that incentive in the irresponsible executives. In asking me or any Member of the House to take the responsibility for any taxation, while we have not any appreciable responsibility in the matter of expenditure, in asking us to take this responsibility, you are forcing upon us a responsibility which is not contemplated by or given under the constitution under which we work. We are very often reminded that we must work within the four corners of the constitution. If that is a correct position, may I not be excused if I refuse to take upon myself a responsibility which is not given to me under the constitution? The position of non-official Members of this House is as advisers to the Executive, as persons who are to interpret what the public feel and think about certain matters. Honourable Members sitting on the Treasury Bench have unequivocally told us that they are not responsible to this Legislature. Their masters are the Secretary of State and the British Parliament. If Honourable Members on the Government Benches interpret correctly and act according to the dictates and mandate of their masters, may I not be entitled to act upon the dictates of my constituency? I know that I will have the full approval of my constituency for the action that I have taken in reducing the salt tax from Rs. 1-4-0 to one rupee. It is my duty as a Member of this House under this constitution to tell the Executive Government that public opinion in the country wants the salt duty to be fixed at one rupee; and if the Government are not prepared to act upon that (*The Honourable Sir Basil Blackett*: "They are")—well, if you are prepared to act upon it, you ought to do that and take the responsibility and the credit of that upon yourself and not shove the responsibility on our shoulders. At the same time, Sir, we say that our electorates want you to remit the contributions from the provinces also. But in placing the choice in our hands, you are dealing very unfairly with us (Laughter). You are placing upon us a responsibility which we refuse to undertake. Well, Sir, even if the Government remit all the contributions payable by the provinces, I for my part will not be foolish enough to imagine that that credit will go to me. Perhaps my Honourable friend, Mr. Moir, from Madras or my Honourable friend, Diwan Bahadur Rangachariar, might say that were it not for their valiant fight, the provinces would not have had the benefit of the remission of the contributions. I for one would not be foolish enough to take upon myself that credit, and I do not want to take the responsibility either for not giving the relief to the provinces. Sir, Indian politicians, who have taken upon themselves a self-imposed responsibility which they were not bound to take upon themselves, have suffered for their action. In the last Assembly you had men in this House who took upon themselves a responsibility which is not given to them by the constitution (Laughter), and as a result of the last election, there are now very many of them musing in their arm chairs in their homes, like Cardinal Wolsley saying, "Had we but served our country with half the zeal with which we served the bureaucracy, the electorate would not have left us at the time of the election in this position." (Laughter). I do not know how many more will be compelled to muse in that strain next year (Hear, hear). But, Sir, I want to make my position absolutely clear. The Honourable the Finance Member in saying that the House must recognize its responsibility to choose between the two is dealing very unfairly with this House. He has shoved upon this House a responsibility which I for one am not prepared to undertake.

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, I rise to oppose the motion made by the Honourable Finance Member. Sir, this House is not surprised that the Honourable Finance Member has made this motion to-day. There are very many men in this House who have as strong a faith in their own judgment as the Honourable the Finance Member has in his judgment. The Honourable the Finance Member, when he first proposed that there should be no change in the salt duty, felt sure that he would not be defeated when this House reduced the salt duty by four annas. Perhaps he knew at that very time that in this constitution there is the other House, a House where only the interests of the landlords and the capitalists are represented. Sir, I am told that in that House there is an elected majority. But I should like the Members of this House to examine the position. Was there a single important occasion when that House rejected the decree of this Government? I feel sure that, if we look into the whole past record of that House, we will not find even a single occasion when that House rejected what the Government of India wanted them to do. Therefore, Sir, we are not surprised that this motion is made to-day by the Honourable the Finance Member. Well, Sir, there are some symptoms which I see around me and which sometimes make me very sad. I find that local Legislative Councils have begun to act in such a way as to put pressure upon those Members who come from the provinces which are likely to benefit from the remission of the provincial contributions. Sir, I do not object to the local Legislative Councils expressing their opinions. But when I find Council after Council beginning to agitate and when I see telegrams being sent, I feel that this is not a solitary effort; I feel that this is an effort directed from a central place.

Mr. K. Ahmed: Were the telegrams sent by brokers in the salt business or shopkeepers? Are you sure that the telegrams are not from shopkeepers, the money-grabbers? Who are they? Will you please read them?

Mr. N. M. Joshi: But my point is, Sir, that I feel that this agitation is directed from a central place. Then, Sir, I am one of those Members who have been in the last Legislative Assembly. I have watched the trend of public opinion on this question. I have also studied the history of this question. I have read the proceedings of the old Legislative Council on this question.

Mr. K. Ahmed: But the facts vary. At that time, in 1923, the tax was doubled at the rate of Rs. 2-8 per maund; this time it has been reduced to Rs. 1-4 already.

Mr. N. M. Joshi: Sir, there was a time when even Members of the Government considered the salt tax as an odious tax, as a tax which should not be on the Statute-book. Then, Sir, there was a time when even Members of the Government considered that this tax should be looked upon only as a reserve to be used at a time of emergency. Then, Sir, I have seen a change in that attitude. I see now Finance Members who consider that this tax is not after all so odious as some of their predecessors made it appear to be. I have also seen a change in the opinion of Members of this House. Sir, there was a time when almost every Member of the Legislative Assembly said that this tax was the most iniquitous tax. They hated this tax. But, Sir, when the revenue received

[Mr. N. M. Joshi.]

from this tax was yoked to the provincial contributions, I unfortunately see a change in the public opinion of the Members of this House. At first I heard it privately said by Members that after all the salt tax was not such a bad tax and that the incidence was small; but, Sir, at that time they were quite sure that Government would have this tax whether they voted this side or that side. They were quite sure that the Government were ready to take the odium upon themselves and therefore they spoke in public as if they hated this tax. Sir, I have also seen a further change. I have seen now people getting up and stating, not privately but publicly, that this tax, the incidence of this tax, is not unjust, is not unfair. I have heard Members saying that the incidence is very small indeed. I have heard people saying that even a beggar could pay this tax. Sir, when I spoke last on this occasion I made it quite clear that I do not want any salt tax because I feel that it is wrong in principle. There is no tax which is so unjust, so unfair, as the salt tax which falls upon every man. It is a poll-tax.

Mr. K. Ahmed: But in March 1923 you sought for a reduction and made a speech—and it has been so done. It has been reduced already from Rs. 2-8-0 to Rs. 1-4-0.

Mr. N. M. Joshi: Sir, I feel quite sure that at least the Indian Members of this House hate the poll-tax. I have seen something of the agitation which the Indians had made against the poll-tax levied on Indians in Fiji. Sir, my impression was that our people objected not to the amount of that poll-tax but to the poll-tax itself. I feel quite sure that even to-day public opinion in India will protest against the imposition of a poll-tax by the Fijian Government on Indians in Fiji. But, Sir, unfortunately I find Indians in this House standing up and defending this poll-tax, which is not different from the poll-tax levied by the Fijian Government upon Indians in Fiji.

Sir, I am told that the incidence of this tax is small, but, Sir, have those people calculated all the incidence of all the small taxes placed upon the poor people in this country? Unfortunately, the Honourable the Finance Member has not yet made that calculation. Let him do so. Let him take into consideration the local taxation, the octroi duties, the terminal duties and all the other duties which fall upon the common people in this land. Then, Sir, let him take into consideration the provincial taxation. The largest amount which the provinces receive is from land revenue and excise. Who pays the excise? Who pays the land revenue? Sir, even taking the Central Government's revenues, I have said last time that out of our customs the largest part comes from the masses of this country. Sir, if you take all these small bits which fall upon the masses in this country, I am quite sure the total will not be a small amount.

Then, Sir, it is said that if you reduce the salt tax by only 4 annas the masses will not get much benefit. They say that they could have understood a proposal that the tax should be removed altogether. Sir, you know that at least I had voted for the reduction of the salt tax to 8 annas and if there was a motion for the removal of the salt tax altogether, I should have voted for it, and I feel sure that at least 75 per cent. of the Members by whose votes the 4-anna reduction was carried would have voted and had voted for the reduction of the salt tax to 8 annas. Sir, therefore it does not lie in the mouth of those people who opposed the reduction to 8 annas to say now that the reduction is so small that the benefit will not go to the poor people. We are not against reducing it to a larger

extent: we are quite in favour of reducing it to the largest extent that is possible. If you think the 4-anna reduction will not be useful, by all means reduce it to a larger extent and give the benefit to the poor people. But, Sir, I do not feel that it is quite an honest argument for people who oppose the reduction to any extent to say now that the reduction of 4 annas will not benefit the masses in this country to an appreciable extent. Even the reduction of 4 annas is an appreciable reduction. If you consider that your total duty is Rs. 1-4-0, it is 20 per cent. reduction. Sir, I have seen this House sometimes insisting upon even a 1 per cent. reduction of the duty. There were proposals that the cotton excise duty should be reduced by $\frac{1}{2}$ per cent. or 1 per cent. Sir, if the benefit of $\frac{1}{2}$ per cent. or 1 per cent. reduction would be passed on to the consumer, I cannot understand how a reduction by 20 per cent. would not be passed on to the consumer. If the middle man makes the profit out of the reduction, who is responsible for it? At least I am not against Government controlling salt prices. I propose, Sir, to the Government that if they think that the middle man is making more profit, they should control salt prices. But, Sir, they themselves will not do it. They are the friends of the middle man, not I.

Then, Sir, the worst part of this question is the linking together of the provincial contributions to this salt tax. This has been done now for the second time, in these two years, and I feel, Sir, that the Honourable the Finance Member has shown great cleverness in this matter. Sir, he is very clever indeed. By his method of linking together provincial contributions to the salt tax, he has made sure that the salt tax will not be reduced at least till provincial contributions are remitted altogether.

The Honourable Sir Basil Blackett: He has a way of recognising facts; that is all.

Mr. N. M. Joshi: The Honourable the Finance Member says he recognises facts, but, Sir, I know one fact that the salt tax is not the only tax in the world and I feel quite sure that the ingenuity of the Honourable the Finance Member has not come to an end that he should not be able to find any other tax except the salt tax which he should link to provincial contributions.

The Honourable Sir Basil Blackett: I did not link it; the House did.

Mr. N. M. Joshi: After all, Sir, if you want to give up provincial contributions—and I quite recognise the necessity—it is open to you to levy a new tax, which will be fair, which will be more just than the salt tax. Why don't you do it? Moreover, much is made of the use of the provincial contributions. It is said that the remitting of contributions to the provinces is in the interest of the poor people. But, Sir, let us examine this question in a little more detail. After all, we are only cutting down Rs. 90 lakhs during this year. Rs. 50 lakhs are going to be given to Bombay and some other provinces, although, strictly speaking, they are not entitled to this remission this year.

The Honourable Sir Basil Blackett: That depends on the passing of this motion.

Mr. N. M. Joshi: Sir, if the Honourable the Finance Member is not bound to give to Bombay and other provinces these 50 lakhs, why should he offer them this gift this year, when the House does not want to give him salt tax at Rs. 1-4-0? Sir, let him give up those 50 lakhs; then there remains only 40 lakhs. Sir, even out of these 40 lakhs, the whole amount will not go to what is known as the nation-building departments. When this

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amount is given to the provinces, the provinces will divide the money between the reserved and the transferred subjects; at least half of it will go to the reserved subjects.

The Honourable Sir Basil Blackett: No.

Honourable Members: No. (*Mr. K. Ahmed:* "No, not in Bengal.")

Mr. N. M. Joshi: At least part of this will be given to the reserved subjects. (*Voices:* "No.") There is no guarantee. I have not heard any Provincial Government saying that they will ear-mark this amount only for the transferred departments. If the Honourable the Finance Member gets up in his place and says that Provincial Governments are willing to ear-mark the whole amount for the transferred subjects, and if they will also give the amounts which they are spending to-day, I am quite prepared to change my vote, my view.

Khan Bahadur W. M. Hussainally: Will you vote for the tax at Rs. 1-4-0 if Provincial Governments give an undertaking?

Mr. N. M. Joshi: Sir, I do not feel any Provincial Government will give you that guarantee. I feel sure that the Honourable the Finance Member will not give you that guarantee. Then, Sir, there are people, Members of this House, who have stated that this money will be utilised for education, for medical help, for sanitation, for co-operation, in their provinces and it will be of great help to the poor people. Now, Sir, let us examine this question also. I am told the incidence of this reduction of the salt tax will be only half anna. I do not know exactly what it is. Half an anna per person or, as some say, nine pies per person. Let us examine what these 9 pies, if given to the poor man, will bring him. How much education will these Provincial Governments give to each man for 9 pies? How many minutes' education will that afford? If Provincial Governments mean to give medical relief to each man who pays his tax of 9 pies, I want to know, Sir, how many doses of medicine will Provincial Governments give to each man who pays his tax. Sir, I feel quite sure that this amount is not going to benefit the tax-payers, at least all the tax-payers. This amount is bound to be used for the benefit of a very small number of people. I know, Sir, that in my own province it requires a sum of Rs. 20 to give education to a child in the primary school for a year. I do not know how many days' education each man's son will get for the 9 pies. (*Sir Hari Singh Gour:* "But every man who eats salt does not get education".) My friend Dr. Gour says that every man need not get education. Sir, it is this aspect of the question that makes me oppose this tax. If you want to levy a tax on all classes of people, its benefit must go to all of them. Then only that tax is a just tax. Sir, I oppose this tax because this tax is levied upon all people while the money that it brings in to the Government is spent only upon a few people. Sir, I know there are many Members who do not see anything wrong in this. They think that it is right to take a tax from all people and spend it on a few people. I feel, Sir, this is a most unjust and most unfair method of taxation. Sir, if a time comes when every child in this country will receive education and when every person in this country will get free medical relief, I shall cease to oppose the levying of the salt tax. But as long as all the children of

this country do not get education and as long as every man in this country does not get free medical relief, I shall continue opposing this tax.

Sir, I have heard it said several times that people do not like Bolshevism. They hate Bolshevism. They are horrified at Bolshevism. But what is Bolshevism? They say it consists in taking away the properties of a few for the benefit of the many. (*Sir Hari Singh Gour*: "For the benefit of the many!") Yes, for the benefit of the many. Sir, I feel less horrified at that Bolshevism than I feel horrified at the Bolshevism which levies a tax on the commonest people, on the masses, and gives the benefit to a much smaller number. (*Mr. K. Ahmed*: "That is the comedy of errors.") Sir, this comedy is the worst tragedy that should ever befall this world, namely, that people should be made to pay when the benefit should be given to some other class of people. Fortunately, Sir, in this House there are people who think that the richer people and the middle class are the only people who should get the benefit while the tax should be paid by all. Sir, I do not hold that view. I think it is unjust and unfair.

There is only one word more which I should like to say, and it is this. There are many Members here who seem to be weighed down by the sense of responsibility. (Laughter.) Sir, they feel that after having voted the Demands for Grants, they must now vote for this taxation. They are quite willing to place themselves in the place of the Honourable the Finance Member. But, Sir, I would very humbly ask the Honourable the Finance Member to place himself in my position. Sir, it is not in the hands of this House to levy a particular tax. It is not in the hands of this House to arrange a proper system of taxation in this country. It is in the hands of the Honourable the Finance Member. It is only in our hands to reduce a tax. The day on which the Finance Member gives me the power of arranging the taxation of this country in a proper manner according to my ideas, I shall feel that sense of responsibility. Then, Sir, he need not place himself in my position and I need not place myself in his position. But, Sir, till then it is only open to me to reduce a tax which I shall do and I ask the Finance Member to find out a more just and a fairer tax than the salt tax.

Mr. Darcy Lindsay (Bengal: European): Sir, I am not a salt tax expert like my Honourable friend Mr. Willson or Mr. Joshi, but I should like to offer a few remarks on the matter before the House. We have, Sir, the very sorry spectacle before us that for the sake of a political agitation and possibly with a view to capturing votes at the next general election one and a quarter crores of necessary revenue is to be sacrificed, revenue the non-collection of which will not benefit the people as was so very clearly expressed to us a few days ago by my Honourable friend Mr. Bipin Chandra Pal. And what is the sacrifice that we are asked to make, Sir? It is the sacrifice of the great benefit that it is admitted must come to the provinces if the proposed reduction of provincial contributions is brought about. If this is a sample of what is likely to happen were India to be handed over to self-government, it would almost be a breach of faith to her people to bring in responsible government. (*A Voice*: "It will never happen.") To talk of responsible government is a travesty. It is irresponsible government which is really meant. (*Mr. R. K. Shanmukham Chetty*: "That is what exists now, an irresponsible Government.") Now, Sir, to return to the point made by my Honourable friend Mr. Bipin Chandra Pal. I notice that neither my Honourable friends Mr. Chetty nor Mr. Joshi, the champion of labour, has explained to the House how

[Mr. Darcy Lindsay.]

this small reduction of 4 annas, which we are told amounts to 9 pies per head per annum, is going to be brought to the pocket of the people. I am told that the ordinary purchases made by the people cost a few pice, and we are told that one seer of salt would be affected to the extent of 1 pie, or one-twelfth of an anna. How is that one-twelfth of an anna to benefit the people?

Mr. C. Duraiswami Aiyangar: May I know what the Honourable Member's view is about the average income per head per annum?

Mr. Darcy Lindsay: I do not see what the average income of a man has to do with this question as to whether a 4-anna reduction in the salt duty will benefit the people or not. I agree with my Honourable friend Mr. Bipin Chandra Pal that it will benefit the middle man and nobody else. That was the point of his argument and that has not been refuted either by Mr. Joshi or by Mr. Chetty.

Friends of mine in this House and amongst them a very prominent member of the Swaraj party. . . . (A Voice: "Who is he.") He is Mr. Shamlal Nehru. Sir, these friends of mine state that if the tax on salt were raised to Rs. 2-8 and the whole of the increase between Rs. 1-4 and Rs. 2-8 were given over to the provinces, they would vote for such an increase. It is true that my Honourable friend Mr. Shamlal made a stipulation that this money would have to be devoted to such purposes as irrigation, canal-making and anything that could be done to increase the fertility of the soil. But the main point remains that he sees no harm

.12 Noon. to the people of India in being asked to pay a salt tax at the rate of Rs. 2-8 per maund. Another point, Sir, in support of such an increase, if it were, as I say, to be earmarked for the benefit of the provinces, would be to bring home to the people of this country a sense of political responsibility, which I fear they very much lack at present. If the people were to realise that, by paying this extra Rs. 1-4 per maund for their salt, they were getting distinct benefits in their provinces, I maintain that they would then also realise that they were doing something towards the upkeep of the country. On those grounds, Sir, I ask this House not to take advantage of what was, in the opinion of some of us, nothing more than a catch vote the other day, and I ask the House to realise the great advantages to the country by allowing the provinces to spend more money on benefits for the people, and on these grounds I ask support to the Government in restoring the Rs. 1-4 rate in the Finance Bill.

Mr. C. S. Ranga Iyer: On a point of information, Sir. May I ask the Honourable Member when and where Pandit Shamlal Nehru gave expression to the opinion that if you raised the salt tax with a view to benefit the provinces by reducing the provincial contributions, he would support an increased salt tax?

Mr. Darcy Lindsay: In this House.

Pandit Shamlal Nehru: May I be allowed to clear the matter, Sir? I did suggest to Mr. Darcy Lindsay and the Honourable Sir Basil Blackett that I was in favour of increasing the salt duty to Rs. 2-8, provided it was

guaranteed that every pice of the duty would be utilised for making canals and other agricultural purposes only. (Hear, hear.)

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): Sir, I rise to support the motion that is now before the House, and in doing so I have only one or two remarks to make in connection with the speech of my Honourable friend Mr. Joshi and the remark that has just fallen from my friend Pandit Shamlal Nehru. Both of them have no objection to the principle of the tax as far as I can understand them. They quite agree with the principle of the salt tax, and they both think that they would be glad to vote for the tax, even if it is a tax beyond Rs. 1-4, provided the money is used for the nation-building departments of the State

Pandit Shamlal Nehru: No, I did not say that; only for one particular purpose.

Khan Bahadur W. M. Hussanally: Yes, irrigation; I take irrigation also as a nation-building department or, at any rate, a department of public utility.

Pandit Shamlal Nehru: For one purpose only, and that is to benefit the person who is paying the tax.

Mr. K. Ahmed: Will the Honourable Member from the United Provinces then withdraw his objection to the Bill called the Cattle Protection Bill which he says will stop export of meat to other countries?

Pandit Shamlal Nehru: I do not understand what relevance the Honourable Member's observation has to the present question.

Khan Bahadur W. M. Hussanally: My friend Mr. Joshi said he would be prepared to vote for an enhanced tax and he told me yesterday that he would be prepared to vote even for a tax of Rs. 10 a maund if the money were spent on education, etc., in the provinces. Now, Sir, if that is so, he has no objection to the principle of the tax. (*Mr. Darcy Lindsay*: "Hear, hear!")

Mr. N. M. Joshi: May I make it quite clear?

Mr. President: Order, order. Mr. Hussanally.

Khan Bahadur W. M. Hussanally: If that is so, Sir, I want to draw the attention of the House to the fact that Mr. Joshi and his friends have no objection to the principle of the tax, and so far as Bombay is concerned, my friend Mr. Joshi knows that about two years ago they passed an Education Bill, and that Act is going to be brought into force from the 1st of April next. Under that Act, so far as the Bombay Presidency is concerned, it is going to take up the question of compulsory education by gradual stages, and it is expected that the Bombay Presidency will have compulsory education in the course of the next 10 years or so. Well, Sir, so far as the education of the Muhammadans of my province is concerned, they are extremely backward. I suppose no other province is so backward as our province of Sind, so far as Muhammadan education is concerned, and nothing will please me more than to see education made compulsory in my province first of all, and if the Presidency of Bombay has no money, where is it to go to find money to make education compulsory?

[Khan Bahadur W. M. Hussanally.]

We know that two money Bills were presented to the Council quite recently, and one of them was withdrawn, and the other thrown out; and we know now that the Bombay Presidency has a large deficit, and it looks to the remission of the provincial contribution from here to make its budget balance. If that is so, does not my friend Mr. Joshi see that, if this tax is kept at Rs. 1-4, the Bombay Presidency will have at least some kind of relief for which it has been clamouring all along ever since the Meston Award

Mr. K. Ahmed: So will Eastern Bengal, which is clamouring also.

Khan Bahadur W. M. Hussanally: Bengal has already stolen a march over the other provinces. It has already got a remission, and under the Resolution which the Honourable the Finance Member will place before us to-day, Bengal is to go scot free for all time. But Bombay is a province which has suffered the most and has been clamouring for a reconsideration of that assignment. So that it is in the interests of the Presidency from which Mr. Joshi comes that this tax should be allowed to remain at Rs. 1-4 as heretofore. If the tax were taken away entirely, nothing would please me more than to vote for it, if it could be done. I was one of those who voted against the enhancement of the tax two years ago and we succeeded in bringing it back to Rs. 1-4 as heretofore. But before the salt tax is taken off, we must make a point to remove the 50 crores of extra taxation which we imposed two or three years ago. That amount of extra taxation which we imposed on account of the war must go long before the salt tax is reduced, and more especially as my friend Mr. Joshi has no objection to the principle of the salt tax.

Mr. N. M. Joshi: Sir, on a point of personal explanation. The previous speaker has stated that I told him in my private conversation that I would be ready to put the tax at Rs. 10 a maund on salt, provided certain conditions were fulfilled. What I told him was this, that I am opposed to the salt tax in principle, but if you think the poor people in this country will not be educated without a salt tax, I shall be ready for it, provided every person who is taxed gets the benefit of the amount of that tax. As long as that is not done, I am not prepared to levy the salt tax on all people for the benefit of a few middle-class people.

Mr. M. A. Jinnah: I rise to a point of order, Sir. I want your ruling once for all as to whether it is permissible for any Member to refer to any private conversation that may have taken place between Members in the lobby, and is this House going to be the subject or the victim of controversies of this character?

Mr. President: I understood that when Mr. Darcy Lindsay referred to the opinions of Pandit Shamlal Nehru and Mr. Joshi he was referring to something which had been said in this House and as Mr. Shamlal Nehru said that he had said it in the House I assumed that it was said during debate. As far as private conversations outside the House are concerned, it is improper to bring them into debate because it is obvious that if two memories disagree, no one can decide between them.

Mr. Harchandrai Vishindas: I move that the question be now put.

Mr. Kamini Kumar Chanda (Surma Valley cum Shillong: Non-Muhammadan): Sir, this House has listened to enough speeches already and I shall not make one more speech now. I shall just say one word why I oppose this motion. Sir, after the decision of this Assembly regarding the salt duty the last time and the speech of the Honourable Sir Basil Blackett withdrawing the offer he made of 50 lakhs for reducing the provincial contributions, I received a wire from the two Ministers of my province, the Honourable Mr. P. C. Datta and the Honourable Maulvi Sayed Muhammad Saadulla. This is the telegram:

"Earnestly urge you to support Finance Bill if sent back by Council of State for reconsideration as it enables Assam to get considerable remission so badly needed."

Sir, the opinions and wishes and requests of the Ministers are entitled to every respect, but I cannot guide myself by that opinion until and unless it has been endorsed by my constituency; and one of these two Ministers, the Honourable Maulvi Sayed Muhammad Saadulla, does not belong to my constituency at all. (*An Honourable Member*: "Which is your constituency?") Surma Valley and Shillong. I therefore wired to them requesting them to ask the Members of the Assam Council from my constituency, who were then in Shillong, to let me know whether to oppose the reduction of salt duty even if Assam votes did not turn the scale. At the same time I sent a wire to my constituency, that is, the Sylhet Bar, who sent me here unopposed. Yesterday I got their reply; it is this:

"We support reduction of salt tax even if provincial remission be withheld. Bar Library."

I have not received any reply from the Honourable Ministers nor any wire from the Members of the Assam Council from the Surma Valley who are now in Shillong. Under these circumstances, Sir, apart from the fact that I formed my own judgment the last time after giving every due consideration to all the matters that were urged and after discussion with my friend, Mr. Cosgrave, the official Member for Assam, I say apart from the decision which I then formed, I do not see how I can disregard this mandate and support the motion. I therefore oppose the motion.

Some Honourable Members: I move that the question be now put.

Mr. C. S. Ranga Iyer: On a point of order, Sir. I believe Mr. Darcy Lindsay said that Pandit Shamlal Nehru made that statement "in this House". Judging from the official report, I do not think Pandit Shamlal Nehru gave expression to any such opinion "in this House". And I further understand, Sir, that it was a private conversation.

Mr. President: The Honourable Member need not take points of order in favour of somebody else who is present and can do so himself.

Pandit Shamlal Nehru: On a point of personal explanation, Sir, about this affair. I spoke about it to Sir Basil Blackett at the Maiden's Hotel dinner and to Mr. Darcy Lindsay in the lobby of this House.

Mr. Darcy Lindsay: Pandit Shamlal Nehru was sitting in his seat there.

Pandit Shamlal Nehru: I mean that I mentioned it during a private conversation.

Mr. President: Do I understand from Mr. Darcy Lindsay that this was a private conversation?

Mr. Darcy Lindsay: Yes, Sir.

Mr. President: Then he had no right to repeat it here.

***Mr. B. Venkatapatiraju** (Ganjam cum Vizagapatam: Non-Muhammadan Rural): Sir, I do not take the statement made by Sir Basil Blackett as accurate. I take it that he wanted to place it according to his interpretation and understanding that he could not spare any larger amount than what he states is available for provincial contributions. All the same, I am opposing his motion not on one ground but on several grounds; firstly, because we wanted to set up a convention in this House that whenever a money Bill is passed, as it is for us to provide money for expenditure, it is for us to provide means of defraying that expenditure. It is not the business of the upper House to do it and therefore I say that this House should jealously guard against any intervention. Whether we have committed mistakes or not, it should not interfere with reference to money Bills; and on that ground and that ground alone it is sufficient for this House to maintain its prestige, to maintain its rights and privileges, and they should not tolerate any interference from the other House. Secondly, Sir, I wish to say this. There is some idea that the reduction of the salt duty by four annas will not affect the poor. The Honourable Sir Alexander Muddiman mentioned the regrettable news of the death of Lord Curzon. It was Lord Curzon, whatever be his other faults, who had done the greatest service to our country by reducing the salt duty for the first time in the annals of India from Rs. 2-8 to Rs. 1-8 and from Rs. 1-8 to Re. 1. Why did he do so? He himself stated—I am quoting his own words—that he reduced it to Re. 1 because though it may not give much relief, yet the amount was very appreciable in a poor household in India. Even Lord Curzon stated that such relief was appreciable in India. When was it done? When they had a surplus of only 2 crores they were prepared to forego 160 lakhs in order to reduce the salt tax. Therefore I say we ought not to regard this reduction as appreciable or not. In those days Mr. Gokhale and Dr. Rash Behari Ghose stated that they were pleading only for reduction as an instalment—they were out for the abolition of that tax. Therefore I say that whatever relief you give will be helpful to the poor households of India. I may not agree with some of the observations of Mr. Shanmukham Chetty, but I state this. Whatever the Council there or elsewhere say, as we have come here to represent the people, it is our duty, not as a political gesture as our friend suggested or to make political capital or to secure votes, because we are not afraid that the securing of our votes depends upon whether we support this or that proposal, but it depends upon the whole conduct and upon the way in which we understand the situation and represent the views of the public. I am free to concede that those who are voting with the Government have got equally honest views, but they must concede the same honesty of purpose to us who oppose Government, instead of side-tracking the issue and saying we want to catch votes. I may say that I have been elected several times without opposition not because I had done this or I had done that, but because the electorate judged me by better methods; our people though illiterate know the worth of a man and they do not care for these things, whether he has voted for this or that.

*Speech not corrected by the Honourable Member.

But I ask, have we not got sufficient funds to provide for both? (Mr. Mahmood Schamnad Sahib Bahadur: "No.") My friend Mr. Schamnad says on behalf of Government that we have no funds. I pity his knowledge, because though he is as expert as the Honourable Sir Basil Blackett, the Honourable the Finance Member himself during the last three years has made mistakes. What did he say when he had to increase the taxation? He said that he could not balance the Budget unless he increased the taxation. But what were the actual figures? Were they not ultimately far better than he had expected. Did we not realise a far larger income than we had expected? He suggested that we should continue it in order to provide relief to the provinces. We said "No", and that whatever he did or what he did not do, he must not tax the poor tax-payer. Then also the other House wanted to interfere, and the Government thought it best not to interfere. And even now the Honourable Sir Basil Blackett has given his word that in whatever this House decides he would not interfere. Under these circumstances, we have to consider and find out whether we have funds to provide for the provincial contributions. The Honourable Sir Basil Blackett says he has none

The Honourable Sir Basil Blackett: The question is a perfectly simple one. If this tax is reduced to Rs. 1-4-0, the permanent amount available must be reduced by 125 lakhs. That will be the result of the vote.

Mr. B. Venkatapatiraju: Had he considered ten days before what amount we are going to realise in excess of his estimates in the current year from the railway estimates? Has he considered how much he is going to realise in the current year in military expenditure? Would not there be an actual reduction in our expenditure in 1925-26? This small sum of 90 lakhs or 1 crore is nothing for a mighty Government, and I am quite sure when the Honourable the Finance Member presents the figure for 1925-26 he would tell us that we had a saving of a crore or so. Again, I ask, is it not possible in the ways which are open to the Government to provide this small sum of 90 lakhs or a crore? According to our view, I say it would be quite possible for Government to provide this sum only if they have a mind to do so. I may mention one other circumstance. I have suggested various methods of reduction as well as various methods of increasing the revenue

The Honourable Sir Basil Blackett: I should like to know, Sir if all this is in order, because I did not deal with this subject. I am perfectly prepared to state that I have examined the estimates fully and that there is no possibility of any other result from this decision than a reduction of the provincial contributions.

Mr. B. Venkatapatiraju: I may state for the information of the House that from the very beginning I have been in favour of these provincial contributions. When some of our friends were hesitating to support provincial contributions in 1921 when a motion was made for the reduction of the Bengal contribution, I moved an amendment that the case of Madras and of other provinces as well should be considered. Since then I am moving, whenever an opportunity occurs, for reduction of provincial contributions. My honest belief is, in spite of the statement of the Honourable Sir Basil Blackett that he will not get anything, according to my own view of the matter, I am quite sure he would have enough savings. After all, these are only estimates. If Sir Basil Blackett says that he has found

[Mr. B. Venkatapatiraju.]

out the actual figures, I will not challenge his statement. But in the matter of guesses, every man has got a right of guessing according to his own view

Mr. President: I would remind the Honourable Member that the subject under debate is not Demands for Grants which have already been passed. What we are discussing now is that the reduction of four annas made in the salt duty be restored, and this debate is limited to that. When the Honourable Member talks of estimates which have been passed by this House, they must be held to stand as they were passed by this House. They are not now open to review.

Mr. B. Venkatapatiraju: Well, Sir, according to your ruling, I will confine myself to the subject under discussion. I am not one of those who think that we should act in this matter without any responsibility. We have as much responsibility as those who sit on the Treasury Benches, and as far as I am concerned, whenever I suggested a reduction of revenue, I suggested an increase of revenue as well. The Government have not seen their way to provide additional revenue by reducing taxation, and the responsibility for this neglect is therefore on the Government and on their advisers and not on us, because we want this salt tax to be reduced to its old level which was increased only during the period of the war. Therefore, Sir, now that we are in normal times, I urge that the salt tax should be reduced. Then, Sir, it was mentioned in the other House that some Members of the Madras Council wanted to condemn the action of the Madras representatives in this House who wanted to support a reduction of the salt tax, but it is not a fact. On reading the proceedings of the Madras Council, which have appeared in this morning's papers, we find that what they say is that they want the contributions, but they do not complain of their friends urging a reduction of the salt tax. Therefore, we would strongly urge the Government that they should think twice before they decide to increase the tax, and even if Sir Basil Blackett says that he would reduce the tax, the burden would be upon him to reduce

The Honourable Sir Basil Blackett: The burden would be on the provinces.

Mr. B. Venkatapatiraju: . . . because the Government of India have given a pledge to wipe off all provincial contributions, and it is therefore their duty to fulfil their pledge. (*A Voice:* "Without money?")

Some Honourable Members: I move that the question be now put.

Mr. President: The question is that the question be put.

The motion was adopted.

Mr. President: The question is:

"That the amendment made by the Council of State in the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to remit or vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to reduce the import and excise duties on motor spirit, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax, be taken into consideration."

The Assembly divided:

AYES—68.

Abdul Mumin, Khan Bahadur Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Abul Kasem, Maulvi.
 Ahmad Ali Khan, Mr.
 Ahmed, Mr. K.
 Aiyer, Sir P. S. Sivaswamy.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Almuzaman Chowdhry, Mr.
 Ashworth, Mr. E. H.
 Bhat, Mr. K. Sadasiva.
 Bhore, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Clow, Mr. A. G.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Dalal, Sardar B. A.
 Das, Mr. B.
 Fleming, Mr. E. G.
 Ghazanfar Ali Khan, Raja.
 Ghose, Mr. S. C.
 Ghulam Abbas, Sayyad.
 Gour, Sir Hari Singh.
 Graham, Mr. L.
 Hira Singh Brar, Sardar Bahadur Captain.
 Hudson, Mr. W. F.
 Hussanally, Khan Bahadur W. M.
 Hyder, Dr. L. K.
 Innes, The Honourable Sir Charles.
 Jeelani, Haji S. A. K.
 Jinnah, Mr. M. A.
 Kasturbhai Lalbhai, Mr.

Lindsay, Mr. Darcy.
 Lloyd, Mr. A. H.
 Mahmood Schammad Sahib Bahadur, Mr.
 Makan, Mr. M. E.
 Marr, Mr. A.
 McCallum, Mr. J. L.
 Milne, Mr. R. B.
 Mitra, The Honourable Sir Bhupendra Nath.
 Moir, Mr. T. E.
 Muddiman, The Honourable Sir Alexander.
 Muhammad Ismail, Khan Bahadur Saiyid.
 Naidu, Mr. M. C.
 Nambiyar, Mr. K. K.
 Pal, Mr. Bipin Chandra.
 Purshotamdas Thakurdas, Sr.
 Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
 Raj Narain, Rai Bahadur.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Rau, Mr. P. R.
 Reddi, Mr. K. Venkataramana.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V. Visvanatha.
 Setalvad, Sir Chimanlal.
 Singh, Rai Bahadur S. N.
 Singh, Raja Raghunandan Prasad.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. F. F.
 Tonkinson, Mr. H.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.

NOES—50.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Aney, Mr. M. S.
 Ariff, Mr. Yacoob C.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Das, Pandit Nilakantha.
 Datta, Dr. S. K.
 Dutt, Mr. Amar Nath.
 Goswami, Mr. T. C.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Joshi, Mr. N. M.
 Kelkar, Mr. N. C.
 Kidwai, Shaikh Mushir Hosain.
 Lohokere, Dr. K. G.
 Malaviya, Pandit Krishna Kant.
 Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jannadas M.

Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi Savad.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Piyare Lal, Lala.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Sahib Khan, Mr. M.
 Sarfa, Rai Sahib M. Harbilas.
 Sarfaraz Hussain Khan, Khan Bahadur.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gava Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Syamacharan, Mr.
 Tok Kyi, Maung.
 Venkatapatiraju, Mr. B.
 Yusuf Imam, Mr. M.

The motion was adopted.

Mr. President: Amendment made by the Council of State:

"In clause 2, sub-clause (1) of the Bill, for the words 'one rupee' the words 'one rupee and four annas' be substituted."

The question I have to put is that this Assembly do agree with the Council of State in that amendment.

The Assembly divided:

AYES—70.

Abdul Mumin, Khan Bahadur Muhammad.	Lloyd, Mr. A. H.
Abdul Qaiyum, Nawab Sir Sahibzada.	Mahmood Schamnad Sahib Bahadur, Mr.
Abul Kasem, Maulvi.	Makan, Mr. M. E.
Ahmad Ali Khan, Mr.	Marr, Mr. A.
Ahmed, Mr. K.	McCallum, Mr. J. L.
Aiyer, Sir P. S. Sivaswamy.	Milne, Mr. R. B.
Ajab Khan, Captain.	Mitra, The Honourable Sir Bhupendra Nath.
Akram Hussain, Prince A. M. M.	Moir, Mr. T. E.
Alimuzzaman Chowdhry, Mr.	Muddiman, The Honourable Sir Alexander.
Ashworth, Mr. E. H.	Muhammad Ismail, Khan Bahadur Saiyid.
Bhat, Mr. K. Sadasiva	Mutalik, Sardar V. N.
Bhore, Mr. J. W.	Naidu, Mr. M. C.
Blackett, The Honourable Sir Basil	Nambiyar, Mr. K. K.
Bray, Mr. Denys.	Pal, Mr. Bipin Chandra.
Burdon, Mr. E.	Purshotamdas Thakurdas, Sir.
Calvert, Mr. H.	Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Clow, Mr. A. G.	Raj Narain, Rai Bahadur.
Cocke, Mr. H. G.	Ramachandra Rao, Diwan Bahadur M.
Cosgrave, Mr. W. A.	Rangachariar, Diwan Bahadur T.
Crawford, Colonel J. D.	Rau, Mr. P. R.
Dalal, Sardar B. A.	Reddi, Mr. K. Venkataramana.
Das, Mr. B.	Rhodes, Sir Campbell.
Fleming, Mr. E. G.	Rushbrook-Williams, Prof. L. F.
Ghazanfar Ali Khan, Raja.	Sastri, Diwan Bahadur C. V. Visvanatha.
Ghose, Mr. S. C.	Setalvad, Sir Chimanlal.
Ghulam Abbas, Sayyad.	Singh, Rai Bahadur S. N.
Gour, Sir Hari Singh.	Singh, Raja Raghunandan Prasad.
Graham, Mr. L.	Stanyon, Colonel Sir Henry.
Hira Singh Brar, Sardar Bahadur Captain.	Sykes, Mr. E. F.
Hudson, Mr. W. F.	Tonkinson, Mr. H.
Hussanally, Khan Bahadur W. M.	Wajihuddin, Haji.
Hyder, Dr. L. K.	Willson, Mr. W. S. J.
Innes, The Honourable Sir Charles.	Wilson, Mr. R. A.
Jeelani, Haji S. A. K.	
Jinnah, Mr. M. A.	
Kasturbhai Lalbhai, Mr.	
Lindsay, Mr. Darcy	

NOES—50.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Aney, Mr. M. S.
 Ariff, Mr. Yacoub C.
 Chaman Lal, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Das, Pandit Nilakantha.
 Datta, Dr. E. K.
 Dutt, Mr. Amar Nath.
 Goswami, Mr. T. C.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Joshi, Mr. N. M.
 Kelkar, Mr. N. C.
 Kidwai, Shaikh Mushir Hosain.
 Lohokare, Dr. K. G.
 Malaviya, Pandit Krishna Kant.
 Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jamnadas M.

Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murluza Sahib Bahadur, Maulvi
 Sayad.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Piyare Lal, Lala.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Samiullah Khan, Mr. M.
 Sarda, Rai Sahib M. Harbilas.
 Sarfaraz Hussain, Khan, Khar
 Bahadur.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Syamacharan, Mr.
 Tok Kyi, Maung.
 Venkatapatriaju, Mr. B.
 Yusuf Imam, Mr. M.

The motion was adopted.

THE INDIAN COTTON CESS (AMENDMENT) BILL.

Mr. J. W. Bhore (Secretary: Department of Education, Health and Lands): I beg to move for leave to introduce:

"A Bill further to amend the Indian Cotton Cess Act, 1923."

I do not think, Sir, that it is necessary for me to supplement at any length the Statement of Objects and Reasons attached to this Bill. As the House is aware, the Indian Cotton Cess Act, 1923, provided for the levy of a cess on all cotton produced in British India and either exported from a customs port to any port outside India or consumed in any cotton mill in India. But that did not provide for the case of cotton exported by land to foreign territory either for the purpose of consumption in mills or for the purpose of export. So last year an amending Act was passed to cover these cases. But, Sir, experience has again shown yet another difficulty. Cotton which is taken to foreign territory is often re-exported into British India. In fact, two-thirds of the cotton produced in India which finds its way into the Portuguese territory of Goa is taken there for the purpose of transport by sea to other parts of India. Now, Sir, this cotton pays the cess twice over. It pays the cess firstly when it crosses the land customs frontier and it pays the cess secondly when it passes into consumption in the mills in India. Obviously this double levy is inequitable, and the present Bill provides for the grant of a refund of the first payment in such cases. It also authorises the Central Board of Revenue to exempt, under conditions, cotton which passes the frontier, merely in transit from one part of British India to another, from payment of the cess.

Sir, I beg to move the motion that stands in my name.

The motion was adopted.

Mr. J. W. Bhore: I introduce the Bill.

Mr. J. W. Bhore: Sir, I beg to move that the Bill further to amend the Indian Cotton Cess Act, 1923, be taken into consideration.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. J. W. Bhore: I beg to move that the Bill be passed.

The motion was adopted.

THE INDIAN TRADE UNIONS BILL.

APPOINTMENT OF MR. A. G. CLOW TO THE SELECT COMMITTEE.

The Honourable Sir Bhupendra Nath Mitra (Industries Member): I beg to move:

“That Mr. A. G. Clow be appointed to the Select Committee on the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India.”

The motion was adopted.

RESOLUTION *RE* PROVINCIAL CONTRIBUTIONS.

The Honourable Sir Basil Blackett (Finance Member): I rise to move the Resolution which stands in my name on the paper:

“That this Assembly recommends to the Governor General in Council that he be pleased:

- (a) in pursuance of sub-rule (1) of rule 18 of the Devolution Rules, to determine the sum of rupees 735 lakhs as the total contribution to be paid to the Governor General in Council for the financial year 1925-26 by the Local Governments mentioned in rule 17 of the said rules;
- (b) to take the necessary steps to amend sub-rule (2) of rule 18 of the Devolution Rules in such a way as to secure to the Local Government of Bengal the remission of the contribution payable under sub-rule (1) of rule 18 of the said rules by that Government to the Governor General in Council in the financial years 1925-26, 1926-27 and 1927-28, and further to provide that for the financial year 1928-29 the last previous annual contribution of the Local Government of Bengal shall be deemed to be the remitted contribution for the year 1927-28;
- (c) further to amend the Devolution Rules in such manner as to provide that out of the sum of Rs. 735 lakhs recommended to be determined by the Governor General in Council as the total contribution to be paid by the Local Governments to the Governor General in Council for the year 1925-26 the following remissions be made, namely:
 - to the Government of Bombay 22 lakhs,
 - to the Government of Burma 13 lakhs,
 - to the Government of the Central Provinces 9 lakhs,
 - to the Government of Assam 6 lakhs;

and further to provide that the sum determined by the Governor General in Council as the total amount of the contribution for the year 1925-26 shall include the amounts so remitted and that for the year 1926-1927 the last previous annual contributions of the said Local Governments shall be deemed to include in each case the amounts remitted as aforesaid.”

This Resolution, Sir, is the fruit of our work on the Budget which has now passed through its last storm and is safely home in port. This Resolution proposes a certain distribution of the recurrent surplus that is available on the estimates of the year. It proposes in addition a certain distribution of that part of the surplus which is non-recurrent, which we can count on we hope in the year 1925-26 but cannot count on in years thereafter. That is clause (c) of the Resolution. The Resolution has three clauses. Clause (a) proposes a distribution of a sum of 2½ crores strictly in accordance with the Devolution Rules Nos. 17 and 18. By what clause the distribution of the surplus among the provinces mentioned in my budget speech will be carried into effect. Clause (b) proposes that the remission granted to Bengal in 1921 should be continued for a further three years. The House will remember the history of that remission in the case of Bengal. It was granted in recognition of the special circumstances of Bengal and in accordance with the recommendation of the Joint Select Committee of Parliament. When the question came up as to what was to happen when that period of remission came to an end, it was obvious that the Government were in something of a difficulty. They desire to adhere strictly to the Devolution Rule in regard to the distribution among the provinces of the surplus as it becomes available. The rules of distribution may be taken as being an essential part of the recommendations of the Financial Relations Committee or what is generally known as the Meston Settlement, but in 1921 the Meston Settlement was altered in favour of Bengal and having regard to the fact that in the current year we are at the present time in a position to make a considerable beginning in the distribution of a surplus in accordance with the Devolution Rules and having regard to the history of the case the Government of India felt that the wisest thing was not to reopen an old question, a question which may be regarded as having been to a large extent settled by the action taken in 1921. I do not therefore regard this clause (b) as so much an alteration of the Devolution Rule as it now stands as a recognition of the historical fact that an alteration was made in that Rule in 1921. The position would of course have been quite different had we been in the position of not having a surplus to distribute or even of having a deficit. But as we had a considerable surplus to distribute to the other provinces, it did not seem a matter of practical politics to ask Bengal to contribute for the first time since 1921 a sum of sixty-three lakhs in order that that sum might be redistributed among the other provinces. Clause (c) of this Resolution represents the addition to the original proposals made by me in the Budget as announced by me during the discussion of the Finance Bill. We felt that the representations that have been made in this House in regard to the undue caution with which I was charged, though otherwise unjustifiable, had this justification that we were carrying forward a surplus of 74 lakhs in addition to making a provision for reduction and avoidance of debt and in addition to having the railway finances completely separated from the general finances; and that in this first year in which we were able to give an encouragement to the provinces by a reduction of the provincial contributions, there were special arguments for making that encouragement general and widespread. This proposal of course does not affect in any way the distribution of any future surplus, recurrent or non-recurrent. It is merely the abstention from insistence during the year 1925-26 on the full payment of the contributions due by the provinces concerned.

Now we have had considerable discussion of the provincial contributions incidentally in connection with the various debates that have taken

[Sir Basil Blackett.]

place during the last three weeks. Three weeks ago in introducing the Budget I stated that the Government of India's policy was, as had been promised before, so to shape their financial course as to secure the reduction and eventual extinction of the provincial contributions at the earliest possible moment. The Government of India feel that there is no contribution that they can make which is more likely to forward the cause both of the working of the reformed constitution in India and of the building up of opportunities for a better life for the peoples of India from one end to the other than by a reduction of the provincial contributions. That is the goal at which our financial policy is aimed. We are still far from the goal of completely extinguishing the contributions but, given good monsoons, I do not see why we should regard that goal as very very distant. Nor do I want to be taken as finally closing the door to the possibility of other uses of a surplus before the whole of the provincial contributions have been released. I do not want to prejudice that question either for or against by anything that is said to-day. It is clear, I think, that when that question comes up—whether we should reduce the provincial contributions or whether we should apply some portion of the surplus to a reduction of other forms of taxation,—the onus of proving the necessity of diverting money from the provincial contributions is one which lies on those who wish to make the diversion, and a very strong case will have to be made out when the time comes, but I do not want absolutely to close the door. Our policy is, other things being equal, that provincial contributions take precedence first, second and last.

In the course of the debate we have just had, I was asked, though I did not have the opportunity of replying, the question whether I could guarantee that the whole of the amount of the reduction of the provincial contributions would go to the transferred departments. That is a question to which the Finance Member of the Central Government cannot make a categorical answer. But it is obvious, if you study the Budgets of the provinces, that their surpluses will usually and necessarily be devoted mainly if not entirely to new expenditure on the transferred side which though it had become most urgently desirable has had to be left aside for want of funds. On the reserved side much of the expenditure is expenditure which is almost inevitable even if it has to be incurred at the expense of a deficit. Optional expenditure is mainly on the transferred side: and I should like to say that, if the House has any such desire, the Government of India would have no objection to the moving of, shall I say, a rider to

1 P.M. this Resolution in the form of a recommendation of some sort to Provincial Governments that they should so far as possible—I have not any exact words framed—devote this relief to the purposes to which we desire it should go and to which they, I am sure, intend to put it. As the case of individual provinces will, I think, be better dealt with by representatives from those provinces, as I do not want to take the time of the House up on a Saturday beyond what is necessary and as I have made more speeches than I can count in the course of the last three weeks, I will content myself now with moving this Resolution, saying only that I am sure that it is a very great step forward that we are taking for India and that it is one which we can all congratulate ourselves that we are in a position to-day to take.

Mr. A. Marr (Bengal: Nominated official): Sir, I rise to plead the cause of Bengal. In the first place on behalf of the Government of Bengal I

wish to thank the Honourable the Finance Member and the Government of India for the recommendation which has now been placed before this House, namely, that the remission of the annual contribution for Bengal should be continued for another three years. Naturally, I welcome that recommendation and strongly support it. I am glad at the same time that the Honourable the Finance Member has been able to afford some relief to most of the other provinces and I hope very strongly that, when he comes to present his Budget this time next year, the conditions of trade and a good monsoon will have improved the finances of the Government of India so greatly that he will be able to give them all very considerable relief again. While thanking the Government of India for the proposal which has been brought forward before this House, I still want to make it quite clear that Bengal in no way resiles from the position which she has always taken up regarding the financial settlement. From the moment the Meston Award was published, Bengal, and, I may add, Bombay also, who are our co-partners in misfortune in this Award, have protested strongly against the Award and have pressed for its revision. I wish to make it clear that Bengal still adheres to this position and I think Bombay also does. I do not wish to discuss the merits or demerits of the financial settlement, but I think it is necessary for me to explain to this House what the effect of the settlement has been on the Bengal finances. I shall try and be as short as I can but still I shall have to give a certain number of figures.

I shall deal with the figures of receipts first. The Meston Award fixed 8 crores and 57 lakhs as the normal figures of receipts for Bengal. What is the latest figure. The revised estimate for the current year, 1924-25, gives an estimated revenue of 10 crores and 31 lakhs, that is to say, an increase of 1 crore and 74 lakhs. Now, at first sight, this would seem to be a very satisfactory increase but I must remind the House that in 1922 Bengal taxed herself by raising the rate of stamp duties and by imposing a tax on betting and amusements. We estimated that the new taxation would bring us a revenue of 1 crore and 40 lakhs, but our hopes have not been fulfilled owing to the depression in trade and other causes. I shall not weary the House with details, but I have analysed the figures myself and this new taxation *plus* excise has brought in about 1 crore and 30 lakhs. Therefore, if these two items be omitted, the improvement in the finances of Bengal under the Meston Award has been very little indeed—a proof of how inelastic the sources of revenue left to us are.

Now, let us take the expenditure side. As most of the Members of this House know, the Meston Committee very carefully avoided going into the question of the expenditure side of the provincial budgets. Therefore, we have to go back to the Conference of provincial representatives which was held in Simla in September 1919. That Conference fixed the normal expenditure for Bengal at 7 crores and 91 lakhs. Bengal protested most strongly against this on the ground that many items had been excluded which should have been included in the normal expenditure. After a long fight, about two years afterwards the Government of India admitted that that figure was too small by 1 crore and 11 lakhs. Therefore, the Government of India admitted that our basic scale of expenditure was a little over 9 crores. Even that figure did not satisfy Bengal, because she still maintained that many normal items of expenditure had been omitted. I shall mention only one. The Government of Bengal gives Rs. 9 lakhs a year to the Dacca University. This University was founded by the Government

[Mr. A. Marr.]

of India without reference to the Government of Bengal, and the University has to depend practically wholly on this annual grant for its working. The Government of India have always refused and still refuse to admit that item as an item of normal expenditure. I am only giving that as an example. We have therefore maintained all along that our basic figure of normal expenditure should be considerably over 9 crores. Our latest figures on the revised estimate for the current year, 1924-25, gives an estimated expenditure of 9 crores and 99 lakhs, practically 10 crores. So that our increase over the basic figure is only a little under a crore. Everyone in this House knows how since then the cost of everything has gone up. The pay of superior and inferior services had to be revised, time-scales of pay had to be introduced and the cost of living has increased generally. Therefore when I say that Bengal kept her expenditure down to slightly under a crore over the old figure, I think I can say that she has done very well.

I would now like to explain to the House what the result of all these years has been on our balances. In 1921-22, the first year of the new settlement, Bengal ended with a deficit of 170 lakhs. This naturally alarmed the Government very much and they overhauled the whole position. Government cut old and new expenditure to the tune of 89 lakhs and the Government of India also came to our help with a remission of the contribution of 63 lakhs. If we had not got this remission, we should have had a deficit of just under 40 lakhs in 1922-23, of about 24 lakhs in 1923-24, of about 26 lakhs in the current year according to the revised estimates, and of about 30 lakhs next year, excluding all new expenditure whatsoever. A province cannot possibly progress if it goes on with repeating financial deficits like these. It is unfair to the Provincial Government to ask them to work with deficit budgets. When we come to the Ministers, who are responsible for transferred subjects, the position becomes impossible. Now, when receipts and expenditure will not balance, the obvious course is either to cut down the expenditure or to resort to new taxation. As regards the first, we have already cut down our expenditure, as I said before. In 1921-22, we cut 89 lakhs of rupees. In 1922-23, we cut 49 lakhs of rupees. In 1923-24 we cut 13 lakhs. We also brought about certain retrenchments, the ultimate effect of which we do not know yet. For instance, in the matter of travelling allowance we altered the rates, reduced them and cut down allotments. It will not be for another year or two that we can estimate actually the value of this retrenchment. Personally, I can assure this House that every item, where we could retrench expenditure, has been very carefully overhauled and examined. I have been Financial Secretary in the Government of Bengal for five years since 1919 till last year and I know that we insisted on every department overhauling its expenditure. I do not think Bengal can do anything more in the matter of retrenchment.

Diwan Bahadur T. Rangachariar: May I ask my Honourable friend whether the Bengal Government has carried out the recommendations of its own Retrenchment Committee?

Mr. A. Marr: No, Sir, not in their entirety because, when we came to examine all these recommendations of the Retrenchment Committee, we found that owing to certain mistakes and misunderstandings certain of these recommendations could not be carried out.

Diwan Bahadur M. Ramachandra Rao: Is it with regard to the all-India services, Members of the Executive Council, Members of the Board and several appointments in the all-India services in which the Secretary of State had control that he would not carry out those recommendations?

Mr. A. Marr: No, Sir; it is also in regard to many of the other recommendations, not only as regards the all India services; for instance, with regard to police stations, we found the recommendations were impossible; there was a mistake in the figures. We found it impossible to carry them out. Therefore, as I said, I do not think that Bengal can be expected to do any more in the matter of cutting down expenditure. In certain cases we have gone too far already. There remains the other alternative, new taxation. As I said already, Bengal has taxed herself to the tune of over a crore of rupees and I am afraid the "unthinkable sequel" of the Meston Award has already occurred in Bengal. I shall read that passage:

"Looked at somewhat differently, the limit we have imposed on ourselves is that in no case may a contribution be such as would force the province to embark upon new taxation *ad hoc*, which to our minds would be an unthinkable sequel to a purely administrative rearrangement of abundant general resources."

Khan Bahadur W. M. Hussanally: May I know what incidence of all taxation works out to per head in Bengal?

Mr. A. Marr: I could not give that figure.

Khan Bahadur W. M. Hussanally: Is it Rs. 2½ per head or more or less?

Mr. A. Marr: I could not say. I do not think therefore that any one in this House could press Bengal to impose further taxation to meet the cost of the ordinary administration. The only other alternative for meeting the present position is that proposed by the Honourable Finance Member and I would strongly urge this House to accept that proposal as a provisional relief. At the same time I would again press upon the Government of India the urgent necessity of revising the whole of the financial settlement.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, we must congratulate ourselves after all that we are in the happy position of being able to distribute to the needy what we have got left in our hands. It has always been a painful portion for my part for the last four years not to have been able to devise some measures by which the much-needed provincial contributions could have been relieved. If this year, Sir, we are able to do it, it is due to a combination of various circumstances. It has been a very painful duty indeed on my part as an Indian to stand up and defend the imposition of the salt duty to any extent. But unfortunately there was no question of choice this year. I was keen on bringing back the salt duty to Rs. 1-4, where it was before; but I could not bring my conscience to say that it should be further reduced when the provinces were crying for the much-needed relief. Now, Sir, when Bengal got its gift of relief from all contribution some time ago, we complained that Bengal had been unduly leniently favoured at the expense of other provinces. But now in the time of plenty, when we are all getting a share, I do not wish to share the same resentment against Bengal as I did three years ago. But at the same time I have heard it loudly complained from Bengalis themselves that the Bengal Government have not carried out the recommendations of its own Retrenchment Committee on which my Honourable friend Sir Campbell Rhodes sat and other great

[Diwan Bahadur T. Rangachariar.]

business men sat also. That shows there is something wrong with the Bengal Government if they are not able to carry out the recommendations of their own Retrenchment Committee who made careful recommendations. That shows the Bengal claim for relief has to be carefully considered by the Finance Member before he embarks upon any further concession. I may say at once that I do not quarrel with the present concession which Bengal gets; nor have I any quarrel, Sir, with the gifts which are being made to other provinces in the shape of non-recurring surplus distribution as proposed by my Honourable friend Sir Basil Blackett. I think the scheme which he has evolved to-day is really a good scheme and we have to congratulate ourselves upon that. Madras, Sir, has done her best to deserve relief. What did she do? She tried on the one hand to induce the Government of India year after year to remit the contribution, at least a part. She did not keep quiet merely by making appeals to the Government of India. She set to work vigorously and I believe she carried out retrenchment in various departments to the extent of more than a crore recurring expenditure in the province stinting medical relief, stinting education, and also refusing to carry out the much-needed reform in the excise policy of the Madras Government. The two chief sources of revenue in Madras are the land revenue and the excise revenue, and Madras depends upon these two sources. Pressure is brought to bear upon the Excise Minister and he is asked what he is doing as regards his excise policy. He is asked when he is going to reach the goal of total prohibition which Madras set herself for the purpose in this matter. The excise revenue has been going up, and I think that accounts for nearly more than a third of the revenue. The Minister has to face that problem. How can he face a popular Assembly and say that he is making his revenue from the drink evil? So he has to take determined steps to reduce that revenue. Now the Education Minister has to carry on developments in various departments, either in primary education, or secondary education, or technical education or industrial education, in which Madras stands far behind her sister province of Bombay. We spend about Rs. 2 or Rs. 3 per head whereas Bombay spends about Rs. 20 per head of the population in this matter. So we have to hang down our heads in shame when we compare ourselves with rich Bombay in this respect. Therefore, money is needed in the various departments, especially in the departments which are in the hands of the Ministers. Ministers are chosen by the electorate and they are always questioned as to what they have done. I for one, Sir, though I have many quarrels with them would not altogether blame the Ministers, because financial difficulties have stood in the way of carrying out many reforms which they might otherwise have introduced. But whatever quarrels we might have with the Ministers, the welfare of the people of my province is dear to my heart, and therefore, Sir, I am very glad indeed that Madras gets a substantial relief this year. Sir, that is not enough. I have spoken to the Honourable the Finance Member, and the Home Member and I have an amendment in order to carry out the understanding which we have come to, and I am glad to say that they are ready to accept my amendment. I therefore propose to add as a rider to the Honourable Member's Resolution the following:

"It further recommends that the Governor General in Council be pleased to convey to the Provincial Governments concerned the view of this Assembly that the amounts hereby released or given may be devoted mainly for expenditure in the transferred departments."

Sir, I move that amendment, and, as the Honourable the Finance Member has already accepted it, I hope the Local Governments will put their shoulders to the wheel and see that progress is made in the transferred departments.

Mr. President: Amendment moved:

"That at the end of the Resolution the following be added:

'(d) to convey to the Local Governments concerned the view of the Assembly that the amounts hereby released or given may be devoted mainly for expenditure in the transferred departments'."

The question I have to put is that that amendment be made.

The motion was adopted.

Mr. President: This House stands adjourned till Half Past Two. After that I propose to take Mr. M. K. Acharya's amendment to omit clause (b).

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

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

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, before I formally move the amendment* that stands in my name I desire to congratulate the Honourable Sir Basil Blackett on the successful termination of his arduous manœuvres during the past so many days. (*Mr. Devaki Prasad Sinha*: "Very arduous and successful too.") He has, though in very brief language, yet with apparent glee, referred to the fact that the Budget has been passed in the form in which he wanted it, and therefore I suppose he has come now with proposals for munificent gifts, doles of charity, to commemorate his triumph. I have no quarrel with his intentions. But the whole question, I beg to submit, requires much more careful and thorough consideration—the question of provincial contributions in general and of Bengal in particular, because the case of Bengal must necessarily be considered along with the rest of India. Several friends have been asking me just as I was coming in whether I have any personal or special grudge against Bengal that I should move for the omission of Bengal in my amendment. I desire to express at once that far from having any ill-will towards Bengal, towards the province of Bengal or towards the people of Bengal, I have very great good-will, nay, admiration. Bengal, I am ready to recognise, has been the most nationalist of all the provinces of modern India; and therefore to Bengal, and to Bengal's orator, my good old friend Bipin Babu, I have very great esteem and very great good-will. And, in spite of the troubles of the province or the shortcomings of my friend, my good-will will continue to both. Therefore, it is not through any particular ill-will or grudge or through any inter-provincial jealousy that I sent in notice of this amendment. But, Sir, I desire by this amendment to raise the general question with regard to the whole of these provincial contributions

*That clause (b) be deleted.

[Mr. M. K. Acharya.]

in general and with reference to Bengal in particular: whether the whole has not been arbitrarily fixed, arbitrarily dealt with, and to-day, therefore, is being arbitrarily revised.

With the origin of these contributions, Sir, this House must be fairly well acquainted. Even the Committee that was appointed to fix these contributions said that they were rather proceeding arbitrarily, and there were a great many limitations to which their proposals would necessarily be subject. For instance, they admit that:

"Whatever standard ratio of contributions we might devise—and a subsequent chapter will narrate our proposals in that direction—it would have, were it to be applied immediately, the effect of starting some provinces on their new career with a deficit. * * * This limit, however, obvious as it is, makes it inevitable that the initial contributions—(and subsequent contributions also)—should be in some measure arbitrary, dictated by the existing financial position of each province and not by any equitable standard such as its capacity to pay."

This is the admission made by the Committee themselves when they decided what exactly each province should pay at the time when they fixed these things. The method was arbitrary, the amount was arbitrary and not according to any equitable standard with respect to the capacity of each province to pay. That has been the complaint not only in Bengal but in every other province. In fact, so far as Madras is concerned, the complaint there has not been by any means less loud than in any other province nor less just and reasonable. Our complaint, in fact, has been that we have been penalised for our economy, and for the careful husbanding of our revenues from the best financial standards. In fact, those provinces that were not economical, and Bengal perhaps is one of them, passed away lightly under the Meston Award, and those who were very frugal and economical had to pay very much larger contributions than the rest. Similarly, the Committee themselves say:

"To do equity between the provinces it is necessary that the total contribution of each province to the purse of the Government of India should be proportionate to its capacity to contribute. Unfortunately the application of this principle in practice presents many difficulties."

Therefore, as these quotations must suffice to show, the way in which these contributions were originally fixed was very arbitrary and complaints were raised not only in Bengal but in every other province.

Now, Sir, I come to the question of Bengal. Three years ago a similar Resolution in this House was discussed and passed. Sir Malcolm Hailey who was then in this House and who moved that Resolution made it, I think, fairly distinct that it was as a very temporary measure that that Resolution was then brought in this House. After reviewing the origin of the provincial contributions and in the case of Bengal the recommendation made by the Meston Committee themselves, he said:

"Well, Sir, this is my case. What we now propose is, in effect, to give a breathing space by waiving her contribution for the next three years."

That was what was thought to be done in 1921; because Bengal they said was starting with a deficit and could not easily find a way out of that deficit. It was evidently thought then that a breathing space of three years ought to enable Bengal to make both ends meet. It was further advanced on behalf of Bengal when this motion was pressed in 1921 on

those who were in this House then by Sir Frank Carter for instance, who, on behalf of Bengal, pleaded eloquently in this way:

"Sir, this House has a great responsibility. By its vote to-day it will largely contribute to the making or marring of the reforms in Bengal."

And so this House three years ago did grant to Bengal the relief that Bengal then thought it was entitled to. But I do not know if the purposes for which it was then asked, namely, to give a breathing space for Bengal or to make the reforms in Bengal a success, have been realised. So far as we see to-day, the financial resources of Bengal are perhaps just as bad as they were in 1921, and so far as the reforms in Bengal are concerned, well—the most eloquent testimony to the success of the reforms in Bengal is perhaps to be found in the Criminal Law Amendment Act of that province! Therefore, Sir, I think it will be only right for us to demand what special circumstances there are with respect to Bengal which will again reasonably entitle Bengal to this measure of complete relief so far as the provincial contributions are concerned.

The argument that Bengal's revenues fall short of Bengal's expenditure by itself cannot be a sufficient argument. If it were granted that whenever a province's revenues fall short of its expenditure a sufficient relief must be given from the Central Government—if this general proposition were accepted, then it would be open, it would be an inducement, it would be almost an offer, it would be a temptation for every province to come and say, "Our finances are bad. Our expenditure is very high and our revenues are very low. Therefore remit the total of our provincial contributions". It is a bad example to set; and I hope that I shall not be understood as saying that I have any special grievance against Bengal or that I have any ill-will against that province. But a business way of doing things requires that every province must be able to adjust its resources in the proper measure, in the proper manner from time to time. Therefore, Sir, I desire to know what the case is. I do not believe that the special case as regards Bengal has been put before us exactly, except that Bengal is in financial need and therefore that Bengal should be again given total remission for another three years. The experience during the past three years has not been very fruitful in making the case for Bengal very strong or clear. It is not clearer to-day than it was three years ago. The Financial Secretary to the Government of Bengal who spoke just before the House adjourned for lunch was referring to certain deficits. His argument was that Bengal has been having deficits continuously for a certain number of years. Is that by itself an argument for saying that therefore the provincial contribution should be remitted completely? Is that a complete and final argument? Why should they say, "We shall go on spending more than our resources permit and you had better make good the deficit?" The argument comes to something like this that Bengal's capacity has not been properly assessed. Therefore it strengthens my case, that the Meston Award has been very arbitrary, rather blind, that it did not carefully assess the needs of each province nor the capacities of the various provinces. They drew it all in a rough way and where a province was economical and showed a surplus they put a large contribution as in the case of Madras. And to-day people say, "Oh, Madras has got 126 lakhs. What reason have you got to complain against other provinces", as if I am complaining against them. They forget that Madras has been paying very much more than any other province. Madras has got a larger remission to-day than any other province because Madras has been paying all these four years very much more than any other province in India.

Sir Campbell Rhodes: We do not forget it. We deny it.

Diwan Bahadur T. Rangachariar: How do you deny it?

Mr. M. K. Acharya: It is easy to deny what is inconvenient to admit; but until it is supported by arguments, which can be met by counter-arguments, we can only say that it is convenient to make a denial in the absence of argument. Therefore I shall leave it at that. My whole point is this. I shall not press my amendment, if Sir Chimanlal Setalvad's amendment that this whole question of provincial contributions should be carefully inquired into and investigated and that the matter should be dealt with on a more businesslike manner than it has been dealt with now, is accepted. We should not rely entirely upon the munificence of the Finance Member who will give us any doles only on those occasions when he finds the Budget is passed in the form in which he wants it to be passed. I say, Sir, that the provinces should be able to incur their expenditure on the scale on which they want to spend upon various subjects, irrespective of the central Budget, irrespective of the Finance Member's success or failure over his Budget, irrespective of what happens here over his proposals. This question of the contribution of the various provinces should be decided once for all on a thoroughly equitable basis. In the case of Bengal and in the case of other provinces as well the Meston Award has been shown to be completely arbitrary. Therefore I wish strongly to press on the attention of Government and this House that it is very necessary at as early a date as possible to revise the whole question of provincial contributions and to make them more equitable than they are to-day or to make them less inequitable than they are at present, for I do not think they are at all equitable at the present moment.

One word more, Sir, and I have done, about the remission of Bengal's contribution. Are we to help the people of Bengal or the Government of Bengal? Do the people of Bengal want it? Are they sure that all this money will go to them to help them in their national aspirations? Or shall we give this money to the Government of Bengal for augmenting repression? I am aware that for this reason my friend Diwan Bahadur Rangachariar moved an amendment this morning, and I am glad it was accepted, that these remissions should go more or less completely to the transferred departments. In the case of Bengal, however, I again ask is it to go the transferred departments or will it go towards additional expenditure on the C. I. D., or other police force for the coercion of patriots in Bengal for sending them away to places where they will be less troublesome to the Bengal Government? The Government of Bengal comes before us with not a very good story, with not any very good record so far as the immediate past is concerned. Therefore, Sir, if Bengal wants very careful and very sympathetic consideration at the hands of the Central Government, the Bengal Government should during the coming few years take care that its policy of the general administration meets with the approbation of the large bulk of the people of India and the large bulk of the patriotic, selfless Members of this House, and not alone the approbation of those who find it convenient and politic to sit on the Treasury Benches. Therefore, Sir, I press strongly that the whole question of provincial contributions in general and of Bengal in particular deserves very careful inquiry and revision; and if this is not promised I for one, to make sure of such inquiry, will be strongly for objecting to the total remission of the contribution of Bengal. I hope, Sir, a satisfactory response will come from the opposite side in respect of the general inquiry which I am trying to press upon the attention of the Government.

Mr. T. B. Phookun (Assam Valley: Non-Muhammadan); Sir, before I say a word or two in connection with the amendment moved by Mr. Acharya, pray allow me to assure this House and in particular the Honourable Members from Bengal that when I sent in an amendment to the same effect I was not actuated by any mean motive of provincial jealousy of Bengal having received a concession in the matter of provincial contribution from the Honourable the Finance Member. My amendment was meant as a fair protest against the most arbitrary action of the Honourable the Finance Member in moving part (b) of his Resolution which, in my opinion, is in distinct violation of the recommendations contained in the Government of India's despatch No. 13, dated 13th July, 1922, an extract from which I will presently place before this House.

Bengal was given three years' remission on the recommendation of the Joint Parliamentary Committee but the Government of India in giving effect to the recommendations laid down in no uncertain terms that should in future any occasion arise to disturb the Devolution Rules it should not be done before the representatives from different provinces are given a chance to state their financial difficulties before an impartial Committee.

Now, the Honourable the Finance Member has gone and done just the very thing he was asked not to do. In support of my contention I will place before this House one or two extracts from the despatch mentioned above:

"The representatives of the other provinces, with the exception of Bengal, evinced strong disapproval of the proposal to revise the financial settlement. While they laid the greatest possible stress upon the necessity for the speedy reduction and abolition of the provincial contributions, they held firmly to the view that the existing financial settlement, as contained in the Devolution Rules, should be retained intact. They pointed out that the settlement had been made after full inquiry by an impartial committee and had been accepted by Parliament after every province had been allowed to state its views regarding the proposals of the Financial Relations Committee, and they urged that the statutory arrangements so fixed should be rigidly observed. The only difference in the attitude of the Bengal representatives from that of the other provinces was that, while the representatives of other provinces were strongly opposed to any disturbance in the future of the present distribution of revenues between the Central and Local Governments, the Bengal representatives stated that the revenues they had obtained under the existing settlement were insufficient to cover the cost of the ordinary administration as it stood at the time of the introduction of the reforms, that the relief afforded by the remission of the provincial contribution was inadequate, and that, while they quite realised that in the existing financial position it was impossible for the Central Government to afford any further relief at present, they would, when the financial position of the Government of India improved, again raise a claim that some additional source of revenue should be assigned to them."

It was on this representation that they further went on to say:

"All provincial representatives were further most emphatically of opinion that, since the allocation of revenues between the Central and Local Governments and the contributions payable by the Local Governments had been definitely fixed by Statute, no action should be taken by the Secretary of State in Council or by the Government of India for the benefit of any province which would be likely to prejudice the interests of other provinces, without the latter being given an opportunity of commenting thereon beforehand."

I repeat to emphasize that the Honourable the Finance Member has done what he was warned not to do. The concession to the Bengal Government was cited as one in which action was taken without any previous consultation and I think it has been done so again without reasonable excuse the result being that the interests of other provinces have been prejudicially affected and that is where I come in on behalf of Assamese

[Mr. T. R. Phookun.]

and say that we are treated very unfairly regard being had to our financial difficulties. The Despatch goes on to say:

“All members attending the conference were unanimously of opinion that, should there be any question of disturbing the settlement embodied in the Devolution Rules, no action should be taken in that direction until the proposal had been referred to, and considered by, an impartial committee before which each province should have an opportunity of stating its case. We are in entire agreement with the view expressed by the provincial representatives that no question of altering in any way the present financial settlement should be considered except by an impartial Committee and after full discussion with each of the provinces.”

Now, may I ask the Honourable the Finance Member if that has been done—if the direction laid down has been followed, if he consulted the representatives so as to give them a chance of placing their cases before an impartial Committee? I take it it has not been done or the Honourable the Finance Member would have spoken. The Despatch goes on:

“We further agree with the representatives of all provinces, except Bombay and Bengal, that the present settlement should be retained intact. We adhere to the view expressed in our first Reforms Despatch that it is essential that the financial arrangements between the Central and Provincial Governments should be free from ambiguity, and we are of opinion”

Here again they have repeated to emphasize on the importance of their recommendations and say:

“... that it would be most disastrous to hold out hopes to the provinces of the possibility of the present financial settlement being disturbed, at all events until the provincial contributions have been abolished.”

I draw the attention of the Honourable the Finance Member to this passage in the Despatch particularly:

“Any such hope would have the effect of encouraging the provincial Legislative Councils to sanction new expenditure without undertaking the liability of raising the necessary revenues. Without financial responsibility there can be no responsible government. We would renew the undertaking given in the despatch of Lord Chelmsford's Government . . . that we would work our financial policy towards reducing, and ultimately abolishing, the existing financial contributions.”

Nor, Sir, all this was accepted by the Secretary of State. May I, therefore, without offending the Honourable the Finance Member accuse him of disloyalty to the Government of India and to the Secretary of State? How can he explain his action against what I have quoted. May I also incidentally ask him “Why this sudden tenderness for Bengal?” For if I guess rightly Bengal at the present moment is not in the good books of Government: (a) am I to take it as a small concession after terrible repression (b) or is it to enable the unpopular ministers to be a little more popular or (c) may be it is to fight the Swarajist in Bengal where the fountain-head of all the Swaraj activities lie. But that is not my point. My point is that we have been prejudicially affected by the arbitrary action of the Honourable the Finance Member. The Honourable the Finance Member

3 P.M. has now tried to justify his action but by what means? By offering a small bribe of 6 lakhs to the Government of Assam, and the Government of Assam have accepted the bribe. I am sorry I can be no party to such wicked acts of the Government. I will therefore remain content by giving my moral support to Mr. Acharya's motion, but by refusing to give him my vote in favour of his motion because it will be of no consequence now.

Referring to the action taken by the Honourable the Finance Member an Honourable Member of the Legislative Council in Assam asked "Is there a Hailey-Blackett Code by which from time to time they can alter the Devolution Rules as they like and gradually seduce the House to accept it?" Sir, I think that was a very pertinent question and I feel tempted to repeat the same question with the name of present Home Member substituted. Sir, now that there is a bigger question of thoroughly inquiring into the Devolution Rules and changing them, which my Honourable friend Sir Chimanlal Setalvad is moving, I hope it will, once for all, be definitely settled after proper inquiry into the financial positions of the different provinces and that the whole thing will be overhauled giving full opportunity to the representatives of different provinces to state their case. With these few words I give my moral support to the motion and enter into a strong protest against the motive which moved the Honourable the Finance Member to move clause (b) of his Resolution but not on his action in moving clause (c) of the same Resolution which saves him from glaring partiality.

Mr. President: I understand the Honourable Member from Madras does not move the motion standing in his name.

Mr. M. K. Acharya: I am not anxious to move it, in view of Sir Chimanlal's amendment which I wish to support.

Mr. President: Now that the Honourable Member from Madras does not move his motion does the Honourable Member from Assam wish to move the amendment?

Mr. T. R. Phookun: No, Sir, I do not either.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, in their despatch, dated the 24th June 1920, on the Meston Committee report, the Government of India stated as follows:

"We recognise the difficulties likely to arise from a continuance of the recriminations between the provinces regarding the comparative amounts that they should pay to the Central Government, and from this point of view alone we think it desirable that the provincial contributions should be abolished as soon as possible."

After having listened to the two Honourable Members who have just preceded me, I hope that we may yet be able to disappoint the Government of India in the prediction that they made in the despatch about this question raising provincial recriminations in this House. Sir, I maintain that so far as Bengal is concerned, we have tried to approach this question not from the narrow provincial point of view, but from the point of view of the wider national interest; and I will show by quoting from the latest representation which has been sent up on behalf of the people of Bengal to the Secretary of State that when we in Bengal ask for a revision of the financial arrangements we have not only the hard case of our own province in mind, but we plead for the betterment of the financial position of other provinces as well. - This is what this representation states:

"My Council, though primarily interested in the financial position of the Local Government of Bengal are also vitally concerned with a just and equitable solution of the difficulties in the financial position of the Government of India as also of every province of India, for my Council appreciate that successful working of the reforms and the welfare of India generally must depend upon the sound financial position of every province as also of the Government of India. Approaching the problem, as our representation does, from this all-India point of view, the Council of my League trust that it will receive a sympathetic and prompt consideration from Your Lordship."

[Mr. K. C. Neogy.]

Sir, I very much hope that some consideration will be shown to Bengal in view of the stand she has made on behalf not merely of herself but of all the afflicted provinces of India. I am not unmindful of the sympathy and consideration that were extended to Bengal on the last occasion when the Government came up with a Resolution proposing the remission of the contribution from Bengal for three years, in 1921. And I trust that if we were entitled to that consideration at the hands of this House in a year of financial difficulties, in a year when this House was faced with the necessity of imposing fresh taxation in order to carry on the administration of the Central Government,—I trust that that consideration will not be denied to us to-day when the Government of India are in a position to distribute a respectable sum for the benefit of all the provinces. Sir, I was a little surprised the other day when an esteemed friend of mine who represents Bombay in this House raised the question as to why it was that Bengal was recommended for a remission of contribution for a further period of three years, and he asked why were the Government of India giving so much weight to that one sentence of recommendation which finds place in the Joint Parliamentary Committee's report for giving special treatment to Bengal. Sir, I was very much surprised because the Honourable Member who made that statement generally takes a very wide and very lofty view of things that affect the welfare of the different provinces of India, whenever such questions come up for consideration here. I trust that he will revise his opinion and he will vote with us in regard to this matter to-day.

Sir, my Honourable friend Mr. Acharya wants to know what the special case of Bengal is to entitle her to this special treatment. The best reply that I could give to him would be by quoting from a despatch which the Government of Madras addressed to the Government of India on this financial question on the 1st June 1920. We find that in an annexure to that despatch it is pointed out that whereas the normal income settled at the Simla Conference, on the basis of which the Meston Committee proceeded, was in the case of Madras 14,42,00,000, and the normal expenditure settled at that Conference was 10,55 lakhs; and the normal income for Bombay was 11,48 lakhs and the normal expenditure 10,99 lakhs, the normal income of Bengal was fixed at 7,73 lakhs and the normal expenditure at 7,92 lakhs.

Khan Bahadur W. M. Hussanally: Will my friend give us the incidence of taxation in the different provinces?

Mr. K. C. Neogy: I will try to meet my Honourable friend as far as I can.

Diwan Bahadur T. Rangachariar: And also the rate of expenditure.

Mr. K. C. Neogy: Certainly, I am coming to that. The Simla Conference thus left Bengal in the singularly unhappy position of having been assessed at a low rate of expenditure which again exceeded the normal income settled at that Conference by 19 lakhs of rupees. Now, Sir, my Honourable friend Mr. Rangachariar wants to know the expenditure per head. I will come to that. I am quoting from a Parliamentary paper which includes the opinions of the different Local Governments and the Government of India on the Meston Committee's report. I find that the total annual expenditure per thousand of population for Bombay is given as Rs. 5,494, for Madras it is Rs. 2,573, and for Bengal it is Rs. 1,759.

Then, Sir, I believe my Honourable friend Mr. Rangachariar would like to know how much we spend on subjects like medical relief, sanitation and other subjects. We find that Bombay spends Rs. 196 per thousand of population on medical relief, Madras spends Rs. 102 per thousand, and Bengal only Rs. 70; and I may in this connection remind my Honourable friends that the people of my province is a dying race. The rate of birth is less than the rate of death, and but for the fact of a regular influx of people from outside Bengal, the census figures would show a steady decline in the population of that province. Therefore, I trust my Honourable friends will, so far as this question of medical relief is concerned, be prepared to make it possible for Bengal to fight the scourges that account for the heavy toll that is levied on her population. Now, Sir, I come to the expenditure per thousand on education. Bombay spends Rs. 653 per thousand of population on education

Mr. H. G. Cocks: Will the Honourable Member kindly tell us which year he is dealing with?

Mr. K. C. Neogy: I am quoting from an official statement bearing on the Meston Committee's report. I believe they took the figures as they found them at the time the Meston Committee's report came out. Bombay spends per thousand of population on education Rs. 653, Madras Rs. 312, and Bengal Rs. 201. Now I come to sanitation, Bombay spends per thousand of population Rs. 115, Madras Rs. 60, and Bengal Rs. 31.

Mr. Kamini Kumar Chanda: Assam?

Mr. K. C. Neogy: The Assam figure does not appear in this list. It is not my intention to enter into a discussion as to whether we ought to get better relief than Madras or Bombay. My intention is to explain the peculiar position in which Bengal finds herself to-day, and the necessity for granting this relief, because my Honourable friend Mr. Acharya was anxious to know what the special circumstances of Bengal were to justify this special treatment. I had no intention of touching on this comparative aspect of the question but for the fact that my Honourable friend Mr. Acharya raised this question. Sir my Honourable friend Mr. Acharya also stated that Madras always has paid more to the central exchequer. I do not at present want to go into that vexed question as to whether we are entitled to take into account the contribution the provinces make in the shape of income-tax and customs duty to the central exchequer when we come to consider this question. I might incidentally mention, however, that in the year 1921-22 Bengal accounted for over five crores of rupees in the shape of income-tax out of a total of 26 crores and odd for all India, and 3 crores in the shape of super-tax out of a total of 8 crores odd for all India

Mr. Devaki Prasad Sinha: Sir, may I ask the Honourable Member whether he knows it or not that a good portion of the income-tax and super-tax paid in Bengal is derived from income that is earned in the province of Bihar and Orissa?

Mr. K. C. Neogy: I will again satisfy my Honourable friend by quoting from the Parliamentary paper I have in my hand, where it is calculated by the Government of Bengal that 90 per cent. of the income-tax shown under Bengal is actually derived from income earned in Bengal. My Honourable friend might like to have a look at this paper, and I will be very glad to hand it over to him whenever he desires. Look at another figure, about which I believe there is no competitive claim from Bihar, and that

[Mr. K. C. Neogy.]

is the Rs. 3,75 lakhs of revenue which comes out of Bengal in the shape of export duty on jute. However, Sir, I will not pursue the point further. My Honourable friend Mr. Phookun stated that the Honourable Finance Member was in this Resolution disturbing the Meston Award, was going against the despatch of the Secretary of State, and he characterised his attitude as disloyal to the Secretary of State. My Honourable friend must be very much mistaken in this view, because the Joint Parliamentary Committee wished the Government of India to extend special treatment to the Government of Bengal and this recommendation is certainly a part of the statutory arrangement embodied in the Devolution Rules. The Joint Parliamentary Committee did not themselves undertake the task of finding out the exact manner in which the relief should be granted to Bengal; otherwise I have no doubt that they would have embodied such relief in the Devolution Rules themselves. The only difference is that instead of making provision for it themselves in the Devolution Rules, they have left it to the choice of the Government of India to determine the particular manner in which such relief should be given to Bengal, and I take it that that recommendation of the Joint Parliamentary Committee constitutes a part of the statutory agreement between the Government of India and the Secretary of State

Mr. T. R. Phookun: May I ask if it is not a fact that the despatch I referred to was approved by the Secretary of State?

Mr. K. C. Neogy: Exactly so. I think my Honourable friend must have misread that despatch because I do not remember to have come across a single sentence in any single despatch either from India or from Whitehall bearing on this subject which disputes the fact that the provincial contributions have got to be wiped off as early as possible; and that is all that my Honourable friend, the Finance Member, is asking this House to agree to. And it is only when the provincial contributions are wiped off that the question of the reopening of the Meston Settlement can arise: that is the position that the Government of India and the Secretary of State have all along taken up.

Diwan Bahadur T. Rangachariar: My Honourable friend is aware that Bengal has not contributed a pie of her provincial money.

Mr. K. C. Neogy: She was not expected to contribute a pie as a result of the recommendation by the Joint Parliamentary Committee which is an essential part of the financial settlement between the provinces and the Government of India. I want to repeat that it is an accident that the Joint Parliamentary Committee did not themselves provide for this relief in the Devolution Rules. In their report on the Devolution Rules they make a definite recommendation that Bengal should be treated on a different basis altogether and they merely leave it to the discretion of the Government of India to determine the manner in which the relief should be granted, and the Government of India are to-day merely carrying out that recommendation of the Joint Parliamentary Committee

Mr. Kamini Kumar Chanda: May I know what is the correct interpretation of the passage in the Joint Parliamentary Committee's Report? Does it mean that the Government of India would have power for ever to make a remission or has this power not been exhausted when they remitted the provincial contribution for Bengal for three years? Is there any power left to the Government of India now?

Mr. K. C. Neogy: I will read out the particular recommendation to which I was referring. This is what the Committee say:

"The Committee desire to add their recognition of the peculiar financial difficulties of the Presidency of Bengal, which they accordingly commend to the special consideration of the Government of India."

When this matter came up for consideration in the year 1921, as I have already stated, the Government of India themselves were faced with an enormous difficulty and they could balance their Budget only after imposing fresh taxation on the people. Therefore it was, I think, that the Government of India instead of proposing any permanent remedy in this matter came up before this House with a recommendation for giving relief to Bengal for a period of three years. I do not suppose

Mr. T. R. Phookun: May I ask Mr. Neogy if he maintains that the Government of India have power to alter at any time and for all time to come these financial arrangements?

Mr. K. C. Neogy: I maintain that according to the recommendation of the Joint Parliamentary Committee, it is open to the Government of India to come up to this House with a recommendation like the one we have just now before us, to give relief to Bengal either for one year, or for a number of years, or permanently. That is what I maintain

Mr. T. R. Phookun: What happens then to the despatch I referred to?

Mr. K. C. Neogy: The despatch certainly takes into account the recommendation that the Joint Parliamentary Committee made for the special benefit of Bengal, and it cannot be construed to mean as if the Committee were going to depart from the position they had taken up on that particular occasion. However, Sir, I have no intention of entering into a sort of wordy duel with my friend from the other provinces in this connection. Sir, I was a little surprised to find my Honourable friend, Mr. Phookun, taking up the cudgels against Bengal in this matter because, supposing

Mr. T. R. Phookun: I have no quarrel with Bengal; my quarrel is with the Honourable Finance Minister in upsetting the Devolution Rules and not taking our province into account.

Mr. K. C. Neogy: I am very glad to hear that he has no quarrel with Bengal. I am very much afraid that my Honourable friend has really overlooked the last clause of the Resolution as it now stands, because it proposes to grant 6 lakhs and odd for the benefit of Assam. If the Finance Member had strictly followed the letter of the Devolution Rules, where would Assam have been to-day? Besides that, as I stated the other day in connection with the discussion on the Devolution Rule 15, Assam has benefited beyond expectation under that rule, and if you take the amount which Assam gets as a share of the income-tax under Devolution Rule 15, and add it to the relief which she is going to get under this Resolution, I believe that she will find a very large proportion of her contribution is going to be remitted this year

Mr. Kamini Kumar Chanda: Do you know that Assam contributes an export duty—that on tea? This, I believe, amounted to 30 lakhs this year.

Mr. K. C. Neogy: I am very glad that my friend mentions that fact, because we ourselves have been asking for a share of the export duty on jute. However, when occasion arises, I am sure now that I will have the support of my Honourable friend Mr. Chanda in Bengal's fight for the export duty on jute.

Mr. Kamini Kumar Chanda: I can assure you of my support.

Mr. K. C. Neogy: Then my friend Mr. Phookun referred to what he called a sudden tendency (A Voice: "Not tendency, but tenderness.") . . . a sudden tenderness on the part of the Government of India. I may remind him that this "sudden tenderness" dates from the year 1921, the very first year of the reformed administration. So that I do not suppose this tenderness has got anything to do with the circumstances which he mentions as having influenced the present policy of the Government of India. My Honourable friend the Finance Member has been charged with disloyalty to the Secretary of State, but, Sir, I would have certainly charged him with disloyalty to the whole financial understanding and to Parliament, if he had not come up with this recommendation so far as Bengal is concerned.

Mr. W. A. Cosgrave (Assam: Nominated Official): Sir, I have been requested by the Government of Assam to protest against the preferential treatment which the Honourable the Finance Member proposes to give to the Bengal Government by clause (b) of this Resolution. (Hear, hear.) But before going further, I would like, however, to express to the Government of India and to the Honourable the Finance Member in particular the grateful thanks of the Government of Assam for the proposed remission of six lakhs as announced by the Honourable the Finance Member.

Khan Bahadur W. M. Hussanally: Small mercies.

Mr. W. A. Cosgrave: Small mercies are appreciated in small provinces. I think that in this expression of thanks, I may associate my non-official colleagues Mr. Phookun, Mr. Chanda and Mr. Ali Ahmed Khan although some of them may perhaps hold different views from myself on some aspects of this problem. Sir, this temporary relief, although very acceptable to the small province of Assam, does not, however, affect the larger question of preferential treatment given to Bengal against which I am asked to protest. Now, Sir, before I enter on this protest, I desire to make it clear to the House that in speaking on this Resolution, I am in the proverbially difficult position of a man serving two masters. As an official Member of this Assembly nominated by the Governor General, I could not have voted for the amendment put down by my friend Mr. Phookun, however much I sympathised with his views at any rate on this occasion. (Laughter.) On the other hand, as a Member of the Indian Civil Service who has served 20 years in Assam, I naturally wish to do my best for the province of Assam, to which I am proud to belong. If, therefore, the Honourable the Finance Member is surprised at the moderation of my language, (Laughter.) I hope that he will realise my peculiar position and not discount my protest as faint-hearted.

I shall now explain the reasons for my protest. The Assam Government consider that the proposed remission of the Bengal contribution is a breach of the pledge given in the Government of India's despatch No. 13 of the 13th July 1922 that no modification of the financial settlement embodied in the Devolution Rules would be considered except by an impartial committee and after full discussion with each of the provinces. (Mr. K. C. Neogy: "You will not accept your relief this year, I suppose.")

Now, Sir, I need not read out the two relevant sections, Nos. 9 and 10, of that despatch as my Honourable friend, Mr. Phookun, has already made copious quotations from those two sections. Everybody has seen this despatch as it was a published document. The then Secretary of State, Lord Peel, in paragraph 4 of his Financial Despatch No. 17, dated the 9th of November 1922, accepted the views put forward in paragraph 10 of the Government of India's despatch, namely, that the present system as laid down in the Devolution Rules should be maintained. Now, Sir, whatever criticisms may be levelled against the report of the Meston Committee—and I am afraid that the report has few friends—that Committee at any rate did give some reasons for its proposals as regards the various provinces. I would like to read an extract from that report which shows that the Meston Committee considered that the four provinces, Bihar and Orissa, Burma, the Central Provinces, and Assam, all deserve more consideration than Bengal. The report says:

“The provinces which caused us most anxiety were Burma and Bihar and Orissa.”

They then proceed to make recommendations for Burma which were accepted and to make a recommendation for Bihar and Orissa which was not only accepted but expanded. They go on in the next paragraph to say:

“The two provinces which come next in difficulty are the Central Provinces and Assam. They have a small margin at the best of times and their need for development is great. The former has a more rapidly expanding revenue than the latter, but on the other hand its finances are liable to disturbance by famine. On the whole we do not feel that it would be just to ask more than roughly 40 per cent. of their windfall in both cases, and we have based our recommendations accordingly.”

The Committee go on to say:

“The special treatment of these four provinces left us with Rs. 832 lakhs to allocate among their five richer neighbours. After the most careful scrutiny of their various peculiarities, we see no marked necessity for differential treatment *inter se*.”

They discuss Madras, the United Provinces, the Punjab and Bombay, and finally they say about Bengal:

“Bengal on the other hand has a low scale of expenditure and an inelastic revenue; and it will receive only a very moderate start in its new financial career. But its size, intrinsic wealth and general economic possibilities prevented us from treating it more favourably than the other provinces in this category.”

Contrast the adequate reasons given in the Report of the Meston Committee with the bald recommendations of the Joint Select Committee of Parliament as regards Rule 20 in the following brief paragraph. This is all that the Joint Select Committee wrote:

“The Committee desire to add their recognition of the peculiar financial difficulties of the Presidency of Bengal which they accordingly commend to the special consideration of the Government of India.”

Now, Sir, what are the peculiar financial difficulties of Bengal? I have heard various explanations which I would like to detail below. I doubt, however—I say this with all respect to the Honourable the Finance Member—if the Assam Government will regard as quite satisfactory the explanation given to-day by the Honourable the Finance Member as to why the temporary remission granted for three years should now be continued for another three years. It has been suggested in some quarters that pressure was put on the Joint Parliamentary Committee by some European commercial magnates of Bengal who feared that their interests would be heavily taxed by the Local Government unless the provincial contribution was remitted. The opinion more widely held is that Bengal has been given special treatment on account of its inelastic land revenue due to the permanent settlement. (Mr. Devaki Prasad Sinha: “That is so in two other

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provinces too.") Now, Sir, we have heard much in the present session of obsolete and out-of-date laws. This expression has been applied freely to the Bengal Regulation of 1818. I suggest for the consideration of Honourable Members from Bengal, of all parties and classes, to my Honourable friend Mr. Marr, Mr. Bipin Chandra Pal, Sir Campbell Rhodes, Mr. Neogy, and last but not least Mr. K. Ahmed (Laughter) that if they require more money for the nation-building departments of Bengal, they should demand the repeal of even an older and very obsolete law. I refer, of course, to the Bengal Permanent Settlement Regulation of 1793. If Bengal gave such a gesture of self-help, then I think that no province could oppose its claim for preferential treatment at the hands of an impartial committee. Sir, other views have lately been put forward as to the real reason why the Government of India propose to remit for three years more the contribution of 63 lakhs due from Bengal according to the statutory Devolution Rules. It is hinted by some that the chariot of dyarchy is running so creakily in Bengal that the wheels want oiling, *i.e.*, that the Ministers must be given some money to see what projects they can carry out in the nation-building departments. Other people hint that the remission of 63 lakhs is the sugar given to coat the bitter pill of the Bengal Ordinance. Now, Sir, I do not personally believe in the truth of any of these rumours, (Laughter) but I desire to express my personal opinion that these rumours would not have been heard in various quarters if the Government of India had in accordance with their despatch of 1922 allowed the claims of each province for remission to have been considered by an impartial committee before they put forward the present proposals for remitting the Bengal contribution *in toto* for a further period of three years.

Now, Sir, I do not propose to try to follow the figures given by my Honourable friend Mr. Marr. Mr. Marr is a financial expert, who has been the Financial Secretary of the Government of Bengal for the last five years, and I believe that it was his able pen in some way that led to Bengal's contribution being remitted some years ago. I do not want to inflict a lot of figures on the House, and in making this protest, I prefer to take my stand on the despatch of the Government of India. Sir, the Government of India are aware that recently an adjournment of the Assam Council was carried by the startling majority of 37 votes to 1 as a protest against the unfair treatment proposed in the matter of remission of the provincial contribution of Assam as compared with Bengal. That motion for adjournment was accepted by the Honourable Sir William Reid on behalf of the Assam Government. Naturally, Assam can raise no objection to the remissions proposed in section (a) of the Resolution put forward to-day for the four provinces, namely, Madras, the United Provinces, Punjab and Burma, according to the statutory Devolution Rules. But Assam considers that it must record its protest against the preferential treatment granted to Bengal although it accepts with thanks the partial remission of its contributions now offered by the Honourable the Finance Member. (A Voice: "That has nothing to do with the Devolution Rules.") I do not think that I can conclude this speech in a better way than by repeating some of the words used by Sir William Reid, the Finance Member of the Government of Assam, in his speech when he accepted recently the motion for the adjournment of the Assam Provincial Council. This is what he said then:

"We do not envy Bengal her good fortune but we do claim equal treatment. If our neighbours receive remission wholly or in part then that same measure of remission must be ours."

Sir Chimanlal Setalvad (Bombay: Nominated Non-Official): If I venture to occupy the House for a little time on a Saturday afternoon at the fog end of a heavy session, my excuse is the importance of the subject to the province from which I come. But, Sir, before I address myself to the subject before the House, I may be permitted to congratulate my Honourable friend, Mr. Neogy, on finding himself, after having done all that lay in his power by recording his vote for the reduction of the salt duty to one rupee, in the singularly fortunate position of securing this bounty for Bengal out of the surplus which he did his best to destroy. (Hear, hear.)

In dealing with the subject now before the House, I propose to take a few moments in recalling the manner in which the Meston Award was arrived at and the effect which it had on the various provinces. If in doing so, I have to make comparisons between the financial position of the various provinces under the settlement, let me assure my Honourable friends that I propose to do so in no carping spirit at all. I am not going to grudge them the relief that they are getting under this Resolution. But it is absolutely necessary for me, Sir, to point out how the Meston Award has from its very inception been unjust particularly to Bombay and Bengal. (Voices: "To all.") I am very glad to hear the general chorus of disapproval as regards the Meston Settlement, and I do hope that the Government of India will be moved now by this unanimous protest against the Meston Award to take immediate steps to have it reconsidered. Now, to recall the position before the Meston Committee, the idea was this that with the inauguration of the reforms in 1921 there should be a corresponding readjustment of the financial relations between the Government of India and the various provinces with a view to do away as far as possible with the divided heads of revenue that obtained before and to allocate to the provinces their own separate revenues so that they may work out their own progressive development. In order to secure that end, let us see what the Meston Committee recommended and did. They did away with the divided heads of revenue that obtained before and allocated land revenue, excise and stamps as their sources of revenue to the various provinces, and they made income-tax and other sources of revenue purely central. The initial mistake that was committed in laying this down was that no regard was paid to the varying circumstances of the various provinces. While this allocation of revenue between the Central and the Provincial Governments was in practice calculated to work all right so far as what one may call the agricultural provinces were concerned, it was bound on the face of it to work very unfairly towards what one may call the industrial provinces like Bombay and Bengal. The Meston Committee took into account the revenues of the various provinces of the year 1920-21. They compared them with the year 1912-13 and on that comparison estimated the progressive rise in the revenues in future years. They estimated what they believed would be the increase in revenues in the various provinces. They allocated the revenues in the manner I have said, namely, giving land revenue, excise and stamps wholly to the provinces. What was the result of this allocation between the Central Government and the provinces? The result was certainly, when one looks into the figures, very startling indeed. What happened was this, Sir, that Madras got an additional revenue of 5·8 crores, that is an increase of 66 per cent. over its normal revenue. The United Provinces got an increase of 4 crores, an increase of 51 per cent. over its normal revenue, Punjab got 2·9 crores with an increase of 50 per cent. in the revenues, Burma got 2·5 crores with an increase of 41 per cent. Bengal got only an increase of a little over a crore which works out only to 14

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per cent. increase compared with the 66 of Madras and the 51 of the United Provinces. Poor Bombay got only an increase of 92 lakhs making an increase of only 9 per cent. In the Central Provinces there was an increase of 52 lakhs which works out to 15 per cent., Bihar and Orissa got 51 lakhs an increase of 16 per cent., Assam got 42 lakhs an increase of 27 per cent. So the position became this, that Bengal and Bombay, the industrial provinces, got respectively an increase only of 14 and 9 per cent. as against 66 of Madras and 51 of the United Provinces and 50 of the Punjab and 41 of Burma. That is the handicap with which Bengal and Bombay started. Then the provincial contributions were fixed by the Meston Committee with reference to the anticipated increases of revenue. (*A Voice*: "Increase over what?") Increases over the revenue of the datum line year 1920-21.

Diwan Bahadur T. Rangachariar: The Government of India took the rest.

Sir Chimanlal Setalvad: I will come to that if Mr. Rangachariar will wait. Having given Madras an additional revenue of 5·8 crores they fixed 3·5 as her contribution. Having given 4 crores to the United Provinces they fixed 2·4 as the contribution. Punjab being given 2·9 the contribution was fixed at 1·75. Bengal having got only a crore, her contribution was fixed at 63 lakhs. Bombay having got 92 lakhs only, her contribution was fixed at 56 lakhs. The House will see that though no doubt the contribution of Madras looks big in figures, 3·5 crores, it must be remembered that they were asked to surrender 3·5 crores out of 5·8 crores that they got. Similarly, the United Provinces were asked to surrender 2·4 crores out of 4 crores that they got; while Bombay was asked to surrender 56 lakhs out of only 92 lakhs that Bombay got and Bengal was asked to surrender 63 lakhs out of one crore that Bengal got. These figures, Sir, make it abundantly clear that the increases of revenue that fell to the various provinces were not based on the financial needs of each province at all. They were fixed haphazard as the result of laying down one principle of treatment for all the provinces whose circumstances were very different, and the Meston Committee itself recognized this fact. This is what they say:

"It is of importance to realise the nature of this transaction. In the first place it implies no judgment on the merits of previous financial settlements with any province. The increase in revenues comes to the provinces as a windfall, or as a bye-product of a constitutional change. It is not due, as financial settlements have been in the past, to consideration of the financial needs of individual provinces. It cannot properly be quoted as an admission of financial inequalities or as an act of tardy justice to the provinces that gain by it. Clearly it has come about from political and not primarily from financial motives. It originates in the desire to secure a greater measure of devolution in the provinces, and in the endeavour to draw for this purpose a defensible line of financial partition between Local Governments and the Government of India. While we consider that a windfall of this nature affords a suitable basis for initial contributions by the provinces, it is not surprising to find that its application requires some modifications in view of individual circumstances."

That shows, Sir, how unequally the various provinces were treated in the result. But very soon afterwards, very naturally, all that was forgotten and the cry was, "Oh, here poor Madras is made to contribute 3·5 crores a year, and the United Provinces 2·4 crores, while Bombay contributes only 56 lakhs and Bengal contributes only 63 lakhs." (*Diwan Bahadur T. Rangachariar*: "Bombay ought to have contributed about 150 lakhs.") I do not see why? It is forgotten that the increase given

to Bombay was only 92 lakhs and to Bengal only one crore; whereas the increase that Madras got was 5·8 crores and the United Provinces 4 crores. As I said, Sir, I am not grudging Madras the increase of 5·8 crores. By all means let them have all of it if it is necessary for the purposes of the expansion of their nation-building departments. But what I am pointing out is that when all this time the cry has been raised that Madras, the United Provinces and the Punjab are made to contribute heavy sums to the Central Government, it must be remembered in that connection that what they were asked to surrender was only a part of the very large increase of revenue which they got under the Meston Settlement, while Bombay and Bengal comparatively got very little. Further, Sir, as I have pointed out already, this allocation of revenue was made on a certain assumed increase of the normal revenue in future years. Now that assumed increase, as it was assumed by the Meston Committee, has never materialised so far as Bombay is concerned, and I believe the same is the state in Bengal, while it has very largely materialised with regard to the other provinces.

With regard to Bombay, Sir, the assumed annual increase under the three heads of revenue transferred to that province were as follows: They anticipated an annual increase of 12½ per cent. in excise, 15 per cent. in general stamps, and 4 per cent. in land revenue. Now every one of these anticipations has been falsified. If you look into the actual figures, we have recovered much less than these anticipations of the Meston Committee. (*Diwan Bahadur T. Rangachariar*: "Did you try to expand it?") We have done everything we could—I am coming to that in a minute—we have done everything to tax ourselves, we have done everything to retrench. Now, as I have said, with regard to land revenue they anticipated an average increase of four per cent. every year. On the contrary, that anticipation has never been fulfilled. With regard to excise, it has never been fulfilled to the extent estimated by the Meston Committee; while with regard to stamps, it has never been fulfilled at all: and the net result is that while the Meston Committee estimated that during the period of four years after their settlement there would be an increase of 234 lakhs in the sources of revenues allotted, as a matter of fact there has been a decrease on the contrary of 60½ lakhs. That shows, Sir, that the basis on which the settlement was made as regards the anticipated revenues from the sources allotted to the provinces has never materialized so far as regards Bombay and I believe also as regards Bengal.

Diwan Bahadur T. Rangachariar: How did the deterioration take place? Was there a famine, and so forth?

Sir Chimanlal Setalvad: There is no question of deterioration at all. The Honourable Mr. Rangachariar will remember that the datum line was wrongly taken. They took as the datum-line the exceptional year 1920-21 as compared with the year 1912-13 and arrived at the anticipated average increase, and these anticipations were entirely fallacious. They blundered in taking an abnormal year for their datum line. On that wrong datum line, they calculated the average increase of revenue in future years which was never possible to materialize and which in fact did never materialize. It is no fault of Bombay that the revenue did not go up to the expectations of the Meston Committee. The fact is that those expectations were entirely miscalculated. The expectations were not justified by the real

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situation. That, Sir, was the position in Bombay at the time this settlement was made. With regard to income-tax which became a wholly central source of revenue, the following figures shew what the major provinces were paying in 1920-21:

Madras was paying 87 lakhs of rupees,
Bombay was paying 245 lakhs of rupees,
Bengal was paying 177 lakhs of rupees.

So these two last provinces were contributing much more than any other province to the central revenues. And the actual figures, Sir, come out even better than the anticipations of the Meston Committee. While the Meston Committee estimated an increase of 12½ crores in income-tax in five years in Bombay the actual figures of income-tax are 32·14 crores, so that in two ways their anticipations were falsified. While they estimated an increase of the central revenues so far as Bombay was concerned at 12½ crores, Bombay has given much more than that,—32·14 crores. On the other hand, as regards the revenues assigned to Bombay, while they anticipated a certain progressive increase, that increase has never materialized at all. And Bombay and Bengal lost all their share in the progressive revenue of income-tax which they had before the settlement. Devolution Rule 15 which was designed to do something for Bombay and Bengal has entirely failed in its object. The position, Sir, to-day is this: that so far as the contributions of the various provinces to central revenues are concerned, if you work out the total contributions to central revenues by the various provinces, you arrive at the following very remarkable figures:

Bombay pays to central revenues Rs. 4 per head of its population,
Bengal pays to central revenues Re. ⅔ per head of its population,
Madras pays the magnificent figure of Re. ⅓ per head of its population.

and that is the province which got the largest windfall and now gets the largest remission of the provincial contribution. Bombay, which contributes Rs. 4 a head of its population to the central revenues is treated in the manner I have indicated.

Then, Sir, taking another test, as regards provincial taxes, Bombay has taxed itself much more than any other province with which it can be compared. (*An Honourable Member*: "No.") Provincial taxation per head of the population in 1922-23 was as follows:

Madras	...	...	...	...	3·2
Bengal	...	...	...	...	1·9
Burma	...	...	...	...	5
Bombay	...	...	...	...	6·1

Bombay is the highest among all the provinces as regards provincial taxation.

Diwan Bahadur T. Rangachariar: Does it include local and municipal taxation?

Sir Chimanlal Setalvad: No. The provincial taxation figures that I have given comprise land revenue, excise, stamps, irrigation, scheduled taxes and the surplus of income-tax granted to the Provincial Government. That is all. The figures for Bombay work out to 6·1, as against 3·2 of Madras, 2·5 of the Punjab and 1·9 Bengal. I submit, Sir, that these figures show that Bombay has helped itself the best. I have already shown, Sir, that we have retrenched in every direction. The new Legislative Council strongly took the matter in hand and enforced an immediate cut of 60 lakhs of rupees at their budget meeting in 1922. We levied additional taxation in various ways and we tried to help ourselves. The adage is: "Heaven helps those who help themselves". We hope the Government of India will help us in the manner that Providence is expected to help those who help themselves. We appealed to the Government of India time after time. The Bombay Government and the people of Bombay have continuously appealed, but the Government of India have till now turned a deaf ear to our requests in the matter:

Then, Sir, it must be remembered that Bombay is shouldering a very heavy expenditure of administration. It must be remembered, Sir, in this connection that Bombay has a very long coast line and the Bombay Presidency includes two big ports, Bombay and Karachi, and the health and sanitation of those two ports, Bombay and Karachi, is not merely a provincial concern; it is a matter really of imperial concern, a concern of the whole country, while the expenditure on the sanitation and improvement of the condition of the people of those two cities is now undertaken entirely out of provincial revenues. We, in Bombay, Sir, have undertaken vast schemes of development and improvement, both in the city and outside. (*Diwan Bahadur T. Rangachariar*: "Extravagant.") My Honourable friend says "extravagant". Little he knows about it. We have undertaken not extravagant, as my learned friend styles it, schemes of improvement in the Bombay city. The schemes that are undertaken in Bombay city are schemes that are financially sound and which will ultimately pay. They are not in the least extravagant. They are schemes that are absolutely necessary for the expansion of the city and for the health of its population. We have undertaken large responsibilities, Sir, not only in the city of Bombay, but in the province in various other parts. For instance, we have undertaken the Sukkur Barrage scheme in Sind, a scheme which will transform that province into a very fertile province indeed. (*Mr. Devaki Prasad Sinha*: "Very doubtful.") Mr. Devaki Prasad Sinha's business here is to doubt everything, but I can assure him that those who have been charged with the scheme, those who considered the scheme, have undertaken it after very very anxious inquiry. I am sure that Mr. Sinha does not know that the scheme was under consideration and examination for a period of more than 30 years. It has been examined both by the Government of Bombay, the Government of India and the Secretary of State, by successive Committees and financiers appointed by those authorities and ultimately sanctioned by the Secretary of State. There is no question of doubt there at all. We in Bombay feel as assured as anything that that scheme is bound to succeed, but what is important to remember, Sir, is this. What will be the result of that scheme when it succeeds as it is bound to succeed? Not only will it bring prosperity to Sind and other parts of the Bombay Presidency but it will increase—and I ask the Honourable the Finance Member to note this point—by crores the central revenues in the

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form of customs and railway revenues. When Sind becomes a fertile province, when millions and millions of acres will be brought under cultivation and a provincial water supply secured, the central revenues will profit by crores and crores and surely a province that has undertaken the responsibility of financing a scheme of that character desires to be well treated.

The Honourable Sir Basil Blackett: Where do they borrow to get money?

Diwan Bahadur M. Ramachandra Rao: From the Central Government.

Sir Chimanlal Setalvad: We are grateful to the Government of India for having lent their credit to us for borrowing the capital necessary for the scheme. But we are paying everything with regard to that loan. We are paying the interest, we are paying the sinking fund, we are paying everything and we are going to repay the whole loan out of provincial revenues. I quite agree that the Government of India have no doubt assisted us by lending us their credit. But that is all. I do not deny that this is a considerable help but we are paying every pie in the way of interest and sinking fund on that loan that we require both for the development purpose in Bombay and for financing the Sukkur Barrage scheme. My point is that a province that has undertaken such large commitments and which realises its responsibilities fully to the inhabitants of that province both as regards education, sanitation and developments of the character mentioned requires to be treated in a more generous manner than it has been treated till now by the Government of India with regard to the Meston Settlement.

Mr. President: I would ask the Honourable Member to bring his remarks to a close.

Sir Chimanlal Setalvad: I am very nearly finished. We are no doubt thankful to the Government of India for the little doles that are promised to us in the amendment now proposed by the Honourable Sir Basil Blackett. But, while we thankfully accept that, I must point out, Sir, that no wiping out of the provincial contributions is going to solve the question so far as Bombay and Bengal are concerned. The only right way and the only stable way to effect a permanent remedy is to have the whole question investigated, as I have suggested in my amendment, by an independent committee. As I have said in my amendment, it must be an independent committee because you have now two parties to this question—the Government of India and the various Provincial Governments who are dissatisfied with the Meston Award, which has broken down from its inception as appears from the fact that relief had to be given to Bengal. My amendment will have to require a little modification in view of the new amendment introduced by Sir Basil Blackett. My clause will now become (d) and where I say at the end "contemplated in (b)" it will now be "contemplated in (b) and (c)". What I submit, Sir, is this that spasmodic and temporary action as is contemplated in clauses (b) and (c) will never meet the situation. The only way, I suggest, is to grapple with the question fully and to appoint as early as possible an independent committee to investigate the whole question of the financial relations between the Central Government and the various Provinces and to adjust and put the same on some satisfactory basis.

Several Honourable Members: I move that the question be now put.

Mr. President: Amendment moved:

“ That after clause (d) the following be added :

‘ (e) That this Assembly further recommends that immediate steps should be taken to resurvey the whole question of the financial relations between the Government of India and the various Provinces by an independent authority with a view to avoid in the future the necessity of action by way of temporary relief of the character contemplated in (b) and (c) ’.”

Mr. W. F. Hudson (Bombay: Nominated Official): Sir, I wish to support as briefly as I can the amendment proposed by my friend Sir Chimanlal Setalvad. I remember, Sir, that the first time I ever had the honour of addressing the Assembly, the subject was the provincial contributions, and it is a curious and, as it seems to me, rather a pathetic circumstance that my swan-song in this House, after such a considerable interval, should be on the same subject. Yet I feel that I must make one last attempt to impress upon the Honourable the Finance Member and the Government of India what the position in Bombay is as a result of the four years' working of the Meston Settlement and what is the unanimous view of the Government and the people of Bombay in this matter. The other day, in answer to a question put by my Honourable friend Mr. Patel, the Honourable the Finance Member stated that he believed the Bombay Government had on one or two occasions pressed for the re-opening of the Meston Award. Of course that was only an answer given from memory to a supplementary question, but I would like to remind him that the answer was certainly a remarkable understatement of the facts. Sir, in season and out of season, on the floor of this House and in another place, in endless formal representations to the Government of India and in informal conferences, the Government of Bombay have never ceased since 1922 to urge on the Government of India the necessity for a complete revision of the Meston Settlement. They were first in the field and for some time they ploughed a lonely furrow. Before the Financial Conference of April 1922 they had pressed for a complete revision. At the Conference they continued to press, but, as has already been stated this afternoon, they received no support except from the representatives of Bengal. The other provinces evinced strong disapproval of the proposal to revise the Financial Settlement. Even the Bengal Government were rather half-hearted at the time, and so naturally the Government of India and the Secretary of State followed the line of least resistance, and the Meston Settlement is still with us. We made another attempt in the Assembly in September, 1922. We put up an amendment to a Resolution to the effect:

“ That the provincial contributions as fixed at present under the Devolution Rules having been found unworkable in the case of many provinces, immediate steps be taken to re-examine through a Royal Commission or any other impartial agency the financial relations between the Central and Provincial Governments as now laid down in the Devolution Rules.”

On that occasion, Sir, though the case for re-examination was most convincingly put by representatives of Bombay, who now, alas, are no longer with us, no one went into the lobby with us except the representatives of Bengal, and I think one Honourable Member from Assam. The Government of India naturally thought this was quite good enough and more or less went on their way rejoicing. Well, Sir, nearly three years have passed since that golden opportunity was missed, and I am glad to observe that what Bombay thought in 1922 most of India thinks to-day. The Muddiman

[Mr. W. F. Hudson.]

Report shows clearly that Madras, which, under the guidance of my friends Mr. Moir and Diwan Bahadur Rangachariar, voted against our proposal in 1922, is now singing quite a different tune much more closely in harmony with ours. It is of course true that the various Local Governments object to this settlement on different grounds, but surely this is no good reason for maintaining it. At any rate the Reforms Inquiry Committee seem to be convinced of the general discontent. The minority say on page 144 that practically every Government has entered a protest against the injustice of the Meston Award, and the majority think that the Settlement should be revised as soon as a favourable opportunity occurs. And that is the point. I do not know exactly what is meant by a "favourable opportunity", but I desire on behalf of the Government of Bombay to urge that the country simply cannot afford to wait any longer for the settlement of this all-important question, and that a Royal Commission or some other independent and impartial and expert body should be appointed with the least possible delay to go over the whole ground again in the light of the experience of the last four years. After all, at least a year must elapse before they can report. We do not want any more "lightning calculations" such as were made by that Committee. We want a full investigation and a considered report, and this must take time, so the sooner they start the better. It is perhaps forgotten that the authors of the Montagu-Chelmsford Report themselves suggested that six years would be a suitable period after which a revision might appropriately be made of the financial arrangements. And even if a Royal Commission came out next cold weather the six years would be certainly completed before any new scheme could be brought into effect. In Bombay at any rate the greatest obstacle to the success of the Reforms has been the financial system which is the outcome of the Meston Award, and if we are ever to progress politically and economically, some new and more elastic system must be discovered.

Last year, if you remember, in the general discussion my predecessor, Mr. R. D. Bell, made a very powerful statement of the Bombay case against the Meston Award and I do not want to trouble the House with the details again. A still more powerful representation has just been made by the Bombay Legislative Council, and I venture to commend a perusal of that document to all fair-minded men in the House. If Honourable Members will promise to read it, I will spare them the figures now. But I do desire to emphasise once again the fact that, not only was the settlement utterly inequitable to the industrial provinces in its basis, but that time has proved its anticipations to be entirely wrong. Lord Meston's Committee were not only lightning calculators; they were also remarkably bad guessers, and their worst guess was about Bombay. Here again I will not worry the House with the details, but a salient fact stands out. The Bombay revenues for the period of the last four years have been over 9 crores less than the Meston Committee anticipated. This year, therefore, you will not be surprised to hear that the Bombay Government is budgetting for a deficit of over 40 lakhs. Can the House wonder that in these circumstances Bombay feels that it cannot afford to wait for a "favourable opportunity," and that in a matter of this sort there is no time like the present? In one of his budget speeches last year, the Honourable the Finance Member said that he "recognised as strongly as any one else that the Settlement had placed a province such as Bombay or a province

such as Bengal in rather a peculiar difficulty, in so far as it gives them no elasticity." But, he added that it was impossible in his judgment to contemplate the reopening of the award, and these are the important words, "until you have at any rate made a beginning with the reduction of the provincial contributions". Well, Sir, that condition is being satisfied this year, and a very useful beginning is being made if this Resolution is passed to-day. And therefore I do beg the Government of India to get beyond the stage of "contemplation" and take the necessary steps with the least possible delay.

Sir, if any further proof were needed of the complete failure of the settlement, surely the motion on the paper is sufficient. In his speech at the close of the budget discussion on March the 4th, the Honourable the Finance Member pointed out quite fairly that he was not responsible for the Devolution Rules or for the way they operate. We give him that straight-away, and we feel no doubt that if he had had the drafting of Devolution Rules 17 and 18 they would probably have been more intelligible and possibly more equitable in their effect. But, Sir, who is responsible for the very important and significant deviation from the Devolution Rules which is proposed in paragraph (b) of this Resolution? Is it the Finance Member or the Government of India? No, Sir, I think there can be no doubt that the real responsibility lies in the inexorable facts of the case; and the facts of the case stated quite simply are that the Bengal Government literally cannot carry on under the Meston Award and the Settlement has admittedly broken down. This Resolution appears to me to put the final nail in its coffin. Sir, I am not here to oppose the special treatment of Bengal. On the contrary we in Bombay are really to support it. But we desire to point out that this remission of nearly two crores in the next three years, coming on top of a remission of nearly two crores in the last three years, does destroy any supposed inviolability of the Devolution Rules; and we also desire to point out on this occasion that in our opinion at any rate Bombay has just as good a claim as Bengal to complete exemption from the operation of the rules. I am not going to give the House masses of figures—but there are four important facts in this connection. Firstly, Bombay contributes more per head to the Central exchequer than any province in India, and several times as much as most other provinces. Secondly, as regards provincial taxation, Bombay taxes itself per head, as Sir Chimanlal Setalvad said, more heavily than any province in India. Thirdly, Bombay has to maintain a famine fund greater than any other Province in India; and fourthly, in spite of our most strenuous efforts to retrench our expenditure, in spite of the additional taxation put on in the last few years, which our people could ill afford to pay, we are faced this year with a deficit of nearly half a crore. In his first budget speech, the Honourable Finance Member said:

"For my part the strongest appeal that the Provincial Governments can make in the matter of provincial contributions is to show themselves worthy of assistance from the Central Government by strenuous and successful endeavours to make both ends meet for themselves."

Sir, that was sound doctrine, to which we subscribe, and I maintain that in Bombay we have so far as in us lay fulfilled his conditions. The Legislative Council has kept a most careful and jealous eye over all expenditure. As has been said, in 1922 they demanded a cut of 60 lakhs. a cut which was carried into effect and which as a district officer I know seriously impaired the efficiency of our administration in very vital matters.

[Mr. W. F. Hudson.]

Our Retrenchment Committee's recommendations effected an annual saving of 33 lakhs. The Council passed a permanent tax on entertainments—a most unpopular tax—and temporary Bills to enhance the court fees and the stamp duties. We have done we could and we are now tired of waiting. We can make no progress either politically or economically under the present system; and we ask now, as we have been asking for the last four years, for something better. We are of course duly grateful to the Honourable Finance Member for the present of 22 lakhs that is offered us to-day and we say, "For this relief, much thanks." But I am sure he will forgive us if we add that even the most welcome and appetising crumbs that fall unexpectedly from the rich man's table are not a very satisfactory form of diet. What we ask is that we should be allowed some reasonable share in the proceeds of our own wealth, some part in the State's taxation of our industries. We cannot run a progressive province like Bombay on anything so inelastic as land revenue, so moribund as excise, and so trifling as stamps and we feel confident that, before an impartial and expert tribunal, we shall be able to establish our claim to something more in accordance with the insistent needs of the Presidency. If we fail, we fail. But for Heaven's sake, give us a chance, as soon as possible, of proving our case.

Several Honourable Members: I move that the question be now put.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Sir, I know that the different provinces of India in their jubilation on having received this tainted money are perhaps not in a mood to listen to any wholesale condemnation of the Resolution of my Honourable friend the Finance Member. But, Sir, I feel that I shall be failing in my duty to my province and to my constituency if I do not enter a protest against the whole scheme underlying the Resolution of the Honourable the Finance Member.

Sir, the question of provincial contributions is a big hoax clothed in a garb of patriotism. The Honourable the Finance Member every year presents it before the House and puts the Members in a dilemma. On one side of the see-saw he places provincial contributions, and on the other side he places indirect taxes that fall upon the poor population of this country. If you pull down one side of the see-saw, the other is sure to rise. Well, Sir, that is the scheme with which he has sought to baffle the wit of Members of this House time and again. In his enthusiasm for the cause of provincial contribution, he very often appeals to provincial jealousies and tries to show that if we remit provincial taxation, we shall be giving to the people of the provinces much more benefit than if we were to remit indirect taxes which fall upon the poor people of this country.

Before I attempted to take part in this debate, an Honourable Member asked me, how do I come in; Bihar does not pay anything? My answer to that is that this remission of provincial contribution or the doles that are promised to the other four provinces of India come out of the entire surplus of the Government of India. Now, what is that surplus made of? The surplus is made of additional revenue paid by the whole of India which comprises people living in the province of Bihar and Orissa as well. Sir, I never hesitated to express my enthusiastic approval to some of the schemes

formulated by the Honourable the Finance Member, but, Sir, on this occasion I hope he will pardon me if I cannot resist giving expression to very strong words of condemnation with reference to the scheme which he has presented before this House. Sir, the first part of this Resolution, which is paragraph (a), to my mind seems to be an act of indiscretion. The second paragraph is lending support to an act of piracy on the part of one province, and the third part is the offering of bribes to four different provinces of India. Well, Sir, it has been mentioned by several Members who have taken part in this debate that Bihar and Orissa has been favourably treated by the Meston Committee. I want to make it quite clear, Sir, that, when the Meston Committee recommended that a very small contribution should be levied on Bihar and Orissa and when the Joint Committee upset the recommendations of the Meston Committee and absolved our province from paying any contribution at all, they were not doing so as an act of charity. I would draw the Honourable Members' attention to paragraph 18 of the Report of the Meston Committee, which says:

"In Bihar and Orissa the Local Government is quite the poorest in India, and very special skill will be required in developing its resources. Heavy initial expenditure lies in front of what is still a new province; and there is a wholly abnormal want of elasticity about its revenues."

Well, Sir, although in its natural resources our province happens to be one of the richest provinces in India, owing to the fact that it is undeveloped, the Government of our province is one of the poorest, if not the poorest, in the whole country. Sir, the Honourable the Finance Member and most of the Honourable Members of this House are probably aware that the two biggest sources of taxation in our province are the land revenue and the excise. While the land revenue has been for the past several years a steady figure, there has been a growing increase in the excise revenue and for every scheme of improvement we have to depend upon the growth of the excise revenue. It has therefore become a common saying in our province that if fathers want to educate their children they must drink more and more. Sir, the fact is that the taxable capacity of the people in our province has been stressed to such an extent by indirect taxation levied by the Government of India that the province of Bihar and Orissa does not find it very convenient to raise additional taxes from some other sources. I remember, Sir, when in the local Legislative Council I had myself accorded support to a measure of taxation necessary for the development of education in our province and ultimately that proposal for taxation was very unfavourably received by the whole province. Well, Sir, I do not wish to tire the patience of the House at this late hour but all that I can say is that in considering the justice or the injustice of the Meston Award, I resent very strongly if anyone says that Bihar and Orissa received charitable treatment at the hands of the Meston Committee or of the Joint Committee. My contention is that we received just what was our due and if to-day the Honourable Sir Chimanlal Setalvad proposes to reopen the whole question of contributions by the provinces, I desire to assure him on behalf of my province that we shall resist as strongly as anyone else any avaricious glance cast at the fortunes of our province.

Mr. W. M. Hussanally: I move, Sir, that the question be now put.

The Honourable Sir Basil Blackett: Sir, I share with apparently all Members of this House a certain sense of grievance against the Meston Committee. The latest grievance that I just discovered this year is the

[Sir Basil Blackett.]

particular one mentioned by the last speaker. If only the Meston Committee had succeeded in imposing some sort of contribution on Bihar and Orissa, we should have had a different kind of grievance from him, but his grievance seems to me to be that the Meston Committee or that the Joint Select Committee did not require a contribution from Bihar and Orissa. (*An Honourable Member*: "Impose it now.") This is the first debate on the subject of provincial contributions which I remember in which some one has not talked about a milch cow. Like Mr. Hudson the first debate or almost the first in which I took part in this House referred to provincial contributions and I remember the milch cow was fairly prominent on that occasion.

The difficulty of course, as I understand it to-day, is that all the provinces including Bihar and Orissa claim that they are in the position of the milch cow. I am not sure from the ferocity of the attacks that have been made on me to-day whether Mr. Cosgrave, being Irish, might not say that that cow is really a bull. As I have said, I have a feeling that the safest position for me is the position that was taken up by the man in the famous Limerick:

"If I sit on the stile and continue to smile,
Shall I soften the heart of the cow?"

because it is very difficult to be sure that in whatever I say I shall not be arousing enmity in one or other of the nine provinces. The difficulty of any inter-provincial settlement is of course a very great one. The Joint Select Committee put it shortly and succinctly:

"The difficulty, amounting to almost an impossibility, of arriving at any solution which is likely to be acceptable to all Local Governments."

The Meston Award was made undoubtedly at a difficult time, and it was made in circumstances when the value of money was rather different from what it is to-day and when the whole outlook in regard to things like income-tax was not comparable to what it is to-day. I am not sure that the biggest sufferer from that Award has not been the Government of India. The Government of India, which was supposed to be able to balance its Budget on the basis of the Meston Award, has had deficits in the year in which it was made and in the following year and in the year after that. In all these years it had somehow or other, by means of additional taxation and by retrenchment, to make ends meet. It is not therefore only the milch cows that have a complaint about the amount of milk in the pail.

Mr. A. Rangaswami Iyengar: You could not have got more out of the provinces.

The Honourable Sir Basil Blackett: The difficulty of re-opening the case is of course this, that if you re-open it, there is only a certain amount to go round. At present, that amount is distributed in certain ways with which neither the Government of India nor any of the Provincial Governments are quite satisfied. If you redistribute it, you must take money from somebody and give it to somebody else. Personally I see no probability of any solution of the financial relations question being at all satisfactorily arrived at until the happy time comes when the Government of India

are in a position to pay away something to each of the Provincial Governments. Till that time comes any other settlement will, I think, cause just as great difficulties as the existing settlement.

Sir Chimanlal Setalvad has presented the case of the Bombay Government very strongly. I recognise at once the efforts that have been made by Bombay and other provinces to make ends meet. I do not think that Sir Chimanlal Setalvad himself would claim that Bombay has done any more than the other provinces. All the provinces have been in this position. They have had to attempt to raise additional revenue and they have had to go in for very severe retrenchment, and it is retrenchment particularly in the sphere of transferred subjects which has been one of the big obstacles to the successful working of the reforms. The House knows, it has already been quoted to-day, that the Reforms Inquiry Committee, both in the majority and in the minority reports, recommend that the question of the Meston Settlement should be reconsidered as soon as a favourable opportunity occurs. The Government of India have not yet had time to examine in detail the recommendations of the Reforms Inquiry Committee and their provisional decision on that particular recommendation has not yet been arrived at. In these circumstances it is clearly impossible for the Government of India to accept the amendment which is put forward by Sir Chimanlal Setalvad and I trust he will feel, that being so, that he has taken full opportunity on this occasion to press the views of the Government of Bombay and will not desire to press his amendment but would be willing to withdraw it seeing that it has served its purpose. I recognise as I have always said the peculiar difficulties of Bombay and Bengal and the difficulty arising from the absence of elasticity in the revenues which are left to the Provincial Governments generally. I think that is the kernel of the complaint of Bombay and Bengal, that the revenues which are left to them are not sufficiently elastic. If they felt that they were more elastic they might perhaps be content with the position as it stands. The Joint Select Committee was very definite on the question of provincialisation of the taxation on income. I have already said that the Government are prepared to look into the question of the working of one particular rule about the share of the income-tax which was added I think by the Joint Select Committee to the proposals of the Meston Committee and I trust that that will come before the next meeting of the provincial Finance Members' Conference, though naturally I am not in a position to say at the present moment what if anything it will be possible for the Government of India to do in that matter. But it is clear that if that rule is to work satisfactorily the datum line from which it starts is not altogether a happy one. Further, the Taxation Committee will, we hope, have reported before the end of this year. The revision of the Meston Settlement is not within the province of the Taxation Committee. It is not the sort of body to whom such duty could be suitably assigned. But its report must necessarily throw considerable light on some of the problems which underlie this difficulty. The problem is more than merely one of giving the provinces a little more money. It is a problem of arranging central, local and municipal taxation with a view to the future of India under the reforms scheme. The difficulty of appointing a committee, as has been suggested, to revise the Meston Settlement or a Royal Commission, as has been suggested by some one, is obvious to all Members of this House. It is not a question which you can deal with entirely apart from the major

[Sir Basil Blackett.]

political questions of the future of the reforms. Possibly one of the difficulties of the Meston Settlement is that it was made in order to fit in financial arrangements to a political frame-work without sufficient consideration of all the financial difficulties involved. I think we should get into equal or even greater difficulty if we were now to turn round and try to arrive at a financial settlement without reference to some of the political questions which underlie it, the big matters of principle, such as the problem of provincial autonomy. I hope therefore that after the debate it has had to-day the House will be willing to pass this Resolution without any amendment.

I do not propose to enter into the other questions that have been raised during the debate to-day. The subject has been up before us now for three weeks in one form or another, and I do not think there is anything much to be added to what has been said on one side or another during the course of these debates and particularly to-day in regard to the detailed proposals in this Resolution. I should however like to say this, that the Government of India do not regard this Resolution as involving in any way a departure from the principle of the Devolution Rules. (*Diwan Bahadur T. Rangachariar*. "Except as regards Bengal.") We do not admit that Bengal is in essence a departure from the Devolution Rules, at any rate as we find it in the circumstances of to-day. The objective of the Government of India is at the earliest possible date to get rid of the provincial contributions, and I think that it is obvious to those who have been listening to this debate to-day that in the interests of India as a whole the earlier that moment arrives the better, not only for our internal harmony but really for the progress of constitutional reform in this country.

Mr. President: The question is:

"That at the end of the Resolution the following be added as clause (e):

"That this Assembly further recommends that immediate steps should be taken to resurvey the whole question of the financial relations between the Government of India and the various Provinces by an independent authority with a view to avoid in the future the necessity of action by way of temporary relief of the character contemplated in clauses (b) and (c)."

The Assembly divided:

AYES—27.

Abdul Karim, Khwaja.
Abul Kasem, Maulvi.
Acharya, Mr. M. K.
Ahmad Ali Khan, Mr.
Alimuzzaman Chowdhry, Mr.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Hussanally, Khan Bahadur W. M.
Joshi, Mr. N. M.
Kasturbhai Lalbhai, Mr.
Lindsay, Mr. Darcy.

Muhammad Ismail, Khan Bahadur Saiyid.
Mutalik, Sardar V. N.
Neogy, Mr. K. C.
Pal, Mr. Bipin Chandra.
Patel, Mr. V. J.
Phookun, Mr. Tarun Ram.
Purshotamdas Thakurdas, Sr.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Rhodes, Sir Campbell.
Setalvad, Sir Chimanlal.
Sykes, Mr. E. F.

NOES—44.

Abdul Mumit, Khan Bahadur
 Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Ahmed, Mr. K.
 Aiyangar, Mr. K. Rama.
 Aiyer, Sir P. S. Sivaswamy.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Ashworth, Mr. E. H.
 Bhat, Mr. K. Sadasiva.
 Bhole, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denya.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Chetty, Mr. R. K. Shanmukham.
 Clow, Mr. A. G.
 Cosgrave, Mr. W. A.
 Fleming, Mr. E. G.
 Ghose, Mr. S. C.
 Graham, Mr. L.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Hyder, Dr. L. K.
 Innes, The Honourable Sir Charles.

Jeelani, Haji S. A. K.
 Lloyd, Mr. A. H.
 Marr, Mr. A.
 McCallum, Mr. J. L.
 Milne, Mr. R. B.
 Mitra, The Honourable Sir Hupendra
 Nath.
 Moir, Mr. T. E.
 Muddiman, The Honourable Sir
 Alexander.
 Ramachandra Rao, Diwan Bahadur
 M.
 Rangachariar, Diwan Bahadur T.
 Ran, Mr. P. B.
 Rushbrook-Williams, Prof. L. F.
 Sarda, Rai Sahib M. Harbilas.
 Sastri, Diwan Bahadur C. V.
 Visvanatha.
 Singh, Mr. Gaya Prasad.
 Singh, Rai Bahadur S. N.
 Singh, Raja Raghunandan Prasad.
 Sinha, Mr. Devaki Prasad.
 Tonkinson, Mr. H.
 Venkatapatiraju, Mr. B.
 Wilson, Mr. R. A.

The motion was negatived.

Mr. President: The question is :

"That the Resolution, as amended,* be adopted."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 25rd March, 1925.

* "This Assembly recommends to the Governor General in Council that he be pleased :

- (a) in pursuance of sub-rule (1) of rule 18 of the Devolution Rules, to determine the sum of rupees 733 lakhs as the total contribution to be paid to the Governor General in Council for the financial year 1925-26 by the Local Governments mentioned in rule 17 of the said rules;
- (b) to take the necessary steps to amend sub-rule (2) of rule 18 of the Devolution Rules in such a way as to secure to the Local Government of Bengal the remission of the contribution payable under sub-rule (1) of rule 18 of the said rules by that Government to the Governor General in Council in the financial years 1925-26, 1926-27 and 1927-28, and further to provide that for the financial year 1928-29 the last previous annual contribution of the Local Government of Bengal shall be deemed to be the remitted contribution for the year 1927-28;
- (c) further to amend the Devolution Rules in such manner as to provide that out of the sum of Rs. 733 lakhs recommended to be determined by the Governor General in Council as the total contribution to be paid by the Local Governments to the Governor General in Council for the year 1925-26 the following remissions be made, namely :
 - to the Government of Bombay 22 lakhs,
 - to the Government of Burma 13 lakhs,
 - to the Government of the Central Provinces 9 lakhs,
 - to the Government of Assam 6 lakhs;

and further to provide that the sum determined by the Governor General in Council as the total amount of the contribution for the year 1925-26 shall include the amounts so remitted and that for the year 1926-1927 the last previous annual contributions of the said Local Governments shall be deemed to include in each case the amounts remitted as aforesaid;

- (d) convey to the Local Governments concerned the opinion of the Legislative Assembly that the amounts hereby released or given may be devoted mainly for expenditure in the Transferred Departments."

LEGISLATIVE ASSEMBLY.

Monday, 23rd March, 1925.

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

QUESTIONS AND ANSWERS.

PROVISION OF DRINKING WATER ON THE GREAT INDIAN PENINSULA RAILWAY.

1214. *Mr. Narain Dass: (a) Are the Government aware that on the Great Indian Peninsula Railway no water is served in buckets and that drinking water is available only on those stations on which engines are watered?

(b) Is it not the fact that on such stations only those passengers can get water who can run up to the taps?

(c) Do the railway authorities not realise that under this system it is very difficult for the passengers to get water at all?

The Honourable Sir Charles Innes: The Honourable Member will find information on the subject he has raised in the answer given to question No. 312, dated the 3rd September, 1924.

PROVISION OF DRINKING WATER AT NIZAM-UDDIN STATION ON THE GREAT INDIAN PENINSULA RAILWAY.

1215. *Mr. Narain Dass: (a) Would the Government be pleased to state what the expenditure of removing the Nizam-uddin station to the new site amounts to?

(b) Has it been marked that on the said new station the sheds for keeping water for Hindus and Muslims are so ill-made that dogs freely lick from the stored water?

(c) Is the waterman on the said station under instructions to keep to his seat and dole out water only to those passengers who can run up to the water shed at the risk of losing the train?

(d) Are the Government prepared to take early steps to have water served out by two men to each passenger train at least during the day time, and that water be made available on each station and not on the watering stations only?

The Honourable Sir Charles Innes: (a) Rs. 3,83,206.

(b), (c) and (d). The Government have no information on the points raised, but a copy of the question and answer will be sent to the Agent.

Mr. K. Ahmed: Do Government propose to take sufficient steps to enable both the Hindus and Muhammadans to drink water from the same sheds stopping dogs freely licking from the stored water in India?

The Honourable Sir Charles Innes: I think the Honourable Member had better give notice of that question.

Mr. K. Ahmed: Do Government propose to take sufficient steps to do away with the distinction of supplying water by two water carriers and having the same one for Hindus and Muhammadans, in view of the fact that in the city of Delhi last year and the year before last there was a lot of trouble and people were hurt on account of the disorders which took place on the question of drinking water from wells?

The Honourable Sir Charles Innes: As I have stated, the Honourable Member had better give notice of that question.

RAILWAY CONNECTION BETWEEN MUTTRA AND ALIGARH VIA BRINDABAN.

1216. ***Mr. Narain Dass:** (a) Would the Government be pleased to state whether the project to connect Muttra and Aligarh *via* Brindaban has been given up?

(b) Are the Government aware that in view of the considerable possibility of traffic, in passengers, and the opening up of a fertile part of the country, the survey and estimates were made some years ago?

(c) Do the Government propose to take up the project as early as practicable?

The Honourable Sir Charles Innes: I propose to reply to (a), (b) and (c) together. The Muttra-Aligarh project has not been given up. The old estimate of cost prepared in 1904 is under revision, and Government will consider the question of the construction of the line as soon as the revised estimates are received.

DISMISSAL OF M. SHARIF AHMAD KHAN, LATE A CLERK OF THE POST OFFICE AT KARNAL.

†1217. ***Mr. Abdul Haye:** (a) Is it a fact that M. Sharif Ahmad Khan, Clerk, Post Office, Karnal, was dismissed from service by the Postmaster General, Punjab and N.-W. F. Circle, on the 17th October, 1923, after he had put in 15 years' service in the Department?

(b) Is it a fact that he was dismissed from service for alleged realisation from certain residents of Panipat to pay Rs. 12 as the price of a Huqa which belonged to a certain postman and which was lost in November 1922?

(c) Is it a fact that before the dismissal no charge sheet was framed against M. Sharif Ahmad Khan and no inquiry was held in his presence and he has had no opportunity to cross-examine witnesses? Nor was his defence taken as required by Rule 539 of the Post Office Manual, Volume II?

(d) Were any written complaints from the public or persons concerned received against M. Sharif Ahmad or else how were proceedings instituted against him?

† For answer to this question, see answer below question No. 1219.

APPEAL OF M. SHARIF AHMAD KHAN, LATE A CLERK OF THE POST OFFICE AT KARNAL.

†1218. *Mr. Abdul Haya: (a) Is it a fact that M. Sharif Ahmad Khan, Clerk, Post Office, Karnal, preferred an appeal from the order of dismissal to the Director General of Posts and Telegraphs through the Postmaster General, Punjab and N.-W. F. Circle, but the same was withheld by him and not forwarded to the Director-General?

(b) Subsequently on the 7th February 1924, did M. Sharif Ahmad Khan receive an order of the Postmaster General saying that his appeal to the Director General was premature and that he should submit his defence to the charge sheet which was to be framed against him by the Superintendent, Post Offices, Delhi Division?

(c) Is it a fact that a charge sheet was framed against him on the 25th February 1924, i.e., nine months after his dismissal?

(d) Is it a fact that in reply to the above orders on the 4th March 1924, M. Sharif Ahmad Khan pointed out that no charge sheet could be framed against a man who was already dismissed and that if his defence was to be taken he should first be reinstated?

(e) Is it a fact that in reply to the above the Superintendent on 14th March 1924, insisted on having his defence within a week failing which he said the decision would be made *ex parte*?

(f) Is it a fact that in reply to the above M. Sharif Ahmad Khan again insisted on pointing out the grave irregularity involved in the orders communicated to him?

(g) Was the order of dismissal ever set aside by the Postmaster General? If so, on what date and under what rule and law, and was M. Sharif Ahmad Khan paid any arrears of his salary for the period intervening between the two orders?

CASE OF M. SHARIF AHMAD KHAN, LATE A CLERK OF THE POST OFFICE AT KARNAL.

1219. *Mr. Abdul Haya: (a) Was M. Sharif Ahmad Khan in the service of the Department on 7th February 1924 or 25th February 1924? If not, in what capacity was the order framing a charge communicated to him and he was called upon to put in his defence?

(b) Is it a fact that later on M. Sharif Ahmad Khan was told that he was placed under suspension and the previous orders which emanated from Postmaster General were modified by Superintendent, Post Offices?

(c) Is it a fact that the charge sheet which was framed against M. Sharif Ahmad Khan was not confined to the extortion of Rs. 12, as mentioned in the order of dismissal, but certain other charges, such as divulging secrecy of certain telegrams, misdelivery of a telegram and allowing a signaller who was not on duty to enter the Post Office, etc.?

(d) Was any inquiry made into these charges in the presence of M. Sharif Ahmad Khan? Was he given an opportunity to cross-examine witnesses and was his defence recorded?

(e) Is it a fact that on a previous occasion on an inquiry made by Lala Salig Ram, Superintendent, Post Offices, it was found that there was a clique working against M. Sharif Ahmad Khan and that the Postmaster and the Inspectors were the members of that clique?

† For answer to this question, see answer below question No. 1219.

(f) Is it a fact that M. Sharif Ahmad Khan was ultimately dismissed from service again by the Postmaster General on the 9th June 1924?

(g) Has the said M. Sharif Ahmad Khan preferred any appeal to the Director-General? If so, what has been the result of that appeal?

The Honourable Sir Bhupendra Nath Mitra: I propose with your permission, Sir, to answer this and the two preceding questions together as they apparently relate to the same case.

Government have no information about the case, but they understand that an appeal from the official concerned has just been received by the Director-General, and is under his consideration.

INSTALLATION OF MECHANICAL APPARATUS FOR RECORDING VOTES AT DIVISIONS IN THE NEW LEGISLATIVE BUILDINGS, RAISINA.

1220. ***Mr. E. F. Sykes:** (a) Have the Government contemplated the installation of mechanical apparatus for recording votes at divisions in the new Legislative Buildings, Raisina?

(b) If not, will they do so?

Mr. L. Graham: (a) The reply is in the negative.

(b) Government will be glad to receive from the Honourable Member any information which he has on the subject and will then consider the desirability of making further inquiries.

CLERICAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA SECRETARIAT.

1221. ***Haji S. A. K. Jeelani:** With reference to the answer given to my starred question No. 972 of 23rd February 1925, will the Government be pleased to state whether they have considered the desirability of having equal representation from the provinces? If not, do they propose to consider the desirability of equalising the proportion of communities as far as possible?

The Honourable Sir Alexander Muddiman: The great majority of those from whom our Secretariat staff is drawn have a natural preference for service near their own homes, and the initial rates of pay do not attract candidates in any numbers from distant parts of India. I am sure that the Honourable Member realises this and does not desire to contend that all provinces should be given equal representation in the Government of India offices. Representation of communities is another matter and our present policy is to prevent the predominance of any one community. The Government of India are at present considering whether the policy which has been adopted to secure a measure of communal representation in the All-India Services can suitably be applied to the Government of India Secretariat offices.

CLERICAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA SECRETARIAT.

1222. ***Haji S. A. K. Jeelani:** Will the Government be pleased to say whether or not one of the objects of constituting the Staff Selection Board was the equalisation of provincial representation in the cadre of superintendents and assistants? If so, will the Government place on the table a statement showing how far this object has been achieved by effecting recruitment through the agency of the Staff Selection Board since its inception?

The Honourable Sir Alexander Muddiman: The reply to the first part of the question is in the negative; the second part does not therefore arise.

RECRUITMENT OF INDIANS TO THE SUPERIOR CADRE OF THE GEOLOGICAL AND METEOROLOGICAL DEPARTMENTS.

1223. ***Haji S. A. K. Jeelani:** Will the Government be pleased to state, how many Indians have been recruited to the superior cadre of the Geological and Meteorological Departments during the last four years and how many of these are Bengalis?

The Honourable Sir Bhupendra Nath Mitra: Three Indians, of whom one is a Bengali, and four Indians, of whom three are Bengalis, were recruited to the superior grades of the Geological and Meteorological Departments, respectively, during the last four years.

HOLIDAYS IN THE GOVERNMENT OF INDIA SECRETARIAT.

1224. ***Lala Duni Chand:** (a) When and how were the following festivals fixed as public or general holidays by the Government:

(1) Sabibrat, (2) Holi, (3) Solono, (4) Easter, (5) Guru Nanak's Birthday, and (6) Baisakhi.

(b) Will the Government please place the orders on the table?

(c) Is it a fact that all the above-named holidays have been stopped in the Imperial Secretariat while the Local Governments observe them?

(d) Is it a fact that the stopping of these holidays has caused a great discontentment amongst the clerks of the Government of India Secretariat?

(e) Is it a fact that this order was only provisionally passed for the year 1924 and that the matter was to be re-examined before final orders were passed re holidays?

The Honourable Sir Alexander Muddiman: (a) and (b). The Honourable Member is referred to the *Explanation* contained in section 25 of the Negotiable Instruments Act, 1881, which states that certain days are public holidays. Other holidays are declared by Local Governments by notification to be public holidays within the meaning of the Act, or are announced as local or special holidays. The particular days mentioned by the Honourable Member fall within one or other of these categories.

(c) It will be observed from the orders contained in the Home Department Office Memorandum No. D.4562-Public, dated the 20th October, 1923, a copy of which is in the Library of the House, that the ten days therein specified are observed as closed holidays in the Government of India Secretariat. Six more days are permissible as sectional holidays to individuals belonging to the various communities concerned.

(d) Government are not aware of such discontentment?

(e) The reply is in the negative.

Diwan Bahadur T. Rangachariar: May I ask the Honourable the Home Member whether there is any other country in the world where the public servants enjoy so many holidays?

The Honourable Sir Alexander Muddiman: I am not aware of the position as to holidays in all the various countries of the world.

**TOTAL MINISTERIAL STRENGTH OF THE OFFICES OF THE AUDIT OFFICER
OF THE INDIAN STORES DEPARTMENT.**

1225. ***Lala Duni Chand:** (a) What is the total ministerial strength of the offices of the Audit Officer of the Indian Stores Department showing in provincial and sectional order?

(b) In what proportion are the various provinces of India represented in this office?

(c) How many vacancies have occurred in this office since its transfer to Delhi, and by men from which provinces have they been filled?

The Honourable Sir Alexander Muddiman: Sir, with your permission, I will answer this question on behalf of my Honourable Colleague who is engaged in another place.

The information required by the Honourable Member has been called for from the Auditor General and will be furnished to him as soon as possible.

Mr. K. Ahmed: Was there any Muhammadan, Sir, taken? Do Government propose to fill the vacancies in future by taking in Muhammadans?

The Honourable Sir Alexander Muddiman: That information will probably also be obtained at the same time as the information that has been called for.

RATIO OF HINDU TO MUHAMMADAN CLERKS IN THE INDIAN METEOROLOGICAL DEPARTMENT.

1226. ***Lala Duni Chand:** (a) Is it a fact that there exists an order in the Indian Meteorological Department to the effect that the ratio of the Hindus to Muhammadans should not be more than 45 to 55 per cent. or so?

(b) If so, on what principle was this order passed and is adhered to?

The Honourable Sir Bhupendra Nath Mitra: (a) It is understood that an order to this effect was passed by the late Director General of Observatories concerning the clerks in his Simla Office.

(b) The order was apparently based on the population of the different communities in the Punjab from which province most of the Director General's clerks were recruited, and the reason was to avoid difficulties in the arrangement in force for producing the daily weather report during holidays.

Mr. K. Ahmed: Do Government propose to follow the principle enunciated in the statement made by His Excellency the Viceroy last December, and by the Honourable Sir Alexander Muddiman, the Home Member, on the 2nd of March?

The Honourable Sir Bhupendra Nath Mitra: The principle will no doubt be followed in future, but I daresay the Honourable Member recognises that that will mean a reduction in the recruitment of Muhammadans for this particular office.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member whether the Director General has the power to fix the ratios as he pleases?

The Honourable Sir Bhupendra Nath Mitra: The head of an office has got full discretion to regulate the recruitment in his office. I may, however, inform the Honourable Member that the recruitment for this office has now come within the purview of the Staff Selection Board and that in future the declared policy of Government will be followed by that Board.

Diwan Bahadur M. Ramachandra Rao: May I ask, Sir, whether the Director General has the power to fix the ratio of communities?

The Honourable Sir Bhupendra Nath Mitra: The Director General, like any other head of an office, has full power to regulate the recruitment of the staff in his office.

Diwan Bahadur M. Ramachandra Rao: That is not my question. My question is whether the head of a department has the power to fix the ratio of communities in regard to recruitment. That is the question to which I should like to have an answer.

The Honourable Sir Bhupendra Nath Mitra: Until a limitation is imposed by Government in pursuance of a definite policy on the discretionary power of a head of an office, he exercises full powers.

Diwan Bahadur M. Ramachandra Rao: May I ask, Sir, whether the head of every department under the Government of India can fix a ratio or proportion in regard to recruitment between the various communities as he likes without any reference to the Standing Orders of the Government of India?

Mr. K. Ahmed: Inasmuch as we are crowded already by one class of people, is it not the duty of the Government to see that some principle is followed in bringing the rules into operation?

RUNNING OF TRAINS ON THE MULTAN LINE.

†1227. ***Mr. Chaman Lal:** (a) Are the Government aware that there were orders issued by the Traffic Department on the Multan line to the effect that passenger trains should in some cases start before scheduled time and that such trains did actually run before scheduled time for some months?

(b) Are the Government aware that orders were also issued in some cases on the same line asking the station staff to shew certain passenger trains as having stopped at certain stations in official papers while as a matter of fact they never stopped at those stations?

(c) Are the Government aware that similarly other trains which were shewn in time tables as having run through particular stations were actually detained at those stations and passengers left behind by trains mentioned in question 2 were asked by orders of the Traffic Department to be conveyed by these trains on the Multan line?

(d) Are the Government aware that these false entries were ordered to be made by the Traffic Department on the Multan line relating to the running of trains and will Government lay those orders on the table?

† For answer to this question, see answer below question No. 1228.

(e) Are the Government aware that this practice of making false entries was put an end to in some cases before and in some cases after the Harappa accident?

PRECEDENCE GIVEN TO UP TRAINS OVER DOWN TRAINS ON THE MULTAN LINE.

1228. *Mr. Chaman Lall: (a) Is it a fact that the A. T. S. Transport on the Multan line had given orders that up trains should be given precedence over down trains even though the down trains may lose time?

(b) Is it a fact that this practice was mainly the cause of the Harappa accident?

(c) Will Government state if any action has been taken against those responsible in the Traffic Department for the issue of orders mentioned in the above questions?

(d) Is it a fact that if the order giving precedence to up trains (order 33 in the Harappa case) had not been given effect to by the Controller the crossing would have taken place at Harappa as previously arranged?

(e) Is it a fact that the accident would thereby have been avoided?

(f) Is it a fact that if the crossing in the Harappa case had been arranged according to the time table and according to previous orders, i.e., at Harappa the up train would have lost seven minutes in running time?

(g) Was it in order to save the loss of seven minutes that the risk of an accident occurring was incurred?

(h) Are Government aware that the orders relating to the binding effect of a Controller's orders over station masters on the Multan line were never circulated to station masters prior to the Harappa accident?

(i) Is it a fact that station masters on the Multan section prior to the Harappa accident considered themselves to be bound by the Controller's orders?

The Honourable Sir Charles Innes: I propose to answer this and the preceding question together.

The points referred to were amongst those raised by the defence during the prosecution of the assistant station master concerned in the Harappa Road accident. The assistant station master was convicted but it is understood that an appeal is being filed, and in the circumstances Government cannot enter into any discussion of the matter.

Mr. Chaman Lall: With your permission, Sir, I want to put a supplementary question to the Honourable Member. He has entirely misread this question. The question has nothing whatever to do with anything that is *sub judice*. He knows perfectly well that these points were not raised by the defence only but that they are on the records

Mr. K. Ahmed: Is the Honourable Member making a speech or putting a supplementary question?

Mr. Chaman Lall: I am very glad that I have been reminded by the Honourable Member of my duty and therefore I confine myself to the supplementary question.

Is it not a fact that Government records show that the points raised in this question are correct?

The Honourable Sir Charles Innes: It will be much better for the Honourable Member to put these questions on the paper after this case has been fully disposed of, and if he does so, I shall have much pleasure in giving him a full reply to the various points.

Mr. Chaman Lall: Will the Honourable Member be in a position to answer these questions if I give notice now because his reply has nothing whatever to do with the fact that the case is *sub judice*.

The Honourable Sir Charles Innes: We take a different view.

Mr. Chaman Lall: May I ask the Honourable Member whether it has come to his knowledge that they are Government records in which very clear instructions are to be found. May I know, whether these have been brought to their notice or not?

The Honourable Sir Charles Innes: I have already told the Honourable Member that if he will put down these questions in the September session I will give him a reply.

Mr. Chaman Lall: Does the Honourable Member realise that he is trying to evade answering these questions.

The Honourable Sir Charles Innes: I do not admit that I am evading answering any question.

Mr. Chaman Lall: What is it but evasion if the Honourable Member takes shelter under this, that the case is *sub judice*?

COMPETITION IN CONNECTION WITH THE ERECTION OF A NEW CONFERENCE HALL AT GENEVA.

1229. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they have received from the office of the League of Nations at Geneva a copy or copies of the programme of the competition for the selection of a plan for a Conference Hall forwarded for the architects who are nationals of States members of the League of Nations?

(b) If the answer to (a) be in the negative, will they, when and if they receive the copies, place them on the table for the information of the House and also publish them for the information of the public? If not, why not?

(c) Will Government be pleased to state whether the International Jury, consisting of architects, that will judge the designs submitted for competition, is adequately representative in regard to the interests of architects in India?

Mr. L. Graham: The Honourable Member is referred to the reply given to question No. 1207 on the 17th March 1925.

ALLEGED SEDUCTION OF WOMEN TRAVELLING ALONE AT NIGHT BY PORTERS AT DELHI STATION.

1230. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether the attention of the Agent of the East Indian Railway and the District Traffic Superintendent, Delhi, has been drawn to the alleged cases of seduction of women travelling alone at night on the part of the coolies and porters on the Delhi station for immoral purposes?

(b) If so, will they be pleased to state what steps have so far been taken by the railway authorities to stop this scandal?

(c) If the answer to (a) be in the negative, will they undertake to inquire into the matter? If not, why not?

The Honourable Sir Charles Innes: (a), (b) and (c). Government are aware that an employee of the East Indian Railway recently made certain allegations of immorality against the coolies and porters at Delhi station. These allegations have been fully inquired into and found to be entirely baseless.

SHORTAGE OF CUSTOMS APPRAISERS AT KARACHI.

1231. ***Mr. Harchandrai Vishindas:** Will Government be pleased to state (a) if it is a fact that the customs appraisers and examiners in Karachi are made to work up to 7 P.M. daily, being required to attend the head office after their work at the jetties is finished at 5-30 P.M.?

(b) Whether the mercantile community of Karachi has complained of the inconvenience and delay caused to them by the shortage of appraisers?

(c) Whether the Karachi custom authorities have recommended an increase in the number of appraisers?

(d) If so, whether Government intend to sanction the increase and when?

The Honourable Sir Alexander Muddiman: (a) The Government have no information as to the exact hours of attendance of the officers in question.

(b) and (c). The answer is in the affirmative.

(d) Proposals submitted by the Collector are being examined by the Central Board of Revenue; and the results of the examination cannot be anticipated.

ADMINISTRATION OF THE SALT DEPARTMENT IN SIND.

1232. ***Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state whether the administration of salt in the Province of Sind is being carried on by the Assistant Commissioner of Salt and Excise in Sind working under the Bombay Government?

(b) Salt being a central subject, do Government propose to appoint their own Salt Officer for the Province of Sind?

The Honourable Sir Alexander Muddiman: (a) and (b). The Government are considering the best way of administering the Salt Department in Sind.

ALLOWANCES FOR ARMY OFFICERS.

1233. ***Mr. Chaman Lal:** (a) Will Government state the actual financial effect of the allowances, etc., recently gazetted for army officers with details under each head?

(b) Will Government state whether any countervailing increases have been granted in the pay and emoluments of Indian soldiers also?

(c) Will Government state why in such far-reaching changes, before their announcement, the Legislative Assembly was not given an opportunity to express its opinion?

Mr. E. Burdon: (a) The details are as follows:—

	Lakhs.
Net cost of introducing marriage allowances and of other minor improvements in pay	18½
Cost of increased messing allowance	5½
Separation allowance	2
Cost of free passages	14
Total	40

As was made clear in my speech of the 4th March made in this House, these figures do not include the concessions given to officers of the I.M.S. in military employment which will cost another Rs. 5 lakhs per annum. I should however like to explain to my Honourable friend and to the House that when we revised the remuneration of the Army officer in 1919 and made it subject to a further revision in 1924, we dealt with every item of remuneration together, pay, pension, and sterling and rupee leave allowances. We have done the same on this occasion also and consequent on the fall in the cost of living in the United Kingdom sterling pensions and sterling leave allowances have been reduced by approximately 5 per cent. I cannot at present state exactly the total saving secured by these reductions. The calculation would have to be made by the Secretary of State and it cannot be made at present because final conclusion has not yet been reached on certain points of detail. The amount will however be in the neighbourhood of Rs. 17 lakhs.

(b) No. I do not know if my Honourable friend is aware that since 1920-21 the remuneration of the Indian soldier has been very largely increased by the grant of higher pay, good conduct and good service pay, better service, disability and family pensions and the grant of miscellaneous concessions, such as free *charpoy*s and kit boxes and an allowance for *mufti* clothing. These benefits were not made subject to revision or reduction at a later date and no occasion for increasing or reducing any item in the scale has since arisen. I may add, since the Honourable Member has sought to raise a comparison, that in 1923 the remuneration of the British soldier in India was diminished by the reduction of messing allowance, a measure which produced a saving of some Rs. 41 lakhs per annum.

(c) I refer the Honourable Member to the statement which I made on the 4th March, in the course of the general budget discussion, on the subject of the army pay revision. He will see that on 6 separate occasions between June 1924 and January 1925 information was given to the House and to the public that proposals of a certain character were under consideration. With this knowledge in its possession, the Assembly did not employ the means which it commands to secure an opportunity of expressing its opinion on the matter and Government did not themselves consult the Assembly in regard to the details of the scheme because in all the circumstances they considered that no practical purpose would be served by doing so.

Mr. Chaman Lall: Is the Honourable Member aware that no opportunity was given to the House to offer its opinion on this particular matter?

Mr. E. Burdon: I have already dealt with that point in my reply.

Mr. Chaman Lall: Is the Honourable Member aware that it was essential that the Army Department should have consulted this House?

Mr. E. Burdon: No, Sir.

Mr. Chaman Lall: Do I understand the Honourable Member to say "No"?

Mr. E. Burdon: I said "No". I have already dealt with that point in the latter part of my somewhat long reply.

Mr. Chaman Lall: Is the Honourable Member aware that the Indian tax-payer whom we represent in this House is vitally interested in the question of spending the monies that are raised and spent without his consent?

INDIANISATION OF THE ARMY.

1234. ***Mr. Chaman Lall:** (a) Will Government state if within the last few years the Government of India have submitted any memorandum to the Secretary of State for India on the question of the Indianisation of the Army?

(b) Will Government inform the House about the reply of the Secretary of State on this question?

(c) Will Government be pleased to lay on the table a copy of the memorandum referred to above and copies of all correspondence with the Secretary of State in connection with the same?

Mr. E. Burdon: (a), (b) and (c). I would invite the attention of the Honourable Member to the replies given on the 17th January 1923 to starred question No. 184, and on the 3rd July 1923 to starred question No. 73.

Mr. Chaman Lall: May I ask the Honourable Member whether it is a fact that His Excellency the Commander-in-Chief has actually put his signature to a memorandum to the effect that the Indian army should be Indianised within a period of 30 years?

Mr. E. Burdon: If my Honourable friend will refer to the previous questions and answers which I have quoted he will find there the answer.

Mr. Chaman Lall: Will the Honourable Member kindly inform the House as to what that answer was?

Mr. E. Burdon: No.

Mr. Chaman Lall: Does he deny that statement?

Mr. E. Burdon: I would ask my Honourable friend to refer to the questions and answers which I have already quoted.

Mr. Chaman Lall: Granting that statement to be correct, how does it tally with the Commander-in-Chief's statement made the other day that the Indian army cannot be Indianised for many and many a year?

THE REFORMS INQUIRY COMMITTEE REPORT.

1235. ***Mr. Chaman Lall:** (a) What action do the Government intend to take on the Reforms Inquiry Committee's Report?

(b) Have Government made their recommendations on the Report to the Secretary of State for India?

(c) Will Government be pleased to make an announcement whether they have allotted a day, and if so, what day, for a discussion of the Reforms Inquiry Committee's Report?

The Honourable Sir Alexander Muddiman: I have nothing to add to the statements I have already made on the subject.

Diwan Bahadur M. Ramachandra Rao: May I ask whether it is the intention of Government to bring forward in this House a Resolution on the subject of this Report as they did in the case of the Lee Commission Report to ascertain the sense of the House?

The Honourable Sir Alexander Muddiman: I have already told the House that an opportunity will be given to discuss the matter. Whether it will be on a Resolution or otherwise must depend upon the exigencies of the case and I cannot give an answer on that point at this stage.

DISMISSAL OF HANS RAJ, LATE A SIGNALLER, SARDAR SHAH, WESTERN RAJPUTANA DIVISION, AJMER.

1236. ***Lala Duni Chand:** (a) Is it a fact that one Hans Raj, late a signaller, Sardar Shah, Western Rajputana Division (Ajmer), has been dismissed after approved service of about seven years?

(b) Will the Government be pleased to state the reasons for his dismissal? Was he found guilty of any serious breach of rules of conduct?

(c) Do Government propose to take any action in the matter?

The Honourable Sir Bhupendra Nath Mitra: Government have no information and I have no doubt that if the individual referred to has any grievance he will address the Government of India in the usual manner.

TRADE OF INDIA WITH THE CROWN COLONIES AND DOMINIONS IN THE BRITISH EMPIRE.

1237. ***Sir Purshotamdas Thakurdas:** Will Government be pleased to place on the table a comprehensive statement showing the trade of India with the various Crown Colonies and Dominions in the British Empire, giving:

- (1) The trade between India and each of these parts of the British Empire each year commencing with the year 1920-21.
- (2) The interest of, and share played by, Indians in trade in each of the Colonies and Dominions as may be ascertained from the figures of contributions made by Indians in each Colony or Dominion either by payment of income-tax, or any other tax that may be ascertainable, and
- (3) The total population of Indians in each Colony or Dominion at the end of each year for which trade figures are given?

The Honourable Sir Charles Innes: (1) The trade statistics asked for by the Honourable Member cover some 90 folio pages in Volume II of the Annual Statement of the Sea-Borne Trade of British India to which publication the Honourable Member is referred.

(2) The information is not available.

(3) The figures of population according to the last available Census will be found in the statement which was laid by Sir Montagu Butler on the table of the House in reply to starred question No. 194 on the 5th February 1924. The Government have no further information on the subject.

Sir Purshotamdas Thakurdas: Will Government make the information required in part (2) available to the House?

The Honourable Sir Charles Innes: The information is not available, and how are we to make it available?

Sir Purshotamdas Thakurdas: By collecting the information, Sir. The answer is simple. What is the objection to Government collecting the information and making it available to the House?

The Honourable Sir Charles Innes: They do not know whether the information can be obtained.

Sir Purshotamdas Thakurdas: Do Government maintain that the information cannot be obtained?

The Honourable Sir Charles Innes: I imagine, Sir, that that is the reply.

Mr. K. Ahmed: Will the Honourable Member who is putting these questions enlighten the House and the Government Benches how to get that information and where to get it from?

Sir Purshotamdas Thakurdas: Yes, Sir, I think that is easily done. It is a question of writing to the various Dominions and Colonies concerned and asking them for information, and I am rather surprised at the Honourable the Commerce Member saying that the information cannot be made available. Do I understand that Government refuse to collect the information? Surely it will not entail any such cost as to be prohibitive.

The Honourable Sir Charles Innes: I imagine, Sir, that in these Dominions they do not have all the statistics in the exact form the Honourable Member requires. I do not suppose they could show statistics of income-tax, for instance, for each class of the community; and that being so, we cannot supply the Honourable Member with the information he requires.

Sir Purshotamdas Thakurdas: Do I understand the Government have made inquiries of the Dominions and Colonies and have not been able to get the statistics?

The Honourable Sir Charles Innes: The statistics which the Honourable Member requires are not available.

Sir Purshotamdas Thakurdas: Do the Government of India claim that they have copies of all statistics issued by these various Governments? I thought the Government of India Library in this connection was peculiarly deficient.

Mr. K. Ahmed: In view of the fact that the Government Benches say to the Honourable Member that the statistics are not available, will the Honourable Member from Bombay himself enlighten the House and the head of the department he is asking to answer the questions? They have tried their level best to supply the information he required.

Sir Purshotamdas Thakurdas: The Honourable Member Mr. Kabeeruddin Ahmed appears to have mistaken his position in this House. I was putting the question here to the Benches opposite and not to the Member over there.

Mr. K. Ahmed: But is it not a waste of time to put the same questions again and again?

Sir Purshotamdas Thakurdas: The Honourable Member should at least have patience till he has taken his chance in the election for a non-official President.

Mr. K. Ahmed: But what is the use of continuing to put questions when the answers cannot be supplied by the Government Benches?

Sir Purshotamdas Thakurdas: I suggest to the Honourable Member that he might now leave it at that and allow me to get the information I want from the Honourable the Commerce Member.

IMPOSITION BY THE AUSTRALIAN GOVERNMENT OF SPECIAL DUTIES ON
INDIAN EXPORTS.

1238. ***Mr. Jamnadas M. Mehta:** (i) Are Government aware that in some countries outside India, *e.g.*, in Australia, the statutory ratio of 2s. gold to the rupee is regarded as real and effective?

(ii) Are Government aware that the Australian Government have imposed special duties on Indian exports to that country in addition to the duties previously imposed to cover the depreciation of the rupee from the statutory 2s. gold to the current ratio of 1s. 6d. sterling?

(iii) Do Government propose to request that Government to remove the additional duties?

(iv) Is there any other country besides Australia which has imposed similar special duties?

The Honourable Sir Charles Innes: (i) to (iv). The Government of Australia imposed in July and August of last year additional duties on pig-iron and on leather cricket balls originated in or exported from India, on the formal ground that the exchange value of the rupee in sterling varied by more than 20 per cent. from the mint par rate of exchange. The Government of India have already pointed out to the Government of Australia that the facts did not justify the assumption on which this action had been taken. The matter is still under correspondence and nothing further can be said at this stage.

Mr. Jamnadas M. Mehta: What about the second question, whether any similar special duties have been levied on Indian imports in other foreign countries on the supposition that the 2 shilling ratio is in force?

The Honourable Sir Charles Innes: The answer to that question, as far as I am aware, is in the negative.

APPOINTMENT OF OUTSIDERS AS PERMANENT CLERKS BY THE SUPERINTENDENT OF POST OFFICES, MIDNAPORE DIVISION.

1239. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the Superintendent of Post Offices, Midnapore Division, is appointing outsider graduates and undergraduates direct as permanent clerks superseding the claims of senior-most reserve clerks of his Division?

(b) Will the Government please state the reasons why this irregular practice is being followed by the Superintendent in filling up vacancies?

(c) Do the Government propose to issue instructions to stop this irregular practice in future?

The Honourable Sir Bhupendra Nath Mitra: Government have no information. If any individual has a grievance, he is at liberty to appeal in the usual manner,

RECRUITMENT OF INDIANS AS OFFICERS ON SEA-GOING VESSELS.

†1240. ***Mr. Amar Nath Dutt:** With reference to the reply of the Government to my question No. 944 asked on the 20th February, this year, will the Government be pleased to state why they have not put themselves into correspondence or negotiated with the shipping companies in India regarding the recruitment of Indians as officers?

TRAINING OF INDIANS AS OFFICERS OF THE INDIAN MERCANTILE MARINE.

†1241. ***Mr. Amar Nath Dutt:** Is it a fact that in paragraph 22 of their report, the Indian Mercantile Marine Committee recommended that it would be necessary by negotiations with steamship companies to make specific provision for the further training of Indian apprentices to enable them to put in the qualifying sea services required under the Board of Trade Regulations? If so, will the Government be pleased to state whether there was any negotiation with any steamship companies for taking Indian apprentices? If the answer be in the affirmative, will the Government be pleased to state the result of such negotiations? If the answer be in the negative, will the Government be pleased to state whether they propose to negotiate with steamship companies for taking up the training of Indians as apprentices?

TRAINING OF INDIANS AS OFFICERS OF THE INDIAN MERCANTILE MARINE.

†1242. ***Mr. Amar Nath Dutt:** Is it a fact that no facility is given by the principal shipping companies in India to take Indian apprentices? If so, are the Government prepared to take steps so that Indian apprentices may be taken?

COMPULSORY EMPLOYMENT OF INDIANS AS OFFICERS ON SHIPS ENGAGED IN THE INDIAN COASTAL TRADE.

†1243. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state when the recommendations of the Mercantile Marine Committee will be given effect to as regards compulsory employment of Indians as officers in ships carrying coastal trade? Will the Government be pleased to state whether they propose to take steps, so that all shipping companies whose ships touch Indian waters may be compelled to take some Indian officers?

OPENING OF NAUTICAL CLASSES IN THE LARGE GOVERNMENT COLLEGES AT FIRST CLASS PORTS.

†1244. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state when they propose to open nautical classes in the large Government colleges at first class ports as recommended in paragraph 24 of the Indian Mercantile Marine Committee's report?

† For answer to this question, see the answer below question No. 1246.

CONVERSION OF CERTAIN VESSELS INTO TRAINING SHIPS.

†1245. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state whether they propose to acquire the R. I. M. troopship "Dufferin" or the teak-built motor vessel "Howard" which the Indian Mercantile Marine Committee recommended to be eminently suitable for conversion into training ships?

TRAINING OF INDIANS AS OFFICERS AND ENGINEERS OF THE INDIAN
MERCANTILE MARINE.

1246. ***Mr. Amar Nath Dutt:** Has the attention of the Government been drawn to paragraph 85 of the Indian Mercantile Marine Committee's report in which they say that the facilities for the adequate training of Indians as officers and engineers should form the first step towards the development of the Indian Mercantile Marine? What action do the Government propose to take in this direction? Will the Government be pleased to make a definite announcement on this subject?

The Honourable Sir Charles Innes: I will answer questions Nos. 1240 to 1246 together. I would refer the Honourable Member to the answer given by me on this subject on 23rd January, 1925.

PURCHASE OF PAPER FROM FOREIGN MANUFACTURERS.

1247. ***Mr. K. C. Neogy:** (a) Is it a fact that the Controller of Printing and Stationery, Calcutta, has recently placed an order for about 550 tons of paper with foreign manufacturers, and 450 tons with Indian paper mills, out of a preliminary order for 1,000 tons of paper required for the Government of India?

(b) Will Government be pleased to state what was the estimated net saving in placing such a large proportion of the order with foreign manufacturers?

(c) What policy do Government propose to follow as regards future orders for paper? Are they prepared to support the Indian paper-making industry by the purchase of Indian paper, provided it is offered at reasonable rates?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, with the sanction of the Government of India.

(b) Of the 565½ tons ordered from abroad, 24½ tons represent paper of which suitable qualities are not manufactured in India. On the remaining quantity the net saving was Rs. 25,427 or 9½ per cent. of the price. Apart from this, the quality of the imported paper in some cases is considerably superior to that of the Indian made paper which was tendered.

(c) It is the policy of the Government of India to purchase Indian made paper whenever a satisfactory quality is procurable provided it is offered at reasonable rates. The Government of India do not propose to alter this policy.

Mr. K. Ahmed: Is not that principle always adopted by sensible persons like my Honourable friend from Bengal when he makes purchases of his cloth, stationery and other things without considering the quality of the goods? It would be better if he follows the example of others instead of preaching one thing and doing the other himself?

† For answer to this question, see the answer below question No. 1246.

DISCHARGE OF SULTAN AHMAD BEG, LATE ASSISTANT PARCEL
CLERK, RURKI.

1248 *Maulvi Muhammad Yakub: (a) Are the Government aware that one Sultan Ahmad Beg, assistant parcel clerk, Rurki, a young man of 27 years of age, after putting in a service of two years was discharged on a month's pay, on the 16th January 1922, although the Magistrate before whom he appeared as a witness in criminal case No. 209 of 1921, of Saharanpur did not say anything about his statement?

(b) Do the Government propose to reconsider his case and either order his reinstatement or give him a certificate of good character?

The Honourable Sir Charles Innes: (a) Yes. Sultan Ahmad Beg was discharged from service in accordance with the terms of his agreement on account of unsatisfactory working.

(b) No.

REVISION SETTLEMENT IN THE TWO TALUQS OF MALKAPUR AND
KHAMGAON IN BERAR.

1249. *Mr. M. S. Aney: (a) Has the attention of the Government of India been drawn to the proposals for revision settlement in the two *taluqs* in Berar (Malkapur and Khamgaon) published by the Central Provinces Government in its Provincial Gazette, dated the 18th November 1924?

(b) Are the Government of India aware that these proposals have been very severely criticised by all the leading public men and public institutions in Berar principally on the ground that the Local Government has been departing from the principles and policy of settlement in Berar laid down since 1860 and reaffirmed repeatedly by the Government of India from time to time, particularly in its letter, Government of India Agricultural and Revenue Department, No. 985-945, dated the 16th April 1894, to the Resident of Hyderabad in regard to percentage of enhancement of assessment and period of settlement?

(c) Will the Government of India be pleased to state whether it had received from the Secretary of the Yeotmal District Association a copy of the representation submitted by that body to the Government of the Central Provinces on the 19th December 1924 expressing their views on the settlement policy in Berar in general and on the proposals for revision settlement in the two aforesaid *taluqs* in particular?

(d) Are the Government of India aware that the Honourable Sir Frank Ely, the late Governor of the Central Provinces and Berar, gave an assurance to the public of Berar in the speech delivered at the last Divisional Durbar held at Amrohti prior to his departure that the Berar Land Revenue Code Amendment Bill embodying provisions for settlement in Berar would be placed before the meeting of the Berar Legislative Committee at an early date for its consideration?

(e) Are the Government of India aware that the Local Government has now definitely declared its intention to proceed with the revision settlement operations in Khamgaon and Malkapur on the basis of the published proposals and not to postpone the operations till the Berar Land Revenue Code Amendment Bill is duly considered by the Berar Legislative Committee and duly passed into law by the Government of India by a notification in the Foreign Department in accordance with the usual procedure?

Mr. J. W. Bhore: (a) and (c). The reply is in the affirmative.

(b) The Government of India have not seen any criticism beyond what is contained in the representation referred to in (c).

(d) and (e). The Government of India have no information.

Mr. K. Ahmed: In view of the fact that the treaty was accepted by His Exalted Highness the Nizam of Hyderabad in the beginning of the century when Lord Curzon left this country, and the fact that there is a lot of agitation going on here and in England, would it not be advisable for the Government not to start the scheme or appoint the committee contemplated in the question by the Honourable Member from Berar?

BERAR LEGISLATIVE COMMITTEE.

1250. ***Mr. M. S. Aney:** (a) Will the Government of India be pleased to state whether the Local Government of the Central Provinces has submitted for their consideration and sanction any proposals to constitute the Berar Legislative Committee and to convene its meetings and regulate its procedure in doing legislative business.

(b) If so, will the Government be pleased to publish the correspondence or place the same on the table for information of this House and further state what steps they have taken or propose to take in this matter?

(c) Are the Government of India prepared to issue immediately instructions or orders to the Local Government of the Central Provinces to constitute the Berar Legislative Committee and convene its meeting for the consideration of the Berar Land Revenue Code Amendment Bill?

The Honourable Sir Alexander Muddiman: (a) The Government of the Central Provinces submitted its proposals for the constitution of a Berar Legislative Committee for the information of the Government of India.

(b) The Government of India do not propose to publish the correspondence on the subject but a copy of the Berar Legislation Rules as approved by them will be supplied to the Honourable Member by the Home Department if he wishes to receive a copy.

(c) A copy of the Honourable Member's question and my reply will be forwarded to the Local Government.

Mr. K. Ahmed: Is there any chance of considering the same matter in connection with the memorial placed before the Home Department as well as the Secretary of State for India by Sir Ali Imam, the colleague of the Honourable Member's predecessor, on behalf of His Exalted Highness the Nizam of Hyderabad? Do Government propose to consider the question whether they can restore the province of Berar?

The Honourable Sir Alexander Muddiman: Sir, this is rather a different question to the one I replied to.

PROVISION OF RESERVED ACCOMMODATION ON THE GREAT INDIAN PENINSULA AND ROHILKHAND AND KUMAON RAILWAYS FOR COOLIES SENT FROM CENTRAL INDIA TO BANBASSA.

1251. ***Kumar Ganganand Sinha:** (a) Is it a fact that in the year 1923 a great deal of difficulty was experienced in sending labour from Central India to Banbassa for want of reserved accommodation on the Great Indian Peninsula and Rohilkhand and Kumaon Railways.

(b) Are the Government aware of the fact that the reserved accommodation for coolies who were to be sent to Banbassa from Harpalpur by the end of the last year could not be provided by the Railways although timely notice was given? If so, will it be pleased to state reasons for the same?

(c) Are the Government aware of the fact that the failure to provide reserved accommodation for coolies who were sent to Banbassa caused them immense difficulty on account of insufficient space in the carriages? If so, do the Government propose to write to the railway authorities concerned to attend to such requests in future?

The Honourable Sir Charles Innes: Government have no information. The matter will be brought to the notice of the railways concerned.

FREIGHT CHARGED ON STONE BOOKED TO BANBASSA BY THE OUDH AND ROHILKHAND RAILWAY.

1252. ***Kumar Ganganand Sinha:** (a) Is it a fact that the Oudh and Rohilkhand Railway has entered into an agreement with the Rohilkhand and Kumaon Railway by which stones booked to Banbassa have to go via Bareilly?

(b) Is it again a fact that the freight of stone to be carried by the Bengal and North-Western Railway, with which the Rohilkhand and Kumaon Railway is now amalgamated, is much less than that of the Oudh and Rohilkhand Railway and consequently the agreement compels people to pay more than what would have been otherwise possible?

(c) If so, what steps are the Government taking to remove the difficulty?

The Honourable Sir Charles Innes: If the Honourable Member will specify the station from which the stone is booked I will have inquiries made. I understand that there is a routing agreement between the Oudh and Rohilkhand and Rohilkhand and Kumaon Railways, but I am not aware that it causes any difficulty.

GRIEVANCES OF THE SUBORDINATE STAFF OF THE OFFICE OF THE ACCOUNTANT GENERAL, UNITED PROVINCES.

†1253. ***Kumar Ganganand Sinha:** Will the Government be pleased to state whether they are aware of the fact that there is a good deal of discontentment on account of the actions of the Accountant General of the United Provinces in regard to annual increment, leave, holidays and other matters affecting directly the interests of the subordinate staff in the office of the Accountant General? If the reply be in the affirmative will the Government be pleased to state what steps they propose to take for its removal? If the reply be in the negative, will the Government be pleased to make inquiries and let the House know the real state of affairs there?

GRANT OF LEAVE TO SUBORDINATES.

1254. ***Kumar Ganganand Sinha:** Will the Government be pleased to state whether the head of an office is at liberty to grant leave on half average pay to his subordinates when leave on full average pay is due and the absence is supported by a medical certificate? If the reply be in the

† For answer to this question, see answer below question No. 1254.

affirmative, will the Government be pleased to state the rules justifying such action? If the reply be in the negative, what action do they propose to take against an officer who is not amenable to any rules?

The Honourable Sir Alexander Muddiman: With your permission I will answer question Nos. 1253 and 1254 together. I would refer the Honourable Member to the replies given on the 27th January, 1925, to the similar questions put by Mr. M. Yusuf Imam—pages 282 and 283, Volume V—No. 5, of Debates.

CLOSING OF GOVERNMENT OFFICES ON HOLIDAYS UNDER THE NEGOTIABLE INSTRUMENTS ACT.

1255. ***Kumar Ganganand Sinha:** Will the Government be pleased to state whether the head of an office is free to keep an office open during holidays under the Negotiable Instruments Act in view of the Government of India, Home Department order? Will the Government be pleased to state clearly the meaning of the said order?

The Honourable Sir Alexander Muddiman: The Honourable Member is referred to the reply which was given on the 26th January, 1925 to Mr. Yusuf Imam's question No. 337 on the same subject.

THE CIVIL LINES POST OFFICE AT AGRA.

1256. ***Kumar Ganganand Sinha:** (a) Are the Government aware that the Civil Lines Post Office, which was situated on the Drummond Road in Bag Muzaffar Khan has been removed from January, 1923?

(b) Is it a fact that the previous localities of the Post Office was in the vicinity of Agra and St. John's Colleges and their hostels?

(c) Is it a fact that the residents of Bag Muzaffar Khan number three thousand approximately consisting mostly of educated classes, such as doctors, students, professors and public servants.

(d) Is it a fact that Bag Muzaffar Khan has got a publishing house and a publishing company?

(e) Is it a fact that the present locality of the Post Office is in an out of the way place which is far from the inhabited area?

(f) Is it a fact that the Secretary of the Agra Trades Association pointed out to the Postmaster General of the United Provinces that the old house was far better and more spacious than the one now occupied and that the portion of the old house occupied by the Postmaster for his personal use was not shown to him on the occasion of his last visit?

(g) Is it a fact that a joint petition signed by a large number of the inhabitants as well as by the Principals of the Agra and St. John's Colleges protesting against the removal of the Post Office was submitted to the Postmaster-General of the United Provinces with no effect?

(h) Is it a fact that the Secretary of the Agra Trades Association pointed out to the Postmaster General of the United Provinces that the proprietor of the old building was willing to provide a shed to remove the objection of the Postmaster?

(i) Is it a fact that the Postmaster's statement that the Principals of the Colleges have no further complaint has been contradicted by the Principals themselves and this fact has been brought to the notice of the Postmaster General?

(j) Is it a fact that the Secretary of the Agra Trades Association has pointed out to the Postmaster General of the United Provinces that the residents of Wazirpura have nothing to do with Civil Lines Post Office, as they transact their business at the Civil Courts Post Office, which is close and more convenient to them?

(k) Why are the Government not pleased to order that the Civil Lines Post Office be shifted to the old house or to some other place in Bag Muzaffar Khan, convenient to the residents of that locality and to the staff and students of the two colleges?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member's attention is invited to the replies given to Pandit Harkaran Nath Misra's starred questions Nos. 582-585 on the 2nd February, 1925.

PRACTICE OF HUMAN SACRIFICES IN THE HUKONG VALLEY.

†1257. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether it is a fact that in the Hukong Valley, Kachins, Nagas and other tracts lying on the borderland of Burma the practice of offering human sacrifices is still going on?

(b) If the answer to (a) be in the affirmative, will they be pleased to state what steps, if any, have so far been taken by either the Government of Burma or the Government of India to stop this practice?

PREVALENCE OF SLAVERY AND PRACTICE OF HUMAN SACRIFICES IN THE HUKONG VALLEY.

†1258. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether it is a fact that in the Hukong Valley, Kachins, Nagas and other tracts lying on the borderland of Burma slavery is still existing for the purpose of offering human sacrifices from among those who are enslaved?

(b) If so, will Government be pleased to state whether they have taken any steps to stop this practice? If so, what are they and what are their results? If not, why not?

BRINGING OF THE QUESTION OF HUMAN SACRIFICES AND SLAVERY BEFORE THE LEAGUE OF NATIONS.

1259. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they have ever considered the possibility and the feasibility of bringing this question of human sacrifices and slavery before the League of Nations?

(b) If the answer to (a) be in the affirmative, will they be pleased to state whether they have taken any steps to bring this matter before the League of Nations? If not, why not?

(c) If the answer to (a) be in the negative, will they consider the matter now and communicate their decision to the House in due course? If not, why not?

Mr. Denys Bray: With your permission, Sir, I will answer the Honourable Member's three questions Nos. 1257 to 1259 together. The practice of human sacrifice still exists among the Nagas, a primitive tribe, who inhabit the unadministered hilly country to the North West of the Hukong Valley, slaves being the usual victims.

† For answer to this question, see answer below question No. 1259.

Recently His Excellency the Governor of Burma paid a visit to the Hukong Valley to investigate this and the kindred question of slavery. His proposals are now receiving the earnest consideration of Government. It will be realised that the immediate eradication of the evil could only be secured by a forward policy on this wild and inaccessible frontier and would be very costly in money and lives.

At the request of the Council of the League of Nations full particulars as to slavery in these unadministered tracts have been put before it.

Lala Duni Chand: Are those responsible for human sacrifices in these tracts punished in any way?

Mr. Denys Bray: The tract of country to which I have been referring is wholly unadministered. It has very rarely been traversed by any official at all.

Mr. E. G. Fleming: May I ask the Honourable Member where the Kachin and Naga tracts are?

Mr. Denys Bray: I beg to refer the Honourable Member to any book of geography.

Mr. Chaman Lal: Is it a fact that recently the Government of India permitted the Government of His Excellency Lord Lytton to offer human sacrifices?

Mr. Denys Bray: I did not catch the Honourable Member's question.

PRODUCTION OF MARRIAGE CERTIFICATES FOR THE PURPOSE OF THE PASSAGE CONCESSIONS DUE UNDER THE LEE COMMISSION'S RECOMMENDATIONS.

1260. ***Mr. E. G. Fleming:** Will the Government be pleased to state whether it is necessary for a Government official who has been married for several years and whose wife has been in residence with him in India to produce his marriage certificate when applying for passage concessions due under the Lee Commission's recommendations?

The Honourable Sir Alexander Muddiman: There is no rule requiring production of such certificates, nor are Government aware that their production has been demanded in any cases. It is obvious, however, that Audit Officers must be placed in possession of accurate particulars of the family circumstances of the officers entitled to the concession, though no orders have as yet been issued as to how these particulars should be obtained or verified.

LIST OF SUCCESSFUL HINDU, MUHAMMADAN AND ANGLO-INDIAN CANDIDATES AT THE SUBORDINATE ACCOUNTS SERVICE EXAMINATION HELD IN NOVEMBER, 1924.

†1261. ***Mr. Mahmood Schamnad Sahib Bahadur:** Will Government be pleased to lay on the table a statement showing the number of Hindu, Muhammadan and Anglo-Indian candidates who appeared in the Subordinate Accounts Service examination held in November, 1924, under the orders of the Auditor General and the number of successful candidates of each community in the aforesaid examination?

† For answer to this question, see answer below question No. 1265.

EUROPEAN AND HINDU AND MUHAMMADAN EXAMINERS APPOINTED FOR
THE LAST SUBORDINATE ACCOUNTS SERVICE EXAMINATION.

†1262. *Mr. Mahmood Schamnad Sahib Bahadur: Will the Government be pleased to lay on the table a statement showing the number of European, Hindu and Muhammadan examiners appointed by the Auditor General for examining all papers including local papers of the candidates of the last Subordinate Accounts Service examination?

PAUCITY OF MUHAMMADANS IN THE SUBORDINATE ACCOUNTS SERVICE.

†1263. *Mr. Mahmood Schamnad Sahib Bahadur: (a) Is it a fact that the representation of the Muhammadan community in the Subordinate Accounts Service throughout all the account offices in India is very insignificant and the number of unsuccessful candidates is very high?

(b) If the reply is in the affirmative, will the Finance Member be pleased to state whether he is prepared to make an inquiry into the causes of the above fact?

CONCESSION OF GRACE MARKS TO MUHAMMADAN CANDIDATES FOR THE
SUBORDINATE ACCOUNTS SERVICE.

†1264. *Mr. Mahmood Schamnad Sahib Bahadur: (a) Is it a fact that during the preceding year's examination for the Accounts Department, the non-Muhammadan candidates have been allowed grace marks in more than one subject and thus declared successful?

(b) If the answer is in the affirmative, will the Finance Member be pleased to state whether such concession has been allowed in the cases of Muhammadan candidates for the Subordinate Accounts Service examination?

ADMISSION OF MUHAMMADANS INTO THE SUBORDINATE ACCOUNTS SERVICE.

1265. *Mr. Mahmood Schamnad Sahib Bahadur: Is it a fact that a large number of Non-Muhammadan clerks have already passed the Subordinate Accounts Service examination and are on the waiting list of approved candidates, and if some of the Muhammadan candidates are not declared successful and others are not exempted from the Subordinate Accounts Service examination, as has been done in the cases of many non-Muhammadan candidates there will be no chance for Muhammadan candidates to enter into the Subordinate Accounts Service for years to come, even if some of them successfully pass the examination in the coming years?

The Honourable Sir Alexander Muddiman: Sir, with your permission I would reply to questions Nos. 1261 to 1265 together.

The information required by the Honourable Member has been called for from the Auditor General and will be furnished to him as soon as possible.

REORGANISATION OF THE MINISTERIAL ESTABLISHMENT OF THE RAILWAY
BOARD.

1266. *Mr. Mahmood Schamnad Sahib Bahadur: (a) Will the Government be pleased to state from which date the reorganisation of the ministerial establishment of the Railway Board has been given effect to?

† For answer to this question, see answer below question No. 1265.

(b) Is it a fact that the establishment of the Budget and Finance Branches of the Railway Board has been confirmed from the 1st October while that of the other Branches from 1st November. If so, why?

(c) Is it a fact that some of the clerks and assistants have been given the maximum pay of their grade? If so, why?

The Honourable Sir Charles Innes: (a) From 1st November 1924.

(b) Yes; the Branches were constituted with effect from 1st October 1924.

(c) No.

BUDGET AND FINANCE BRANCHES OF THE RAILWAY BOARD.

1267. ***Mr. Mahmood Schamnad Sahib Bahadur:** Will the Government be pleased to state:

(a) How many men for the constitution of the Budget and Finance Branches of the Railway Board were taken over from the Accountant General's office?

(b) Number of years of service of each.

(c) Their pay in the Accountant General's Branch.

(d) Their pay given in Railway Board.

(e) How many of them are Muhammadans.

(f) What are their qualifications?

The Honourable Sir Charles Innes: The information in the form asked for will be sent to the Honourable Member.

NON-EMPLOYMENT OF MR. HABIB ALI IN THE OFFICE OF THE RAILWAY BOARD.

1268. ***Mr. Mahmood Schamnad Sahib Bahadur:** Will the Government be pleased to state if it is a fact that a certain clerk, Mr. Habib Ali, B.Sc., was thrown out of employment from the Accountant General's office while men of less or no qualifications were retained in that office, and that at the same time he was promised that he would be provided for in the Railway Board in connection with the reorganisation, but that the said clerk in spite of his qualifications and experience has not been taken into the Railway Board? Will the Government please give the reasons if any?

The Honourable Sir Charles Innes: Mr. Habib Ali was holding a temporary post in the office of the Accountant General, Railways, and on the post being brought under reduction his services were dispensed with.

He was not promised any appointment in the Railway Board's office.

REORGANISATION OF THE MINISTERIAL ESTABLISHMENT OF THE RAILWAY BOARD.

1269. ***Mr. Mahmood Schamnad Sahib Bahadur:** Will the Government be pleased to state the number of posts of 1st, 2nd and 3rd divisions, that have been filled up in connection with the reorganisation of the Railway Board?

(a) What were the qualifications of the persons taken in?

(b) How many were Muhammadans and how many non-Muhammadans?

- (c) Did they appear for the Staff Selection Board's test and with what result?
- (d) Were they exempted from passing the Staff Selection Board's examination? If so, under what rules?
- (e) Have these posts been filled up in consultation with the Staff Selection Board; if not, why not?

The Honourable Sir Charles Innes: I Division 7, II Division 9, III Division 31; Total 47.

(a) Of the total number, 6 were taken over from the office of the Accountant General, Railways, 2 with technical qualifications were recruited from railways and the rest already working in the office in temporary posts.

(b) 6 Muhammadans and 41 non-Muhammadans.

(c) and (d). Those who were already in the office had either passed the Staff Selection Examination or were exempted.

(e) The Staff Selection Board have been consulted whenever necessary; the Railway Department being a commercial one is permitted to recruit qualified men from any available source.

EXEMPTION FROM THE EXAMINATION OF THE STAFF SELECTION BOARD OF CLERKS APPOINTED TO POSTS IN THE GOVERNMENT OF INDIA SECRETARIAT.

1270. ***Mr. Mahmood Schamnad Sahib Bahadur:** (a) Will the Government please state if there is any Department of the Government of India which has confirmed clerks or assistants or allowed men to officiate in higher grades without their passing the Staff Selection Board Examination; if so, on what grounds?

(b) Is the Registrar or any other higher officer in a Department of the Government of India empowered to exempt men from passing the Board's test without the consent of the Home Department? Are there any such cases in the Government of India where such exemptions are made, if so, do the Government propose to take any action in the matter?

The Honourable Sir Alexander Muddiman: (a) There have been cases in which clerks who held permanent appointments in the Lower Division prior to the constitution of the Staff Selection Board were allowed promotion to the Upper Division without passing the Board's test. This was in accordance with the provision made in paragraph 44 of the Secretariat Procedure Committee's Report.

Departments have also been authorized, in pursuance of recommendation (10) of the recommendations of the Committee appointed to inquire into the working of the Staff Selection Board, to appoint unpassed men, as a special exception, to posts requiring technical or special qualifications, subject to the previous approval of the Home Department.

(b) The power of exemption is vested in the Home Department alone. Government are not aware of any cases in which officers of other Departments have granted exemptions.

REORGANISATION OF THE MINISTERIAL ESTABLISHMENT OF THE RAILWAY BOARD.

1271. *Mr. Mahmood Schamnad Sahib Bahadur: Will the Government be pleased to state what was the criterion in determining and fixing up the individual clerks and assistants in their grades of pay in connection with the reorganisation of the Railway Board; was it total period of service of the individual, or the educational qualification? If the former, why not the latter?

The Honourable Sir Charles Innes: All qualifications including educational qualifications and length of service were taken into consideration in fixing the initial pay of each individual.

CONCESSIONS ALLOWED TO MEN EMPLOYED IN THE RAILWAY BOARD OFFICE WHO HAD PASSED THE STAFF SELECTION BOARD EXAMINATION.

1272. *Mr. Mahmood Schamnad Sahib Bahadur: Will the Government be pleased to state what concession was allowed to those men in the Railway Board who had passed the following Staff Selection Board's examinations?

1. Upper Division for Secretariat.
2. 2nd Division for Secretariat.
3. Typists for Secretariat?

The Honourable Sir Charles Innes: In the case of those who passed the Staff Selection Board examinations, if not appointed to the particular grades, their claim to promotion will be considered when officiating and permanent vacancies occur in the grade for which they have qualified.

PREFERENTIAL TREATMENT OF SOME MEN IN THE RAILWAY BOARD'S OFFICE WHO HAVE NOT PASSED STAFF SELECTION BOARD'S EXAMINATIONS.

1273. *Mr. Mahmood Schamnad Sahib Bahadur: Is it a fact that some men who have not passed the Staff Selection Board's examination and some who have not even passed the Matriculation examination have been given preference to those who were really qualified; if so, why?

The Honourable Sir Charles Innes: The Honourable Member is referred to the reply given in (e) of question No. 1269.

PETITION OF HAR PRASAD BHARGAVA, LATE SUBORDINATE JUDGE OF AKOLA.

1274. *Pandit Shambhu Dayal Misra: (a) Will the Government be pleased to place on the table the petition under section 401 of the Code of Criminal Procedure (Act 5 of 1898) of Har Prasad Bhargava late Subordinate Judge of Akola, who was convicted under section 161 of the Indian Penal Code by the High Court of Judicature at Allahabad, submitted to the Governor General in Council on the 18th November 1924, from the District Jail, Saugor, in the Central Provinces, on which orders were communicated to him in the Government of India, Home Department, letter No. 1007/24-Judicial, dated the 6th January 1925, to the Central Provinces Government?

(b) Were the questions of law submitted in the said petition considered by the Law Officers of the Government as prayed therein, if not, do the Government propose to get those questions considered?

The Honourable Sir Alexander Muddiman: (a) Government do not consider that any useful purpose will be served by laying the petition on the table.

(b) The answer to both queries in this part is in the negative.

HINDU-MUHAMMADAN RIOTS IN DELHI.

Maulvi Muhammad Yakub: Sir, with your permission I would like to put a question of which I have given private notice to the Honourable the Home Member on the 17th instant.

(a) Are the Government aware that there was a free fight between the Hindus and the Mussalmans of Delhi on the 16th instant?

(b) Will the Government be pleased to state:

(i) What was the cause of the fighting? and

(ii) which party was the aggressor?

(c) Will the Government be also pleased to state how many Mussalmans and how many Hindus were killed and injured?

The Honourable Sir Alexander Muddiman: (a) A free fight occurred on the 16th instant between the supporters of two rival Hindu candidates for election to the Delhi Municipal Committee. The supporters of one of the candidates included Mussalmans.

(b) (i) The immediate cause of the fighting was the keenness of the rivalry between the contesting Hindu candidates.

(ii) This will be the subject of judicial inquiry.

(c) 18 Mussalmans and 3 Hindus were admitted to hospital. One Mussalman has died and one Hindu is in a dangerous condition.

Mr. K. Ahmed: Is it a fact, Sir, that the sad death of the Muhammadan whose life was taken by non-Muhammadan people, who are not fit persons to live in India, enraged the feelings of Muhammadans, by their pelting stones at them next day, the 17th, while the dead body was being carried by the latter for burial who had to fight with them and that in consequence thereof, some people suffered severe injuries which made them go to hospital?

The Honourable Sir Alexander Muddiman: As regards events on the 17th I have called for a report on the matter.

Mr. K. Ahmed: What steps do Government propose to take to put a stop to these riots? Do they propose to take the course of helping a certain community, the members of which are illegally killing people and hurting Muhammadans, and is it a fact that no steps have hitherto been taken even by the so-called leaders of the Unity Conference amongst the non-Muhammadans?

The Honourable Sir Alexander Muddiman: Government do everything in their power to keep the public peace by a strictly impartial administration of the law.

Mr. K. Ahmed: Is it not a fact that the leaders of the Unity Conference, some of whom are present here in Delhi and some of whom were in the gallery here on the day of occurrence, have been exciting the mob and the people of Delhi after their conference fell through? Do Government propose to inquire if particularly the leader from the Punjab and the leaders from other places were mixing with people who took part in the riot?

Mr. President: The Honourable Member seems to be quite well informed himself on the subject.

Mr. K. Ahmed: Is it not for the benefit of the public, Sir, that the full facts should be inquired into and stated by Government *seriatim*?

UNSTARRED QUESTIONS AND ANSWERS.

EMPLOYMENT OF INVALIDED MILITARY PENSIONERS IN CIVIL DEPARTMENTS.

261. **Khan Bahadur W. M. Hussanally:** (a) Is it a fact that some military men invalidated by the Board of Health or other medical authority and thus retired on pension, have been re-employed in the Civil Departments such as Customs, Telegraphs, Railway, Police, Excise, etc.?

(b) If so, will Government place on the table a list of such men stating also on what grounds they were invalidated?

(c) Were these men medically re-examined before re-employment and found fit for such employment?

(d) Do these men get their military pension besides their civil pay? If so, is this permissible under the rules?

(e) Were there any special circumstances for re-employing them? If so, what?

(f) Can retired civil officers on invalid pension be re-employed? If so, can they also draw their pension in addition to their pay?

The Honourable Sir Alexander Muddiman: The information is not readily available but inquiry will be made.

LOCAL ALLOWANCE OF GATE-KEEPERS IN THE KARACHI CUSTOMS.

262. **Khan Bahadur W. M. Hussanally:** Is it a fact that gate-keepers in the Karachi Customs get no local allowance? If so, why?

The Honourable Sir Basil Blackett: The gate-keepers at Karachi do not get any local allowance, because their pay has been fixed with reference to local conditions.

WITHHOLDING OF FEES PAID TO STATISTICAL CLERKS IN THE KARACHI CUSTOMS FOR SUPPLYING STATISTICS TO MERCHANTS.

263. **Khan Bahadur W. M. Hussanally:** (a) Is it a fact that statistical clerks in the Karachi Customs used to get fees for supplying statistics to the merchants for 20 years past?

(b) Is it a fact that recently these fees have been withheld from them and the same are now credited to Government? If so, why?

(c) Are these fees similarly credited to Government at other Custom Houses as well?

The Honourable Sir Basil Blackett: The information is being collected and will be supplied to the Honourable Member as soon as it is available.

• **PRIVILEGE LEAVE TO CLERKS AND OTHERS IN THE KARACHI CUSTOMS.**

264. **Khan Bahadur W. M. Hussanally:** Is it a fact that in the Karachi Customs clerks and others applying for privilege leave are obliged to produce a medical certificate before such leave is granted? If so, is the practice in consonance with the rules for the grant of such leave? If not, will the Government order such demand being stopped?

The Honourable Sir Basil Blckett: The Government of India are making an inquiry and the information will be supplied to the Honourable Member as soon as it becomes available.

COST OF WIDENING MASJID STATION ON THE GREAT INDIAN PENINSULA RAILWAY.

265. **Mr. Jamnadas M. Mehta:** Will Government be pleased to state:

- (a) What the original scheme for widening the Masjid station of the Great Indian Peninsula Railway in Bombay was and the total amount that was proposed to be spent thereon?
- (b) The total number of houses and buildings acquired for that purpose and the sum paid for the acquisition?
- (c) Whether the whole of the acquired land was used for the purpose of widening the station; if not what happened to the land not so used?
- (d) What the total cost of widening the station has been and how far it falls short of the amount originally estimated and the reasons for spending less than the estimated amount?

The Honourable Sir Charles Innes: (a), (b), (c), (d). The information required is being obtained from the Great Indian Peninsula Railway Administration and will be supplied to the Honourable Member on receipt.

APPRECIATION OF THE MEMBERS OF THE LEGISLATIVE ASSEMBLY OF THE ARRANGEMENTS MADE FOR AEROPLANE FLIGHTS, ETC.

Mr. Harchandrai Vishindas (Sind. Non-Muhammadan): Sir, I take this opportunity of expressing our gratitude to His Excellency the Commander-in-Chief for the opportunity we had of taking part in the aerial flights—which cured the indigestion of some Members and which gave some of us a good appetite and which gave an opportunity to our friend over there, who I think will follow me, in exhibiting his intrepidity in looping the loop. We also had the privilege of having an explanation of the processes of the machines by the air officials for which also we should like to express our thanks. Then in the afternoon we were given demonstrations of the armoured motor cars and had explained to us the process of using those motor cars and howitzers and 12 lb. guns. Sir, we have always seen a desire on the part of His Excellency the Commander-in-Chief to make the Members of this House as well as the other House acquainted with military matters as far as possible. At his invitation most of us have been to Dehra Dun and were pleased with the examinations that we were given the opportunity of holding there. Then we had the military manœuvres that were held in the beginning of this session, for which already thanks were expressed in this House. I conclude by

expressing our regret and sympathy for His Excellency during his illness.

Mr. Gaya Prasad Singh (Tirhut Division: Non-Muhammadan): Sir, I am very glad to be able to endorse all that has been said by my Honourable friend Mr. Harchandrai Vishindas, and I think I am expressing the unanimous opinion of those who participated in the demonstrations when I express on my behalf as well as theirs our sense of gratitude to His Excellency the Commander-in-Chief and the military authorities for the opportunity which they have given us. The arrangements came about in this way. Last year, I spoke to my esteemed friend Mr. Burdon to give me an opportunity of going up in an aeroplane. But the arrangements could not be made then. This year I again renewed my request to him, and I took the opportunity of speaking personally to His Excellency the Commander-in-Chief in the lobby of the House. His Excellency was graciously pleased to accede to my request, and referred the matter to Mr. Burdon. Mr. Burdon, with his usual alacrity, took the arrangements in hand, and the result was the fine display of aeroplanes, armoured cars, and howitzer guns we have had. Speaking for myself, I had the opportunity of going up twice in the aeroplane, once on the 21st, and again this very morning. I was the last person to go up to-day; and I enjoyed immensely the exciting and delightful experience of aerial flight.

I have heard, Sir, with very great regret that His Excellency the Commander-in-Chief is suffering from an attack of appendicitis, and I think I am expressing the sympathy of this House when I express our sincere desire to see His Excellency restored to health very speedily.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Division: Muhammadan Rural): Sir, my only regret is that my friend Mr. Kabeer-ud-Din Ahmed did not avail himself of the opportunity of flying.

Mr. President: I shall convey to His Excellency the Commander-in-Chief the appreciation of the Members of the arrangements made for aeroplane flights and the inspection of armoured motor cars; and also I think I shall be expressing the unanimous feeling of the House if I convey to him their hope that he may soon be restored to his usual health.

THE BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I beg to move for leave to introduce:

“ A Bill to supplement the Bengal Criminal Law Amendment Act, 1925.”

As the House is aware, legislation was undertaken in Bengal to continue most of the provisions of the Bengal Criminal Law Amendment Ordinance, I of 1924, which was made by the Governor General in circumstances which are well known, as they have been frequently discussed in this House. On that matter I do not propose to say anything at the present stage. When His Excellency addressed the Indian Legislature at the commencement of this session, he indicated that in certain circumstances supplementary legislation might have to be undertaken to supplement the provisions of

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the legislation in Bengal to which I have referred. It was impossible at that time to make any more definite statement, as the procedure which is laid down in section 72E of the Government of India Act had to be followed in respect of the legislation in Bengal. That section provides:

“Every such Act shall be expressed to be made by the Governor, and the Governor shall forthwith send an authentic copy thereof to the Governor General, who shall reserve the Act for the signification of His Majesty’s pleasure.”

The Bengal Act being therefore reserved, it was impossible to take any further action in connection with it till His Majesty’s pleasure was signified. An Act, Sir, under another clause of the section I have quoted has to be laid before each House of Parliament for not less than eight days on which the House has sat before it can be presented for His Majesty’s assent. The procedure required by this provision of the law requires some time and information of the assent of His Majesty in Council was only received in India on the 8th March, 1925. I mention this, Sir, to explain why I am bringing a Bill of this character before the House at so late a date in the Session. It was not possible in view of the procedure required by the law to bring in a Bill earlier.

I may at once explain the general purposes of the Bill which I seek leave to introduce. Certain provisions of the Bengal Ordinance were beyond the scope of the legislative power of the local Legislature, and it has therefore been necessary to bring them before this House. Speaking generally, there were two classes of provisions beyond the scope of the local Legislature; the first because they affected the jurisdiction of the High Court, and the second because they were beyond the territorial jurisdiction of the local Legislature. I will now very briefly draw the attention of the House to the actual provisions of the Bill. The operative clauses are not numerous. Clause 3 of the Bill provides that persons convicted on trials held before Commissioners under the Bengal Act shall have a right of appeal to the High Court at Fort William in Bengal. Similarly, the same clause in the next sub-clause provides that sentences of death passed by the same authority shall be submitted to the High Court and the sentence will not be executed unless it is confirmed by the Court which is to exercise both in respect of appeals and confirmations the powers provided by the Criminal Procedure Code. I do not think I need dilate further in regard to this clause, as it is a clause in favour of the subject. The second clause puts before this House powers which were contained in the original Ordinance made by the Governor General. It enables the Local Government with the sanction of the Governor General in Council to direct detention in jails outside the province of Bengal. That is a matter which, as I have said before, is outside the territorial jurisdiction of the local Legislature. Clause 5 I need hardly refer to; it is merely a construction clause and provides for the application to the supplementary Act of provisions of the local Act. Clause 6 is an important clause which on the analogy of section 491 (3) takes away from the High Court the power of interference by way of a *habeas corpus*. Provision of a similar nature has always been inserted in measures which confer special powers of internment on the Executive. The clause is an essential part of the procedure which has been deliberately set up by the Government and is an integral part of the scheme which was embodied in the original Ordinance. I do not think, Sir, I need at this stage detain the House further. I move for leave to introduce the Bill.

Mr. President: The question is:

"That leave be given to introduce a Bill to supplement the Bengal Criminal Law Amendment Act, 1925."

The motion was adopted.

The Honourable Sir Alexander Muddiman: Sir, I introduce the Bill.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): May I know, Sir, from the Honourable the Home Member under which provision of the Government of India Act the Governor General's sanction has been obtained for this enactment?

The Honourable Sir Alexander Muddiman: Sir, I move:

"That the Bill be taken into consideration."

Mr. C. Duraiswami Aiyangar: May I also submit to the House, Sir, that the endorsement says that the Governor General has been pleased to accord the sanction required by section 67 (2) (a) of the Government of India Act. That relates to public debt or public revenues, and that is why I wanted to draw attention to this.

The Honourable Sir Alexander Muddiman: I am informed, Sir, that the Governor General has accorded his sanction as it is a Bill which may impose charges on provincial revenues.

Mr. President: The question is:

"That the Bill to supplement the Bengal Criminal Law Amendment Act, 1925, be taken into consideration."

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I take this early opportunity to explain the attitude of the Svaraj Party in regard to this Bill. Sir, we look upon it as a vicious measure designed to achieve in an underhand manner what the Government know they cannot achieve by adopting a straightforward course. Sir, it is a trap, a well-prepared trap, with a very tempting bait laid on which no lover of justice and fair play can find it easy to resist. It is an iniquitous Bill which, while pretending to concede a right, a most valued right, really strikes at the very foundation upon which that right rests. It is a sordid attempt to deceive this House into the belief that it is securing some small measure of justice for the innocent victims of the bureaucracy while in truth and in reality the House would only be helping the bureaucracy to tighten its hold upon those unfortunate men and to deprive them of what little protection they still enjoy. Sir, these are obviously very grave and serious charges. But the Government stand convicted out of their own mouth. Let us recall to our minds the leading features of the dirty history of this the dirtiest piece of work that any Government has ever engaged itself upon. The House and the public know under what circumstances the Ordinance was promulgated and I do not propose to detain the House at any length on that part of the history. Suffice it to say that opportunity was taken to promulgate this Ordinance at a time when this House had just risen and when it was not to re-assemble for some months. When the House did re-assemble, it was gagged. Honourable Members will remember that I gave notice of a Bill which it was the statutory right of this House to consider, a Bill to supersede the Ordinance. Under section 72 this House and this House alone had any right to deal with the Ordinance in any manner.

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That right, Sir, was tried to be availed of, that right was denied to this House. I say, and I say after due consideration, that this House has been cheated out of its statutory right to interfere with that Ordinance. Section 67 (2) (iii) is the only provision in the Government of India Act which allows an Ordinance either to be repealed or to be controlled or amended in any way, and that power is confined to this House to be exercised with the previous assent of His Excellency the Governor General. That assent was refused to me and the Bill therefore could never come up before this House. But what happened was that about the beginning of January or February—the date does not matter—the Bengal Council was called upon to pass an Act embodying almost word for word the provisions of the Ordinance. The Bengal Council refused to pass that Act. Now, Sir, it would be a very debatable question of constitutional law whether the Bengal Council had any right on a matter of this kind to legislate at all. To my mind even if the Bengal Council had passed that Act, it would have been a nullity as it would in my opinion have been *ultra vires* of the Bengal Council to pass a sort of parallel legislation to the Ordinance which was then and which is still in force. However that may be, I simply say that it is a debatable point and I do not go further into the matter for the obvious reason that this is neither the place nor the occasion when such a question should be discussed. I leave it to the members of the Calcutta Bar and to the Honourable Judges of the Calcutta High Court to consider the question when it arises. Now, Sir, instead of this House being allowed to go direct to the Ordinance and pronounce its decision upon it, what has been done is to adopt a circuitous course by taking advantage of section 80A(3) which no doubt gives Provincial Councils the power to legislate for the purpose of amending the criminal law so far as it relates to their Provinces after the assent of the Governor General has been obtained. As I have said, the Council refused to pass the Act. Then it became by certification the Act of the Governor alone, not even of the Governor in Council, because the power under section 72E is vested in the Governor. Now, Sir, that Act was laid before the Houses of Parliament and in due course it received the assent of His Majesty in Council. His Majesty in Council could not help giving his assent. Being a constitutional monarch His Majesty of course acted according to the advice of his Ministers. That Act now comes before us, not as an Act with which we can deal but it comes before us in another way in a more insidious way. We are now to consider a supplementary Bill, a Bill to supplement the provisions of that Act. What is it that we are asked to supplement? A thing to which we were no parties, a thing which we have denounced in unmeasured terms but we cannot say a word about the main Bill. This, I say, Sir, is an insidious attempt to get us indirectly to accord some sort of approval to a measure to which we were no parties, a measure which, as is well known, was against the Resolution of this House and the opinions expressed in the course of the discussions which took place on the Ordinance. (*Mr. K. Ahmed*: "Why did not you object to its introduction?")

Now, Sir, let us take a few of the clauses of the Bill. Clause 3 is what I would describe as the bait. It is a clause which gives a most
 12 Noon. valued right. The right of appeal from convictions and from the findings and sentences passed by the courts of first instance is in all countries of the world deemed to be a very valued right. But what is the right that this clause confers? It is a shadowy right. In fact, it is no

right at all. The right of appeal and the value to be attached to it depend upon the right to claim a trial according to law. What are the facts here? The main Act consists of two parts. Part I lays down the constitution of special courts of Commissioners to try offenders,—but what offenders?—not all the offenders, not every one that is taken under the Act, but only such as the high and mighty bureaucracy choose to put before the Commissioners. The Government have a discretionary power. Not one of nearly 100 men who are now suffering during a vile can claim a right of trial before even this specially constituted tribunal, this very much crippled tribunal. It depends on the sweet will and pleasure of the bureaucracy to select any one they like, if they are minded to select anyone at all, to go through the farce of a trial and then they are gracious enough to say, "Thou shalt have a right of appeal". I can very well understand, Sir, what is going to happen. There is no question that in a case like this, when hundreds are taken, there will undoubtedly be some who have committed some crime—and what country in the world is free from crime? It must be in the very nature of things that one or two would be really guilty persons. It is in the nature of things that there would be evidence forthcoming against them. It is in the very nature of things that that evidence would be found sufficient not only by this special tribunal but also by the High Court to convict the man. Now, this unfortunate man will be placed before the Commissioners. He would probably have no real defence. He will be tried in the manner indicated by the Act and will be convicted. Then he will have the right of appeal. The High Court most probably will come to the conclusion that the evidence is sufficient and uphold the conviction. What will follow? What will follow will be that the case of that unfortunate man will be used to justify the arrest of the one hundred innocent men whom the bureaucracy have not the courage to try even under the limitations which they have imposed upon the special tribunal. Sir, Lord Lytton has said, and Earl Winterton has said in the House of Commons, that there is no intention of trying any of those taken on the 25th October, 1924, when the Ordinance was promulgated. I challenge my friend now to say whether they have the heart, the courage to try those who have been arrested under this Ordinance. What is the value of a right of appeal when there is no right to claim a trial? Sir, if a trial takes place under the ordinary law, with the due safeguards imposed by law, I can understand that the right of appeal is a very valuable right. But you take hold of a man and you keep him in detention, in prison, for any length of time you like. All that is needed by the Act, is that every year the Governor will revise the case, and if he is so minded, he will either set the man free or keep him for another year, and this will happen from year to year. The Star Chamber, Sir, ensured a fairer trial to the persons whom it tried.

Then we come to the other clauses. You have given us this bait and if we swallow it, what are we asked to do? We are asked to give more powers to the bureaucracy. We are asked to give by clause 4 extra-territorial jurisdiction. By clause 5 we are asked to help the bureaucracy in suspending all courts of civil and criminal justice under section 24 of the main Act. It is described by my Honourable friend merely as an interpretation clause. Yes, so it is; but how far does that interpretation go? It goes to the full length of depriving civil and criminal courts of their jurisdiction to deal with the misdeeds of the bureaucracy under the Ordinance and under the Act.

Then we come, Sir, to clause 6, which it is stated, is the natural consequence of the Ordinance. The Ordinance had a provision of this kind and

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this clause, it is said, is inserted simply because the Bengal Legislature as a Provincial Legislature could not provide for the matter. I ask, is that consequence which follows as a matter of course? Does the provision not involve the refusal of a right, the denial of which cost England the head of one of its Kings? You say clause 5 is an interpretation clause, and you say clause 6 follows as a matter of course from the Ordinance. The result is, as I have said, that while you give a sham right of appeal, a right of appeal which in one case out of 20 might perhaps have some little value, you deprive hundreds of persons—may be thousands of persons,—who knows when you are going to desist from this mad career of indiscriminate arrests—of the right which they enjoy under section 491, of the jurisdiction which the High Court possesses under that section. And what is the price? The price is, you give the right of appeal in such cases as you deem fit to try. This is the whole of the Bill which we are now asked to pass. We realise, and let there be no doubt about it, we fully realise that the right of appeal, however limited, has always some value. If there is one unfortunate man who has a chance of having his case placed before the highest tribunal in the land, that is a chance, Sir, which no reasonable man will deny him. We cannot therefore oppose the whole Bill which contains clause 3. It is a cruel almost a fiendish dilemma in which we are placed. We must recognise that there is some value, however little, in the right of appeal given by the Bill. There may be cases where there is some chance, however slender, of the poor man getting justice from the High Court. On the other hand, we are asked to barter away all the rights of the others for this little chance. Well, we are not prepared to fall into the trap. It was only the other day that much pious horror was shown in this House when my Honourable friend Mr. Goswami described the present system of Government as the devil's government. Are these provisions, I ask, Sir, anything short of installing the devil on the high and holy seat of justice. I say it is nothing short of that. We have heard of Jedwood justice—hang in haste and try at leisure. To this the Government have graciously added the right of appeal, the nature of which I have described. Sir, we are not going to be deceived by this. Not even the man in the street will be deceived by anything like this. Therefore, Sir, to sum up the position of my party, I say that this is an iniquitous measure, the iniquity of which is only enhanced by the right which it pretends to give with one hand and the rights which it takes away with the other.—So far as that goes, as I have already said, we must recognise the little good that there is in this stingy grant of the right of appeal. Our position will be that we shall say nothing about it. We shall leave you to stew in your own juice. We shall not cast our vote either for or against but when you try to ask us for more powers we shall oppose you and we shall refuse you those powers with all the strength that we can command. That, Sir, is the position of my party.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): It is certainly a matter for regret that it should be the hand of Sir Alexander Muddiman that should offer this Bill to this House. I wish it had been somebody else. Now, this Bill which is offered to us is in my opinion an insult added to injury. Sir, when the Governor General promulgated the Ordinance, from one end of the country to the other there was a unanimous protest against the promulgation of the Ordinance.

Mr. H. Calvert: That is absolutely wrong.

Mr. M. A. Jinnah: Except from some degenerated members of bureaucracy. Have you lost all sense of (*A Voice*: "Shame") what Englishmen are proud of?

Mr. H. Calvert: We have not lost sight of the truth.

Mr. M. A. Jinnah: It is nothing else but a disgrace to any civilised government to resort to a measure of this character. I cannot understand Mr. Calvert. Sir, I suppose he has been absent from Great Britain too long. I will quote to him, I have already quoted more than once and I propose to quote to him the words of a great man of whom every Englishman is proud, Lord Morley, and I shall point out what he thought of it. I do not care a straw for his opinion which is absurd and which is absolutely demoralised, degenerated and not worthy of an Englishman. Sir, I have done with that. Now let me get back to my subject. I repeat without fear of contradiction that when the Ordinance was promulgated by the Governor General it was condemned universally by the people of India. That Ordinance has not expired yet. It could be in force for six months only. In the face of public opinion the obstinacy of the Government has gone to this length, that instead of coming to this Legislature they take shelter under the local Legislature. (*A Voice*: "Shame.") They go to the Bengal Council. What did they find there? The Legislature of Bengal rejected that Bill and how was it enacted? It was enacted by a process of certification, a certification which required the assent of His Majesty. And here I may say that I am shocked that such an abhorrent measure that this abomination, should have been placed on the table of the British Parliament and should have been allowed to pass the scrutiny and the resentment which ought to have been shown against this measure. I am one of the greatest admirers of the British Parliament but when the British Parliament has come to this I think I am entitled to say that certainly it has lost the title of Mother of Parliaments which it claims. Now, His Majesty has given his assent to the Bill. The Under Secretary of State, Lord Winterton, had the boldness, the temerity to stand up on the floor of that British Parliament, the champion of the liberty of people. What did he say? He said when the question was put to him "The Act does not contemplate any trial. The détenus can be detained for an indefinite period". Quite correct and when Mr. Lansbury asked him the question, "Is there any limit" he said that the Statute does not provide for any limit. That means that you can lock up as many men as you like according to the advice of your Executive and your police indefinitely or as long as you like and the man has no right to claim a trial or to have a trial. It is not, as I have said before, that I am pleading for or advocating the cause of the guilty. What is the reasoning? Why is it that we show this resentment? Why is it that we are opposed to it so much? Why is it that it goes against our grain? The reason is a very simple one and it is this—that by this measure you are not giving any protection to the innocent, that the innocent are likely to be persecuted, that this is an engine of oppression and of repression of legitimate movements in this country and it has been abused in the past and there is every likelihood of its being abused in the future.

Now, Sir, what is the justification for this measure? Is there a state of war in this country? Is there a national peril in this country? Is the public safety of Bengal endangered? I challenge you to show that. What

[Mr. M. A. Jinnah.]

is your ground? Your ground is a petty ground that a few lives are in danger of being shot at; that spectacular murder is contemplated by a gang of men, 100 or 200, a gang of men—a few lives of officials are endangered; they may be shot at or shot down. Now, I ask a simple question, Sir, of myself and my answer is that if I were an official and if I felt that my life was in danger and I was going to be shot down, even like a dog, I should never be a party to a measure which will endanger the life and liberty of the innocent population as this measure undoubtedly does. (Applause.) (Mr. W. S. J. Willson: "He jests at scars who never felt a wound.") But rather I would stand and be shot down by that wicked gang, than give power to the Executive and the police which can be abused and has been abused in the past. I appeal to Englishmen. I appeal to the bureaucrats who are sitting on that Bench to rise higher and not be nervous and lose sight of those great, noble, fine, magnificent principles of justice. Sir, it is not a small matter. You followed this policy in 1909. You have not benefited by it. You tried to follow that policy in 1919 when you were tempted to enact the Rowlatt Act. That Act was repealed without ever being used. What have you gained by this policy? You are now again on the wrong track and I warn you, you are again by pursuing this policy in this ruthless, in this obstinate, obdurate manner, creating a crisis in the country; and I warn you, as I had the opportunity to warn you when you were enacting the Rowlatt Act. Sir, instead of this Ordinance which was to be in force for six months, we have got the Bengal Act. It is enacted for five years, and now the Government of India wish that this House should pass this Bill to supplement that horrible measure. I ask the Honourable the Home Member is he serious and does he hope to persuade this House to sanction the measure under the circumstances? I feel inclined, Sir, to say that the Government think that this is a joke, and they have the temerity to bring this Bill before the House and say, pass it.

Now Sir, before I deal with the provisions, I shall quote from Lord Morley. This is what Lord Morley said in 1909. He wrote to Lord Minto and this is what he said:

"Deportation is an ugly dose for radicals to swallow."

He also wrote:

"The question is about the future. It is like the Czar and the Duma. Are we to say, 'You shall have reforms when you are quiet; meanwhile we won't listen to what you say; our reform projects are hung up.' Meanwhile there is plenty of courts-martial, *lettres de cachet* and the other paraphernalia of law and order."

In another place this is what he writes to Lord Minto:

"You state your case with remarkable force. . . ."

That is exactly what the Honourable the Home Member has done. (A Voice: "Question?") He has stated his case with remarkable force more than once:

"I admit, but then I comfort myself in my disquiet at differing from you by the reflection that perhaps the Spanish Viceroy in the Netherlands, the Austrian Viceroy in Venice and the Bourbons in the two Sicilies and a Governor or two in the old American Colonies used reasoning not wholly dissimilar and not much less forcible."

That is exactly what the Honourable the Home Member is doing. It has been done in the past. Then what does he say? We proceed further. Again he says:

"We admit that being locked up they, the détenus, can have had no share in the new abominations, but their continued detention will frighten evil-doers generally."

That is the Russian argument:

"By packing off train-loads of suspects to Siberia we will terrify the anarchists out of their wits and all will come out right."

And that is Mr. Calvert.

Mr. H. Calvert (Punjab: Nominated Official): I never said that Sir.

Mr. M. A. Jinnah: But what does Lord Morley say?

He proceeds as follows:

"That policy did not work out brilliantly in Russia and did not save the lives of the Trepoffs nor did it save Russia from a Duma the very thing that the Trepoffs and the rest of the offs' deprecated and detested."

Sir, now I want to state our position with regard to this Bill. The first part of this Bill, the clauses which deal with the rights of appeal to, and confirmation of death sentences by the High Court, we cannot possibly reject, although we had no hand and no voice; and we had no power in rejecting or enacting the Bengal Criminal Law Amendment Act, in other words, the Ordinance. This House is placed in this position: Are you or are you not going to allow this advantage to the subject who will come under that abominable Statute, the subject who will be tried by a special tribunal, the subject who will be tried by special rules of evidence. However much it may be abominable, however much we may condemn and denounce it, if we are asked a question that even under these circumstances do you wish to refuse the right of appeal, my answer is that I cannot refuse, and I shall be guilty of doing the gravest injustice to that man who may be tried by this special tribunal of yours and by means of special rules of evidence to refuse him the chance to go to the High Court. I cannot deprive him of that opportunity when his life is at stake, and therefore, Sir, that part of the Bill I cannot reject. But I shall not be a party to even that part of the Bill. I leave the Government to carry it if they so desire.

Sir, then I come to the other part of the Bill. The other part of the Bill, clauses 4 and 5, is intended to further facilitate the operation, the enforcement and the carrying out of the working of that abominable Act, and I refuse to be a party to that. I think it is our duty to reject clauses 4 and 5 summarily and we shall vote against them. With regard to clause 6 the Honourable the Home Member was so quiet about it, so gentle, so precise and brief about it, because he knew that if he said a word more he would probably put his foot into it. Now, I ask the Honourable the Home Member what is it that you are asking us to do? You are asking us to allow you, to allow the Bengal police, to allow the Bengal Executive to arrest men, to detain them, to keep them in custody indefinitely without a trial and that man should not have the right to claim the most prized writ of *habeas corpus*: and you want that we should make an exception

[Mr. M. A. Jinnah.]

under section 491 of the Criminal Procedure Code—that we should make an exception, so that your abominable Act should work successfully. That is what we are asked to do. (Mr. K. Ahmed made some inaudible remarks.) I cannot hear what the Honourable Member over there is murmuring. (A Voice: "Don't mind him.") Therefore, Sir, we cannot be a party to that; and before I sit down, I appeal to every Member of this House. I know the Swaraj Party has decided. I know that we have decided, to follow this course. But there are other Members in this House, and I appeal to every Member, and I say that if you have a grain of self-respect, if you have an iota of the sense of justice and of fairness to your countrymen—vote against these clauses. Mind you, I am not in favour of protecting the guilty, the guilty I have no mercy for, but I do maintain that it is neither a question of national nor public safety, nor are we in a state of war, and I say, whatever the Government may say on the ground of "state necessity"—remember I quoted from Lord Morley; other Governments have argued in the same way before and it is an old, old story—I say if the Government really desire to do the right thing, their proper course is to make their police efficient (Mr. B. C. Pal: "Hear, hear.") and if you have this gang or gangs of a few hundred men—after all, you have not been able to get more than a hundred or so,—and there is no evidence against them at all, that is why they are locked up—now for nearly 5 months.

Mr. Bipin Chandra Pal: Have they brought any one to trial under the old Regulation?

Mr. M. A. Jinnah: As far as I know—I am not representing the Government—as far as I know from the Press, none of them has been brought to trial. I therefore appeal to all the Members, and I do appeal even to my English friends—of course the officials will vote with the Government, they are bound by the rules to do so—but I appeal to my other English friends who are here, they are not bound to vote with the Government, and I appeal to you not to give your sanction to this. Sir, I will only add this much: we are opposed to this measure on principle. But we are also opposed to it on this ground, that your policy is wrong. I appeal to the Treasury Bench not to persist in this policy. I appeal to the Treasury Bench, I hope not in vain, that if you really wish to get rid of this danger, your only and proper course is reconciliation.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): Sir, I want to ask the Home Member one question. Will he kindly place before this House the number of persons who have been put up for their trial under the old Ordinance or the new Act in Bengal during the last six months. (Mr. W. S. J. Willson: "This is not question time.")

The Honourable Sir Alexander Muddiman: Sir, I propose to reply briefly to what has been said. I desire, in the first place, to try and bring this question back to a more reasonable perspective. In the first place, let me say that there is no question of any trick. My Honourable friend Pandit Motilal suggested that the Government were bringing forward an elusive Bill in order to get through certain special powers for the Executive, powers of an unusual nature. He suggested that we were

merely conferring a right of appeal, not because we thought it was just, not because we recognize that there should be an appeal but in order to delude this House into voting for a measure containing other clauses. Now this House is not altogether inexperienced in legislative business, and I should have thought that at any rate it would have occurred to any Member of this House that if that was the case, the remedy was a very easy one, namely, to reject the clauses which you do not like and vote for the clauses which you do like. If therefore it is considered that we are putting forward something as a trap or a trick, all I can say is that it is a highly foolish one calculated to deceive no one. (*A Voice*: "It is so.") We have put forward this Bill not as a trap nor have we endeavoured to put forward a bait. We have brought in the appeal clause as we have brought forward the other clauses in the Bill because we regard them as necessary for the purposes for which the whole of this legislation has been devised. So much on the point of the alleged trick.

The next point made was that we ought not to have brought forward legislation in the local Legislative Council. I am not aware what is a more suitable venue for a Bill of restricted application than the Legislative Council of the area concerned. I think honestly you can make nothing on that head. The next point was that it was said that this legislation has been received with loathing, and there was not a single person who has dared to raise a voice in favour of it. Now, I have never concealed from the House my dislike for special legislation and it is to me a matter of great reluctance to recognise its necessity. It has been my lot since I have taken charge of my office to have to defend and bring forward legislation of this kind. To say that there was no voice raised in support of this legislation in Bengal is not a fact. It is not wise, I suggest to the House, not to recognise the facts. This Bill was sought to be introduced in the Bengal Council on the 7th January and on the division which was taken on the motion for leave to introduce there were 57 who voted in favour of the Bill and there were 66 who voted against it. (*Mr. A. Rangaswami Iyengar*: "How many were officials?") My Honourable friend is perfectly right in suggesting, as he apparently does, that a considerable number of the persons who voted for the Bill were officials (*A Voice*: "And nominated Members.") and nominated Members.

Mr. M. A. Jinnah: Sir, I never said that there was not a single person; I said it was universally condemned.

The Honourable Sir Alexander Muddiman: I will not follow the difference between "not a single person" and "universally condemned". I am comparing the number 57 with the number 66 and I will now deal with the point that among those who voted for the Bill there were undoubtedly both nominated members and officials (*Mr. K. Ahmed*: "And elected Members also.") (*A Voice*: "Like you.") and elected members too. But the point I desire to make is this, that under the constitution of these Councils, a constitution that has been fixed by Parliament, one Member's vote is the same as another's. As long as the present constitution continues, it is idle to say that you can discriminate between a vote given by a nominated or by an elected Member. I want to be quite clear on that point.

I pass on to another line of attack that has been taken. The legislation provides, as is well known, for the trial of certain offences by a special tribunal, a special Commission.

Pandit Motilal Nehru: Not offences, but certain persons whom you choose to try, certain persons who are charged with certain offences and you choose to try them. Only persons whom the Local Government considers should be tried under the special provision not all who have been arrested.

The Honourable Sir Alexander Muddiman: I am glad my Honourable friend has made the point because he has brought me on to the point I intended to make. There is no such power as is suggested by the interruption. It is not in the power of the Local Government to try all or any offences it likes under the special procedure. The offences are specified, and I will read them to the House. I think the House should know what they are.

Pandit Motilal Nehru: Nobody has ever denied that, but the question is whether you give the right of trial to everybody.

The Honourable Sir Alexander Muddiman: I am not to be led away from the point I was going to make. The Local Government has power to put on trial persons who are alleged to have committed certain offences. If the House is aware of the offences which are contained in the Schedule, I will not trouble to read it to the House. I will only mention that in every one of the offences contained in the Schedule, the element of violence is there. That, I think, is admitted. (*Pandit Motilal Nehru: Quite so.*) Another point that has been made is that on trials under this portion of the local legislation, special rules of evidence are in force. It would seem to be suggested that these special rules of evidence are something of a horrible and terrible kind, something so obviously unjust and unfair that the persons likely to be tried will be prejudiced thereby. I will read to the House the only special rule as to evidence which is provided for by the legislation, and it is this:

"Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial before Commissioners appointed under this Act if such person is dead or cannot be found, or is incapable of giving evidence, and the Commissioners are of opinion that such death, disappearance, or incapacity has been caused in the interests of the accused."

Now, the point of that special rule is clear. One of our dangers—and I should have thought that it must be admitted that it was a present danger—is the danger of assassinations of witnesses, and all that the section does is to say that the statement of a man recorded in those circumstances and where his death or disappearance has to the satisfaction of the Court been shown to be caused in the interests of the accused

Pandit Motilal Nehru: May I ask the Honourable Member whether there have been any assassinations of witnesses recently? When was the last witness assassinated?

The Honourable Sir Alexander Muddiman: The last witness assassinated in my memory—I am glad to say they have not been so frequent lately—is the assassination in Chittagong. (*An Honourable Member: "In what year?"*) Last year. (*Pandit Motilal Nehru: "Of a witness?"*) He was a witness; he was a man who certainly would have been a witness if he had lived.

Now, Sir, let me turn to what is really the graver part of the charge. There have been no real complaints against this trial by Commissioners and

there have been no real complaints against the powers of the High Court in the matter of confirmation of the sentence of death. My Honourable friend has quite frankly admitted it, although he has minimised the bait as he calls it, which I say is no bait. It is the internments that are attacked. We are told we are locking up hundreds of persons—that is, by the Pandit. My Honourable friend Mr. Jinnah was inclined to put the number nearly at something about 100. But I am not prepared even to say that even that is not rather excessive. I have not the latest figures with me. It is suggested that this “abominable” law enables us to take people, anyone, regardless of what they have been doing and lock them up, without any cause. I do not desire to deny or to minimise that it is a very serious thing to confine a man without trial and I should be the last to minimise the seriousness of it. But it is not fair nor does it do any good to repeat the cry that every one can be locked up. There must be reasonable grounds for believing that the person has acted, is acting or is about to act in contravention of the provisions of the Indian Arms Act, 1878, or the Explosives Act, 1909.

Mr. A. Rangaswami Iyengar: In the opinion of the police.

The Honourable Sir Alexander Muddiman: In the opinion of the Local Government. I think there is no one in this House, whatever his political views may be, who desires to encourage offences in connection with arms or explosives.

Mr. Devaki Prasad Sinha: What about section 13?

The Honourable Sir Alexander Muddiman: If the Honourable Member will allow me to proceed, I will tell him something about section 13. The next class of persons who may be dealt with are people in respect of whom the Local Government has reasonable grounds for believing that they have committed, are committing or are about to commit any offence specified in the Second Schedule. The Second Schedule contains offences in all of which there is the element of violence; and the third class of persons who may be dealt with are persons in whose case in the opinion of the Local Government there are reasonable grounds for believing that any person has acted, is acting or is about to act with a view to interfere by violence or by threat of violence with the administration of justice. There again I should have thought there would be no sympathy with the evil, whatever complaint there may be against the method with which we attempt to deal with the matter. I have dealt at some length with this aspect of the case, because it is essential that the House should bear in mind that these powers are not, as is often said, to be exercised without any regard to the antecedents of those who are arrested. And mark you, the power is to be exercised by the Local Government. Now, it has been said that Government is a devil's government. I doubt if my Honourable friend really believes it. To many at any rate the Local Government is a guarantee that these powers will not be exercised indiscriminately or against any persons other than those for whom this legislation was framed.

Mr. A. Rangaswami Iyengar: You can never convince us by what has been done in the past.

The Honourable Sir Alexander Muddiman: Is it to be believed that a Local Government composed as it is to-day is likely to exercise those powers in the devilish way that has been suggested? It should be the

[Sir Alexander Muddiman.]

last to deny that mistakes may be made, but under what system of jurisprudence, under what system of trial is it not possible that mistakes could be made? (*Pandit Motilal Nehru*: "Minimise them.") I agree that the argument in reply to that is, "Yes, mistakes are made in judicial trials, but they are made after a careful judicial investigation. You do not give them judicial investigation and therefore liability to mistake is greater." That is so. It must be admitted. The remedy is a strong one for a disease which is deadly. In closing my remarks I beg the House to approach this Bill, not in the light of prejudice, not with a determination to throw out one clause or two clauses or three clauses or four clauses of the Bill, but to regard our proposals as a whole, put forward with reluctance but essential, and supported as they have been by every executive authority in India, proposals which were laid on the table of both Houses of Parliament for days, which have produced no motions in that House and which have finally been enacted with the sanction of Parliament. I desire to make it quite plain that in making that statement I do not say that the provisions which we are asking you to sanction in this Bill have been so laid. I mean that the local Act, to which these provisions are in effect nothing more than a supplement, was so laid. I ask the House to consider all these matters and think once and think twice before they commit themselves to a vote against the clauses of this Bill.

Mr. President: The question is:

"That the Bill to supplement the Bengal Criminal Law Amendment Act, 1925, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill

Mr. President: The question is:

"That clause 4 stand part of the Bill."

The Assembly divided:

AYES—37.

Abdul Mumin, Khan Bahadur
Muhammad.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ajab Khan, Captain.
Ashworth, Mr. E. H.
Bhore, Mr. J. W.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Clow, Mr. A. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Fleming, Mr. E. G.
Graham, Mr. L.
Hira Singh Brar, Sardar Bahadur
Captain.
Hudson, Mr. W. F.
Lindsay, Mr. Darcy.
Lloyd, Mr. A. H.
Makan, Mr. M. E.
Marr, Mr. A.
McCallum, Mr. J. L.

Milne, Mr. R. B.
Mitra, The Honourable Sir Bhupendra
Nath.
Moir, Mr. T. E.
Muddiman, The Honourable Sir Alex-
ander.
Muhammad Ismail, Khan Bahadur
Saiyid.
Naidu, Mr. M. C.
Raj Narain, Rai Bahadur.
Rau, Mr. P. R.
Rhodes, Sir Campbell.
Rushbrook-Williams, Prof. L. F.
Sastri, Diwan Bahadur C. V. Visva-
natha.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Willson, Mr. W. S. J.
Wilson, Mr. R. A.

NOES—74.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Abul Kasem, Maulvi.
 Acharya, Mr. M. K.
 Ahmad Ali Khan, Mr.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Alimuzzaman Chaudhry, Mr.
 Aney, Mr. M. S.
 Arif, Mr. Yacoob C.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Ghazanfar Ali Khan, Raja.
 Ghose, Mr. S. C.
 Ghulam Bari, Khan Bahadur.
 Goswami, Mr. T. C.
 Gour, Sir Hari Singh.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Hussanally, Khan Bahadur W. M.
 Hyder, Dr. L. K.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kasturbhai Lalbhai, Mr.
 Kazim Ali, Shaikh-e-Chatgam Maulvi
 Muhammad.
 Kelkar, Mr. N. C.
 Kidwai, Shaikh Mushir Hosain.
 Lohokare, Dr. K. G.
 Malaviya, Pandit Krishna Kant.

The motion was negatived.

Mr. President: The question is:
 "That clause 5 stand part of the Bill."

The Assembly divided:

AYES—37.

Abdul Mumin, Khan Bahadur
 Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Abul Kasem, Maulvi.
 Ajab Khan, Captain.
 Ashworth, Mr. E. H.
 Bhoze, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Clow, Mr. A. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Fleming, Mr. E. G.
 Graham, Mr. L.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Hudson, Mr. W. F.
 Lindsay, Mr. Darcy.
 Lloyd, Mr. A. H.
 Marr, Mr. A.

Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jannadas M.
 Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Mutalik, Sardar V. N.
 Nambiyar, Mr. K. K.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neegy, Mr. K. C.
 Pal, Mr. Bipin Chandra.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Piyare Lal, Lala.
 Purshotamdas Thakurdas, Sir.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Reddi, Mr. K. Venkataramana.
 Sadiq Hasan, Mr. S.
 Samiullah Khan, Mr. M.
 Sarda, Rai Sahib M. Harbilas.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shafee, Maulvi Muhammad.
 Singh, Mr. Gaya Prasad.
 Singh, Raja Baghunandan Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Syamacharan, Mr.
 Tok Kyi, Maung.
 Venkatapatiraju, Mr. B.
 Yakub, Maulvi Muhammad.
 Yusuf Imam, Mr. M.

McCallum, Mr. J. L.
 Milne, Mr. R. B.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Moir, Mr. T. E.
 Muddiman, The Honourable Sir
 Alexander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Naidu, Mr. M. C.
 Rau, Mr. P. R.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur G. V.
 Viswanatha
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.

NOES—73.

Abdul Karim, Khwaja.	Malaviya, Pandit Madan Mohan.
Abhyankar, Mr. M. V.	Mulla, Mr. Jamnadas M.
Acharya, Mr. M. K.	Misra, Pandit Shambhu Dayal.
Ahmad Ali Khan, Mr.	Misra, Pandit Harkaran Nath.
Aiyangar, Mr. C. Duraiswami.	Murtuza, Sahib Bahadur, Maulvi
Aiyangar, Mr. K. Rama.	Sayad.
Alimuzzaman Chowdhry, Mr.	Mutalik, Sardar V. N.
Aney, Mr. M. S.	Nambiyar, Mr. K. K.
Ariff, Mr. Yacoob C.	Natain Dass, Mr.
Chaman Lall, Mr.	Nehru, Dr. Kishenlal.
Chanda, Mr. Kamini Kumar.	Nehru, Pandit Motilal.
Chetty, Mr. R. K. Shanmukham.	Nehru, Pandit Shamlal.
Das, Mr. B.	Neogy, Mr. K. C.
Das, Pandit Nilakantha.	Pal, Mr. Bipin Chandra.
Datta, Dr. S. K.	Patel, Mr. V. J.
Duni Chand, Lala.	Phookun, Mr. Tarun Ram.
Dutt, Mr. Amar Nath.	Piyare Lal, Lala.
Ghazanfar Ali Khan, Raja.	Purshotamdas Thakurdas, Sir.
Ghose, Mr. S. C.	Ramachandra Rao, Diwan Bahadur M.
Ghulam Bari, Khan Bahadur.	Rangachariar, Diwan Bahadur T.
Goswami, Mr. T. C.	Ranga Iyer, Mr. C. S.
Gulab Singh, Sardar.	Ray, Mr. Kumar Sankar.
Hans Raj, Lala.	Reddi, Mr. K. Venkataramana.
Hari Prasad Lal, Rai.	Sadiq Hasan, Mr. S.
Hussanally, Khan Bahadur W. M.	Samiullah Khan, Mr. M.
Hyder, Dr. L. K.	Sarda, Rai Sahib M. Harbilas.
Ismail Khan, Mr.	Sarfaraz Hussain Khan, Khan
Iyengar, Mr. A. Rangaswami.	Bahadur.
Jeelani, Haji S. A. K.	Shafee, Maulvi Mohammad.
Jinnah, Mr. M. A.	Singh, Mr. Gaya Prasad.
Joshi, Mr. N. M.	Singh, Raja Raghunandan Prasad.
Kasturbhai Lalbhai, Mr.	Sinha, Mr. Ambika Prasad.
Kazim Ali, Shaikh-e-Chatgam Maulvi	Sinha, Mr. Devaki Prasad.
Muhammad.	Syamacharan, Mr.
Kelkar, Mr. N. C.	Tok Kyi, Maung.
Kidwai, Shaikh Mushir Hcsain.	Venkatapatiraju, Mr. B.
Lohokare, Dr. K. G.	Yakub, Maulvi Muhammad.
Malaviya, Pandit Krishna Kant.	Yusuf Imam, Mr. M.

The motion was negatived.

Mr. President: The question is:

“That clause 6 stand part of the Bill.”

Honourable Members are aware that the motion in this case is to be:

“That Clause 6 stand part of the Bill,” not “That clause 6 be omitted.”

Mr. T. C. Goswami (Calcutta Suburbs: Non-Muhammadan Urban):—
Sir, if the sting of the scorpion is in its tail, the venomous purpose of this Bill is in its last clause, clause 6. The object of this Bill is not to provide a right of appeal, which, I submit, this Bill does not really provide in the meretricious clause 3. The real purpose of this Bill is to deprive honest citizens incarcerated without trial and without even charges being framed against them, of the present, very meagre right of getting a writ of *habeas corpus* under section 491 of the Criminal Procedure Code. Sir, this clause, as I have already said, is the most vicious clause in the whole Bill.

I take this opportunity to explain a certain statement of mine which, I believe, has received considerable attention in this House. Some time ago when the Honourable the Home Member was trying to rub in the catch-phrase, “The King’s Government must go on”, I did say and I did

say deliberately that the devil's government must cease. Sir, it took me five months to take up that attitude, five months from the 25th October when the infamous Bengal Ordinance was promulgated. Sir, I say that this Government, by passing the Ordinance and by the certification of the Ordinance Bill in Bengal, have been wedded to sin, and have earned the wages of sin and deserves the wages of sin—death. I know that I have offended against the canons of the drawing-room politesse of a second class bourgeoisie. I do not apologise for my convictions; but I do offer this assurance, that it is with considerable pain that I have to use language which is either venomous or at all too severe. Sir, I have learnt too early in life, in contact with the political situation around me, with my political opponents, the truth of Shakespeare's advice, disguise fair nature with "*hard-favoured rage*". It is no pleasure to me to abuse anybody.

Sir, "Reasons of State" have been urged in support of this Bill. Reasons of State both in mediaeval and in modern times have been responsible for many forgeries. My Honourable friend Mr. Jinnah, on another occasion, namely, during the debate in this House on the Ordinance asked the Home Member to take him into confidence and place before him what evidence he possessed regarding the persons incarcerated. I thought to myself, that, should the Honourable the Home Member, who is a very reasonable and unsuspecting man, by mistake, have acceded to the request of the Honourable Mr. Jinnah, his department would have been put to the necessity of forging evidence. Sir, with regard to State necessity I should like to make a quotation which I shall expect all educated Englishmen here to recognise:

"State-necessity! No, my Lords, that Imperial tyrant, State-necessity, is yet a generous despot; bold is his demeanour, rapid his decisions and terrible his grasp. But what he does, my Lords, he dares avow, and, avowing, scorns any other justification than the great motive that placed the iron sceptre in his hand. But a quibbling, pilfering, prevaricating State-necessity that tries to skulk behind the skirts of justice; a State-necessity that tries to steal a pitiful justification from whispered accusations and fabricated rumours: no, my Lords, that is no State-necessity; tear off the mask, and you see coarse, vulgar avarice; you see speculation lurking under the gaudy disguise, and adding the guilt of libelling the public honour to its own private fraud."

So much for the State-necessity of the present Bill. Sir, I will now quote from a book which, I think in the interests of "State-necessity", ought to have been proscribed in this country. I refer to Mr. Buchan's *Life of Lord Minto*, published last year. On page 292 you will find the words of Lord Minto as to why deportees could not be released in 1909, even though Lord Morley had pressed for their release. Thus did he answer Lord Morley:

"One of the great hopes of our Reforms scheme was to rally the Moderates. Surely it would not be wise (mark the words, 'it would not be wise', not that it was not just at least to release them) to turn loose those firebrands into the political arena just at the very moment when we are hoping that the reasonable and stable characters in Indian society will come forward and range themselves on our side, and on the side of constitutional progress. It seems to me that, if we were to do this, we should indeed be creating a 'self-contradictory situation', (quoting Lord Morley's own phrase) in that, having withdrawn the deportees from political life for nine months or so while nothing was going on, we should be liberating them at the very moment when the whole country will be in the turmoil of a general election and when we are trying for the first time to work out an entirely novel electoral machinery."

These are words full of meaning and significance, and throw a light on the present case. As in 1909, so in 1924-25. The substance of that, I suppose, is this: "It is true that the deportees ought to be released, justice"

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demands that they should be released; but if we do release them they will prejudice the chances of the Moderates at the elections." Another quotation from the same book. (Mr. K. Ahmed: "Use your own language. What is the use of borrowing quotations?")

"The worst of it, wrote Lord Minto in-1910, is that the meaning of outrages is so enormously exaggerated at home. . . . Speaking frankly there was at one time a very decided slackness on the part of Local Governments in respect to prosecutions for sedition. They were much more inclined to advise deportation and throw the responsibility on the Government of India and the Secretary of State and there was a tendency to complain of the weakness of our legal machinery, the truth being that it was often ample but that its application was neglected."

It is a quotation which ought to unteach even Mr. K. Ahmed his loyalty to all the foibles of this Government. Sir, I believe by a slip of the tongue my Honourable friend Mr. Ranga Iyer the other day described the Government's case for the Ordinance as a lie, and, if I remember correctly, he diluted that statement in the subsequent part of that speech. The Honourable the Home Member then quite rightly drew attention to the fact that a "machine" does not lie, that the "machine" of the Government is composed of individuals, individual officials; therefore the lie had been attributed to individuals. I have not the slightest doubt that some of the officials even in the highest positions have lied in connection with this Ordinance; and that their lie is a lie of the blackest description. As for the question of *bona fides*, the Honourable the Home Member, the other day, seemed to have felt sure that we in this House had no doubt as to the *bona fides* of Government, and that this House, at least, did not regard the Ordinance as having been directed against the Swaraj Party. I think a sufficient denial of that was given in this House on a previous occasion.

We are told that there are dangerous elements about in this country. I will tell you who the dangerous people are. Out of the mouth of Lord Ampthill Parliament had the truth and out of the mouth of Lord Ampthill this Assembly will again hear the truth. Lord Ampthill speaking in the House of Lords (I am quoting from the Official Report) on the Indian Public Services Commission, on the 28th November 1922, said:

"Two or three years ago a man of great eminence and undoubted authority, whose name for the moment I forget, made a very remarkable statement. He said that the only really dangerous unrest in India at that time was unrest among British public servants. The full meaning and significance of that statement was hardly appreciated at that time and the existence of the danger was even denied. But now the existence of that danger is fully admitted, I think, by everybody. It is even admitted by my noble friend Lord Meston."

So the dangerous, the really dangerous, unrest in India is the unrest created by the British public servants, who have advertised themselves in the past and continue to advertise themselves as servants in the cause of India, as selfless servants of India in the cause of the Empire.

Sir, I should like to make one general observation. We are exhausting the last stages of constitutional struggle in this country. I wish the Government to take note of that. The Swaraj Party may perish in a vain effort to bring about a peaceful adjustment of interests. The Swaraj Party may perish in a last desperate attempt to tame the brute. But that will not be the end of the struggle. In all national struggles, in the history of the world, one set of leaders is succeeded by another set of leaders, and that again by yet another. One course of action fails and is discredited,

and another course of action is resorted to. Ordinances may impede constitutional agitation; they cannot stave off revolt. Indeed they and like atrocities are the most powerful inducements to it. Can you, after all, be sure, I ask you, of paralysing the activities of all those who are determined to assail your rule by all possible means? Can you be sure even of your landlords and your title-holders? Indeed, can you really be absolutely sure of the loyalty of your army? Lord Morley's historic sense confronted him with these obstinate questionings. I will quote Lord Morley's own words in 1909:

"It may be that the notion of co-operation between foreigners and alien subjects is a dream. Very likely. Then the alternative is pure Repression and the Naked Sword. But that is as dangerous and uncertain as conciliation, be that as bad as Balfour thinks, because it is impossible that the Native Army can for ever escape contagion . . ."

Sir, I know that the strength on which this Government has relied in launching this campaign of repression is the strength of brute force, and that is what Sir Charles Innes had in mind when he made his slight *faux pas* the other day and challenged Pandit Motilal Nehru to bring out an army and meet the British army under Lord Rawlinson. (Mr. W. S. J. Willson: "He did not.") Well, Sir, I shall not take an undue advantage of Sir Charles Innes' *faux pas*, because he is paid to keep up the lie of constitutional government in our country. It may be—and indeed it is natural—that mere paid officials and fortune hunters need not and cannot look ahead. These have been the ruin of Empires, as they supplied the motive power which brought them into existence. It is too late to supply a moral foundation to an Empire which has been reared on fear, craft and avarice. Sir, I felt when those glowing tributes were being paid, the other day in this House, to the late Mr. Montagu

Mr. Darcy Lindsay (Bengal: European): Sir, on a point of order. Is my Honourable friend in order in the speech he is making on clause 6?

Mr. T. C. Goswami: Yes, it is extremely relevant to that clause. Sir, I was saying that when tributes of praise were being paid to the memory of the late Mr. Montagu I felt that the House was forgetting that his greatest service was not so much as a friend of India but as an English patriot. For he realized that the maintenance of the British connection demanded that India should be pacified and should be conciliated. It was from that point of view that he approached the whole question of the governance of India. Sir, autocracy will not last. We have no need for benevolent despotism. And the alternative to a benevolent despotism is not bastard caesarism.

Mr. President: Has the Honourable Member moved his amendment No. 7?

Mr. T. C. Goswami: No, I move my amendment that the clause be omitted.

Mr. President: I have told the Honourable Member that that motion is taken the other way round. Does he wish to move No. 7?

Mr. T. C. Goswami: Then I do not move No. 7.

Mr. President: The question is:

"That clause 6 stand part of the Bill."

The Assembly divided:

AYES—39.

Abdul Mumin, Khan Bahadur Muhammad.
 Abdul Qayyum, Nawab Sir Sahibzada.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Ashworth, Mr. E. H.
 Bhoze, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Clow, Mr. A. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Fleming, Mr. E. G.
 Graham, Mr. L.
 Hira Singh Brar, Sardar Bahadur Captain.
 Hudson, Mr. W. F.
 Innes, The Honourable Sir Charles.
 Lindsay, Mr. Darcy.
 Lloyd, Mr. A. H.
 Marr, Mr. A.

McCallum, Mr. J. I.
 Milne, Mr. R. B.
 Mitra, The Honourable Sir Bhupendra Nath.
 Moir, Mr. T. E.
 Muddiman, The Honourable Sir Alexander.
 Muhammad Ismail, Khan Bahadur Saiyid.
 Naidu, Mr. M. C.
 Rau, Mr. P. R.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V. Viswanatha.
 Singh, Rai Bahadur S. N.
 Singh, Raja Raghunandan Prasad.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.

NOES—73.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Abul Kasem, Maulvi.
 Acharya, Mr. M. K.
 Ahmad Ali Khan, Mr.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Alimuzzaman Chowdhry, Mr.
 Aney, Mr. M. S.
 Ariff, Mr. Yacoob C.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Dr. S. K.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Ghazanfar Ali Khan, Raja.
 Ghose, Mr. S. C.
 Goswami, Mr. T. C.
 Gour, Sir Hari Singh.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Hussanally, Khan Bahadur W. M.
 Hyder, Dr. L. K.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kasturbhai Lalbhai, Mr.
 Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.
 Kelkar, Mr. N. C.
 Kidwai, Shaikh Mushir Hosain.
 Lohokare, Dr. K. G.

Malaviya, Pandit Krishna Kant.
 Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jannadas M.
 Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi Sayed.
 Mutalik, Sardar V. N.
 Nambiyar, Mr. K. K.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Pal, Mr. Bipin Chandra.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Piyare Lal, Lala.
 Purshotamdas Thakurdas, Sir.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Reddi, Mr. K. Venkataramana.
 Sadiq Hasan, Mr. S.
 Samiullah Khan, Mr. M.
 Sarada, Rai Sahib M. Harbilas.
 Sarfaraz Hussain Khan, Khan Bahadur.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Syamacharan, Mr.
 Tok Kyi, Maung.
 Venkatapattiraju, Mr. B.
 Yakub, Maulvi Muhammad.
 Yusuf Imam, Mr. M.

The motion was negatived.

The motion was negatived.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman: I do not now move, Sir, that this Bill be passed. The mutilations in the Bill by the deletion of operative clauses require that I should have time to consult with Government. I propose therefore to put down the motion that the Bill be passed first on the paper to-morrow.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 375).

Mr. President: The Assembly will now proceed with the consideration of the Bill further to amend the Indian Penal Code as reported by the Select Committee. Clause 2.

Mr. Kamini Kumar Chanda (Surma Valley *cum* Shillong: Non-Muhammadan): Sir, I beg to move the amendment that stands in my name, namely:

"In clause 2 of the Bill for the word 'fourteen' the word 'sixteen' be substituted."

In the definition of rape in the Penal Code in section 375 it is said:

"A man is said to commit rape who has sexual intercourse with a woman with or without her consent when she is under twelve years of age."

I propose that this age should be raised to 16. Sir, it is somewhat unfortunate and somewhat inconvenient that two matters wholly different should have been brought together in the same Bill, matters arising out of marital relations and matters arising out of non-marital relations, cases of rape by a husband on his young wife when she is below 14 as proposed, and cases of rape on a young unmarried girl or, on a married girl, by a man who is not her husband. These two things should not have been grouped together. It is impossible to find any similarity in the effect of these two classes of cases. First of all, as regards rape upon a young girl if unmarried or, if married, by a man who is not her husband, there is no difference of opinion that the law should be reformed and the age of consent raised. As regards the other case, namely, rape by a husband on his wife, opinion is very much divided. I think it will be enough for my purpose at this moment to say that no other than the Home Member, the Honourable Sir Alexander Muddiman, is opposed to a change in the law. Owing to the combination of these two cases in the same clause, the real perspective regarding the more urgent reform, namely, reform of the law regarding rape in the case of girls by outsiders, has been lost sight of, owing to the introduction of a proposal which is more sensational, namely, regarding the rape on a wife by her husband. Now, the difference in effect of these two cases is immense. What is the effect of a rape by a husband on his wife? There is no social disgrace, no moral degradation, no possible infamy attaching to her or any humiliation or degradation to her friends or relations or family. But what is the effect in the other case? It is impossible to calculate the

[Mr. Kamini Kumar Chanda.]

injury done in the other case, namely, rape upon a young girl who is unmarried or, if married, by a person other than her husband. The disgrace which is caused to her is simply incalculable. Her social degradation, mental torture, the agonies she suffers are simply indescribable. She almost automatically becomes outcasted, a sort of social pariah in the case of Hindus, and if she is unmarried there is no chance of her being given in marriage to a Hindu. Not only this, but her whole family, her relations and friends are humbled, humiliated, disgraced and degraded. This is the difference in the two cases and they cannot possibly be met by the same provision of law. There is no difference of opinion regarding the fact that the law of rape as regards the latter class should be altered so as to raise the age. (Mr. K. Ahmed: "What about your religion?") No question of religion comes in. I do not follow my friend's interruption. How this matter affects our religion, I do not quite follow. (Mr. Devaki Prasad Sinha: "Nobody follows him.") Do not do him injustice. Sometimes his interruptions are very witty and very humorous. It is unnecessary to quote authority, but I shall place only one authority before this House, one passage from the report of the Anjuman-i-Islamia of Simla. This is what they say in their letter, dated the 13th August 1924, forwarded through the Deputy Commissioner, Simla:

"The age of consent for non-marital connection should be raised to 14 or up to 16. . . . The Anjuman views with alarm the growing immorality in the country, and strongly urges the Government to enact legislation to check it. The raising of the age of consent to 14 to 16 will serve the purpose to some extent. (This should be for non-marital relations only of course.)"

The age should be raised in those cases. There is no doubt about it, no difference of opinion about it. The question is how far it should be raised. The present age of twelve is simply absurd; it is a mockery to hold out this as a protection to young girls. Now, the question is to what age this should be raised. The Select Committee suggest fourteen years. My submission is that it is not enough. Does any one really think that a young girl of fourteen has attained years of discretion, that she has got proper understanding and can realise the nature and the consequences of the act and form a correct judgment on it? Has she got enough moral strength to withstand immoral proposals and overtures made to her, temptations held out before her? Is it any wonder that a young girl of fourteen or fifteen should fall a victim to wicked persons? Every practising lawyer who has got experience of criminal cases must have come across such cases now and again. Many of these cases happen in Bengal. The other day, while I was leaving for Delhi, I read of a case in which a young Muhammadan girl was carried away by two ruffians while she was going to her father's house and raped and the unfortunate thing is this; when the case is detected and the offenders are placed on trial before the court, almost invariably they raise the plea of consent. The girl being generally fourteen or fifteen years, or more, the benefit of the doubt being always given to the accused, the offenders more often than not escape. That is the worst part of it. You very frequently hear of these young girls of fourteen or fifteen being duped and victimised like this. I do not know if it will serve any useful purpose to quote any number of such cases, but, Sir, I would just place one case before this House so that they may see the importance and seriousness of this question. Some years ago there was such a case against a well-known European in a province holding a very high situation in life, a very rich and influential man in society. One of the foremost Viceroy's of India,

Lord Curzon, was his guest at one time, Sir, one day a charge was brought against this gentleman, who was the host of Lord Curzon, for rape upon a very young girl who had not even attained her puberty. She sustained some injuries, and she was examined by a European Civil Surgeon, who is still in service. He certified that the age of the girl, in his opinion, could not be over 12. That is the age of consent under the present law. The man was sent up by a European Superintendent of Police who retired some little time ago as Deputy Inspector General of Police, but he is still in India. The case was tried by a very experienced and well known English District Magistrate. He retired the other day after having risen very high in service. No statement was made by the accused, but the defence that could be understood from the line of cross-examination was that there was consent. (*A Voice*: "Who defended?") Am I bound to answer this question? Very well, I myself defended in this case. I am not disclosing any confidential communication made to me, but I am merely stating the facts that are stated in the judgment. The defence raised was consent, and the defence was able to prove by the production of the birth register that the girl was over 12. In fact her age was only three months less than 14, but she looked very small, and although it was somewhat strange that there was consent by the girl, the circumstances were such as to support the plea and the learned Magistrate accepted the plea and the girl being over 12 at the time, discharged the accused. I do not think I need narrate the story further so far as my present purpose is concerned, but I will only say this. A certain Bengali newspaper was started some time later in another District, and the editor somehow got hold of the judgment and published it, and that judgment was quoted by the *Punjabee* of Lahore which was then in existence. That drew the attention of the Viceroy and the Local Government was asked to submit a report. The report was in favour of the accused, and nothing further was done. Now this girl, who in the opinion of the European Civil Surgeon, was not more than 12 but as a matter of fact was nearly 14, gave her consent. Do you think that she would be able to resist the temptation of any offer made to her by her master, a big European, whose guest the Viceroy was sometime before this case came up in court? Now supposing she was three months older and attained her 14th year. Do you think she would then, automatically, as it were, gain her years of discretion and would be in a position to understand the act and resist the temptation offered by the master? My submission is that 14 years is too little and my proposal is that it ought to be raised to at least 16. I will just say in a few words why the age of consent should be raised to 16.

Diwan Bahadur T. Rangachariar: Is there any country where the age of 16 is prescribed as the age of consent for the felony of rape?

Mr. Kamini Kumar Chanda: Yes, certainly. Egypt has raised the age of consent to 16, I believe England is going to do it.

Now, Sir, according to the Majority Act X of 1875, a young girl cannot enter into any contract, however unimportant it may be. She cannot contract for giving away even a sum of Rs. 10, she cannot deal in any property belonging to her legally. But in this case she is considered to be competent to give her consent if she is 14. That is, in the opinion of the Select Committee, she will be fit to part with the most valued possession she has, her virtue. Do you think it will be right to place her in this difficult situation? You might say, why not raise the age to 18? My

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reason is this. Apart from the Majority Act of 1875, she is a major at 16, both under the Hindu and Muhammadan law. She is a major at 16 for adoption, for dower, for marriage, for divorce, and I think it will be enough to fix the age of consent at that age. Well, take another case. Kidnapping is an offence. Suppose a young person, a 14-year old boy or a 16-year old girl, is taken out of the guardianship without the consent of the guardian, it is an offence. If a girl under 16 is removed from the guardianship of her parents or other guardians for an immoral purpose, it is a more serious offence. That is alright. But supposing without kidnapping her she is deflowered in her own guardian's house, one can do it with impunity if she is 14 according to the Select Committee, but the moment she is removed from the house of her guardian without the guardian's consent, it becomes a very serious thing if she is not 16, no matter what the motive is. Now, which is the more serious thing? Is not removing such a girl from the house of her guardian not for any improper or immoral motive, far less serious than deflowering her in her guardian's house which can be done with impunity? Why, even a father is guilty of kidnapping his own daughter from the house of her husband if she is below 16. There is a case reported in I. L. R. 17 Calcutta. A father took away his girl from the house of her husband, one Dharmini Ghose. She was below 16, and therefore her husband filed a Criminal Case against his father-in-law. The learned Magistrate, who was a Muhammadan gentleman,—I forget his name now,—refused process on the ground that it was not for an improper motive. The case was sent up to the High Court and the Criminal Bench composed of J. Tottenham and J. Sir Gurudas Bannerjee, held that as the husband was the legal guardian the girl's father could not take her away. The mother also was similarly found guilty in another case where the girl was below 16. Therefore, if even in a matter like this, the girl ought to be over 16, I certainly think that the age of consent must be raised to 16 in rape cases. England is as I have said raising it to 16; in Egypt 16 is now the age of consent. Under these circumstances, it would be wrong to fix the age at 14, and therefore in my opinion it should be raised to at least 16.

The Honourable Sir Alexander Muddiman (Home Member): Sir, if I rise early in this debate, it is for the purpose of making plain the attitude of Government towards this Bill and I would ask your indulgence, Sir, and the indulgence of the House if I travel slightly beyond the scope of the actual amendment. I think it will result in the saving of the time of the House and in making my point clear. Sir, I think there is no one in this House who would doubt that the attitude of Government towards the Bill is one of sympathy. We recognise the very great evil which my Honourable friend Sir Hari Singh Gour desires to combat by his Bill. If I was merely stating my own personal views I might even wish to support a more drastic change than is contained in the Bill as reported by the Select Committee. Still, we have to recollect that we are here enacting a criminal law for the whole of India. India is a vast country, I might say a continent, with varied people and varied climates. We must be careful that in enacting a general criminal law of this kind we are not led away by what are our personal views, personal conclusions formed by one who, in my case, is not an inhabitant of this country. This is a matter where a decision should, I think, rest with those who must necessarily be better acquainted with the actual intimate relations a consideration of which is involved by the provisions of this Bill.

Coming as I do from a province where the enactment of the Age of Consent Act in the year 1891 led to an agitation of an exceedingly serious character against the Government, I am greatly impressed by the need of caution. That Act produced what was the first sedition prosecution in Bengal, a case generally known as the Bangabasi case. I desire to bring very prominently to the notice of the Members of this House that amendments of social law of this kind, however earnestly they may be brought forward in the Legislature and supported in the Legislature by members of the community concerned have to be administered by the Government and if there is odium that odium falls on the Executive. Now, Sir, I am not one of those who desire to take the position that Government should not do anything in social reform. I think we should do our best to promote reform. But it is a matter on which we must have a clear lead from the people themselves. I would rather—perhaps I am old-fashioned—I would rather be charged with acting too slowly in this matter than take the risks which necessarily follow legislation in advance of general social opinion in the country. About the evil which the Honourable Member who introduced this Bill has attacked, there can be no possible doubt. He is moving against what I consider to be one of the most detrimental influences on the future development of this country. Let me warn him however that he will not take the people with him if he goes too far and too fast. If he does not take the people with him, moreover, I know well that the odium of the enactment will fall not on him but on the executive Government, and that must be a reason why we should observe a considerable amount of caution in this matter.

Now, Sir, I propose to refer very briefly to the opinions that have been received on this Bill. I would first of all point out that there is a clear-cut division of public opinion on the one hand as regards an advance in the age of consent outside the relationship of marriage and on the other hand as to an advance within the limits recommended by the Mover of the Bill and by the Select Committee. I find comparatively little opposition to the former, but the case is otherwise as regards an advance within the marriage tie, and it is not possible for this House to neglect the opinions that have been put forward. They come from various sources. I will briefly refer to them. The opinion of a Muhammadan association of considerable importance in Quetta is that as regards married girls there would be difficulty. The Hindu association of the same place consider the matter is one not to be dealt with by a Bill to amend the criminal law but by the operation of social reform in the communities themselves. I now turn to a weighty opinion. Perhaps I attach more importance to it, as it is that of a body with which I was closely connected at one time. Three Judges of the Calcutta High Court, two of whom are Bengali Brahmans and the other is a Muhammadan, consider that there is no necessity of legislation so far as married persons are concerned on the ground that society does not want it and it is against the religious ideal of the Hindus. There we have enlightened men, holding high positions telling us frankly that the proposal is in advance of public opinion. When I read that opinion I recall the days of the old Age of Consent Bill which although it was supported by many eminent Hindu gentlemen was certainly—unless my memory entirely betrays me—very violently opposed by the late Sir Romesh Chander Mitter. The Sessions Judge of Delhi again is doubtful about raising the age in the case of the wife. The Government of Bihar and Orissa, always cautious, consider that there should be a pronounced volume of Indian opinion in favour of the proposal before legislation on the lines is undertaken. The Judges of the Patna High Court

[Sir Alexander Muddiman.]

are divided. Representative Indian opinion and district officers are all against the proposal to raise the age within marital relations. In Burma there is considerable support for the Bill. Burma, however is on a little different footing. The opinion of Ajmer-Merwara, a small administration, is the same as regards the age of married relationship. The Bar Association in Assam from which my Honourable friend who just spoke comes is also against a change in the age where married relationship exists. The authorities of the North West Frontier Province are against it. The Governor in Council of the United Provinces supports the Bill as amended by the Select Committee. The general trend of opinion in the United Provinces is against the proposal in so far as married relationship is concerned. The Central Provinces Government state that officials and non-officials are strongly against any advance within marital relations.

Mr. Kamini Kumar Chanda: May I say just one word, Sir?

The Honourable Sir Alexander Muddiman: The Honourable Member will have his opportunity later. The Punjab state that opinion is divided. The Local Government is prepared to accept

Mr. Kamini Kumar Chanda: May I just say one word for a moment?

The Honourable Sir Alexander Muddiman: The Government of Bengal say that opinion as to a change of age when marital relations exist is divided, and the Indian Judges of the Madras High Court take very much the same view as their colleagues in the Calcutta High Court. Now, I have seen through these opinions at some length and I am afraid I have wearied the House. My point was to show that there is a considerable volume of opinion, a volume of opinion that this House would in my judgment be unwise to neglect, which is definitely opposed to any change in the age of consent where the marriage tie is concerned. If the House considers that this opinion may be safely disregarded that must rest with the House. On this point of the raising of the age of consent within marriage as recommended by the Select Committee the Members of the Executive Council will not vote. Other official Members may vote and speak as they please.

As regards the raising of the age outside the marriage tie, Government will support the raising of the age to 13 and if the House so desire it and should it be decided that the age should be 14, they will raise no objection to it.

As regards the actual amendment before the House, I think I may say that the Honourable Member will not find support in the House for it. If he does I shall be very greatly surprised.

Raj Sahib M. Harbilas Sarda (Ajmer-Merwara: General): Sir, I rise to support the motion of the Honourable Sir Hari Singh Gour. I am of opinion that in India no girl should be married before she is 16 and those who are in touch with public opinion, in this country know that in communal conferences, and in caste *Sabhas*, the question is being agitated, and in almost every conference and *sabha* the decision is that the marriageable age of girls should be raised. At the last All-India Vayish Conference, over which I had the honour to preside at Bareilly, in December last-

it was unanimously resolved that the minimum marriageable age of a Hindu girl should be 16. While I firmly hold to that opinion, I admit that the question of the age of consent with regard to Hindu married girls is a little complicated owing to the belief held by large numbers of people that a Hindu girl should be married before she attains the age of puberty. It is held that that is a part of the Hindu religion. Sir, this belief is wrong, this belief is mischievous, but the belief is there and we have got to take note of it. It would perhaps be better if once for all the question of marriage is taken up and a Bill is introduced showing that this belief is wrong and that considering the question of national well-being, all marriages henceforth amongst Hindus would be invalid where a girl is below 14 years of age. It is rather a drastic method, but considering that the question of religion is constantly brought into the matter this is desirable to forbid marriages of girls below 13 would be to take the bull of social evil by the horns and meet it face to face.

Baba Ujagar Singh Bedi (Punjab: Landholders): But what will be the consequences? Bloodshed and chaos.

Rai Sahib M. Harbilas Sarda: No child marriages would be stopped. Sir, legislation has a function to perform in promoting social reform, though it is perfectly true that it has its limitations. We cannot call in the aid of the criminal law whenever we wish to make an advance in social reform. Permissive legislation of a civil nature is legitimate and even necessary, such as the Widow Remarriage Act, the Special Marriage Act. And criminal law may also be had recourse to if we find that a practice or custom is inhuman or that it outrages our sense of humanity. It was on this ground that the age of consent in marital relations was fixed at 12. It was considered that cohabiting with a girl below 12 was an outrage on our sense of humanity and consequently they had had recourse to criminal legislation in a matter which affected Hindu society. I think, Sir, that that was years ago and opinion has since developed and has advanced enough during these last thirty years so that we can on the same ground now raise the age of consent in respect of the marital relations to 13. Considering that the different castes in Hindu society are agitating for raising the marriageable age of a girl, considering also that raising the age of consent in the case of married Hindu girls to 13 would have an educative effect, and not only an educative effect but, will save many lives considering also that if girls are married after they have reached the age of discretion, many of the social evils of child marriage will be lessened; considering also that in the case of marital relations raising the age by one year will materially improve the physical well-being of young wives, I am of opinion that the age of consent should be raised to 13. The age of consent with regard to others is 14 and I think that is quite right.

Sardar Bahadur Captain Hira Singh Brar (Punjab: Nominated Non-Official): Sir, there is a similar amendment standing in my name. I would like to say a few words in this connection, Sir. The other day when I was present at the opening of the Delhi Baby Show I was very sorry that so few Members of this House found time to attend the Show. Had they done so I feel sure that they would have realised the great evil that this system of early marriage of young men and under-age girls results in. I saw terrible examples of what babies can be when the mothers themselves are not fully developed and are little more than babies. There was a great difference between the English and the Indian

[Captain Hira Singh Brar.]

babies of the same age, and of course all these babies were from the Imperial City here, and they were all of a very poor physique, weak and under-sized. If that is the condition of the children at the Delhi Show, what would it be in Calcutta, Madras or Bombay? Of course, the babies of to-day will be the future politicians of this country and probably the future rulers of this country. (Pandit Motilal Nehru: "Soldiers.") I do not think from the babies which we saw at the Baby Show that many of them will make a future General or a future Field-Marshal. Of that I am sure. Mr. President told us at the Show that babies require great care and attention, not only for one week, but for the 52 weeks of the year. I am sorry, Sir, I do not agree with you there. If babies are naturally healthy and strong, they can stand the climate all right, not by simply covering them up and wrapping them up in 20 coats and underwears, but they can stand the climate much better and they will require much less care, at any rate, they will not require care for all the 52 weeks of the year. I think, Sir, the real solution for preventing infant mortality does not depend entirely in cradling babies. It lies in smacking the parent who produces such children, and more so, in slapping many of our friends who always oppose the raising of the age to produce healthy children. I should say my friend Pandit Harkaran Nath Misra and other Pandits are simply ruining the people, because they say that the Shastras say that if a girl who is of a certain age, say 9, 11, or 12, is not married, it is a great sin to the parent. Don't they see that the sin lies the other way when half a dozen children are strolling about and the windows are shut up and they are not allowed to have fresh air? Is it not a sin when they call a baby of 9 or 10 years or a boy of 10 years husband and wife? It is a shame. (Voices: "No, no."). It is really a shame, not a shame for us but a misfortune for this generation and for the future generation. Yet my friend Pandit Harkaran Nath Misra and the Honourable Pandit Madan Mohan Malaviya come forward and say, "We want an Indian Sandhurst." Do you want an Indian Sandhurst for those puny little children? Girls of 9 or 10 years old, babies themselves who ought to be playing with their dolls rather than becoming wives, are mothers of children. Boys who ought to be getting their lessons in school are rearing a large family of half a dozen boys and girls. Is not this a sin or is that a sin that we should keep the girl in our homes until she is 18 or 20 when she will fully develop? (Laughter). What is the good of laughing here when the whole world laughs at us? (A Voice: "At you.") If you laugh at me, I laugh at you. That is why I stand here and say it is a shame to me and to you. I do not like to go into the society. I feel ashamed, because there is no manhood, there is no womanhood. I feel ashamed myself to go into society with a little girl of 12 years as my wife. What is all this nonsense? You come the other day here and say, "We want reform this and that; we want inter-marriage; we want widow marriage." Is not that all a shame? People get up on the platform and say all sorts of things. So many Lalas and Pandits get up on the platforms and say, "Now the time has come for this reform and that." But what happens? When they go home and when we meet them next morning, they say, "What can we do? We are helpless. When we went back home, our ladies would not allow us to do what we wanted to do. They say that they do not care what we talk, but they would not allow us to act accordingly." This may not be true. It may only be an excuse. I knew a friend of mine to whom I always gave an answer then and there. When I asked him "Will you do this thing for me?"

he used to say, "All right, I am going home and then I will consider this." I knew that he was going to refuse. That is the habit among us. We all talk, talk and talk a hundred and one things here, but what happens? All left in this House and all left in the platform and nothing carried to our homes, and nothing happens. Let me remind you of what Mr. Pal told us the other day. He told us of the story of a school-master who made a point of greeting all his scholars first, because he said he could never tell whether one of them may not turn out to be a great Sadi, or a Tulsidas, or a Bhim Sen or a Ram or a Ramachandra or a General Hari Singh Nalwa. But, Sir, of one thing I am sure, that none of these children—none of the children in the schools in Delhi—will turn out a Rustum or a Bhim Sen or a General. He may turn out a politician or a lawyer or a poet or something else, but I am sure he will not turn out a Rustum. It is our own fault and no one else's. We do not want to produce that stuff. The amendment in the law is very necessary in order to encourage Rustum Bhim manufacture in India. If I could have my own way, I would raise the age of consent to more than 16. (A Voice: "Why not 30 years?") at least to 24 years when the bones and the body are fully developed. I will tell you the story of a man whom I met in Patna. He was a wealthy educated gentleman of the age and size of Mr. Sinha who is sitting here. He told me he had six children. I was simply astonished to hear that he had six children and I inquired how he managed to get these six children. Well, Sir, the age of his wife was only 18. Now don't you think it is a shame and a national misfortune that a girl of 18 should be a mother with six children? It is more than a shame. My friends here want to follow Manu's advice, and go on producing children in order that they may have salvation. My Honourable friend the Pandit will say that we must have more children so that the 33 crores population of India may not be reduced. That must be Manu's doctrine or the doctrine of my friend the Panditji.

Mr. K. Ahmed: Which Pandit, the Pandit from Benares or Allahabad?

Sardar Bahadur Captain Hira Singh Brar: All Pandits are the same. Mr. Das the other day told me of a story of a 10-year old girl about which I do not want to say anything here. Healthy children are the foundation of a strong nation. Every one knows that the parents cannot produce healthy children. Much is said on the platform about early marriage and all these things. To be useful we must have long life which we cannot have if early marriage is not stopped. Early to marry and early to die is the motto of Indians. We marry early and die early. There are people here like my friend Mr. Harkaran Nath Misra who do not want to live because they have not got good health. They are fed up. My friend Mr. Sinha shuts up all windows so that the cold breeze may not come in. Is that going to kill us? Now, which Honourable Member does not know that all the Eucalyptus oil that is produced in Australia, is consumed in India. If you have healthy children they can run about in a shirt and a knicker. They do not catch cold or chill or fever and they do not die even because of cold or fever or sunstroke and other similar ailments like that, but the children of my friend Mr. Bhattacharya of Patna will die from a little cold fresh breeze. How are we going to make a future Sandhurst in India. How will your officers fight in France, America and other places where the climate is trying, in the snow and the frost if you cannot live in the open air in India? How are you going to have your national army. My friend Mr. Datta told me the other day. I said, "How are

[Captain Hira Singh Brar.]

you going to manage about your officers in the future army if you cannot produce healthy children." He said he will send us to the North-West Frontier. I said, "that is very fine but the time may come when you will have to change places. How long are we going to defend the Frontier when you are holding high offices and getting huge salaries." He said: "Oh, I will give you the brain". We are not going to carry your brain on our head. What is this nonsense. Why should we defend the frontier and you should pull the wires from Calcutta and Madras. The Swaraj Party wants to die. They are fed up and when they die they will get into a better house than this. I will tell you another story. I am going to tell you story after story until you are convinced. Mr. President is not going to stop me to-day. I am sorry to have to refer to the miserable condition of the boys of the St. Stephen's College when I was there the other day. Painfully I noticed that 75 per cent. of them were sunk in their seats and almost all of them had spectacles. What is the cause of that? I do not see amongst other nations this blindness. Is it not due to early marriages? I can bet my Honourable friends that a force of one thousand of such persons could be scattered by two or three people like the Khataks whom we saw at the Military Tattoo the other night. And what is the good of breeding persons like these who cannot strive against healthy and strong people. There is no good your interrupting me; if you had been with me that day you would have seen how really undersized those boys were.

Another thing is this, and I hope I will not offend the ladies sitting here. (Laughter.) What is the cause of our ladies not mixing in society? A little girl of 14 or 15 has one or two weak little children and consequently she does not care to go out and mix in social life. That is the reason why we always hear praise of the *purdah*, the *purdah*. People do not really know what is behind the *purdah*. The evil behind the *purdah* is early marriage, and that is why they do not wish us to see what is behind, there are the young wife and weak children. Well, now I will not mention names, but you will see the faces and figures the broadness of body and bone of certain Honourable Members here and compare them with those who sit alongside of them. (A Voice: "Captain Ajab Khan.) Well my friend Captain Ajab Khān could I am sure put three of those little babies I saw at the show in his pocket and could walk away with them without anybody knowing they were there. And there may be a few others like him. Pandit Motilal told me that his nephew was married when he was 25 years of age, and his son, Pandit Shamlal Nehru's son—well, everybody has seen him. That is just the difference between early marriage and marriage after full maturity.

Now, Sir, I think I have . . . (Voices: "Go on, go on.") Very good, I will go on. I will tell you another story. (Laughter.) Now I will read you what Mr. Dutt has put in. He says:

"Moreover, the evils of early marriage are much exaggerated and should be allowed to be removed by spread of education and social reform and not by legislation, which should be deferred until the general public opinion has advanced in favour of an appropriate change. The humanitarian reasons of health and infant mortality urged by Sir Hari Singh Gour is certainly a matter worthy of consideration, but as a matter of fact these are more due to economic and other social causes, such as poverty, want of good milk, and seclusion within *purdah* without any physical exercise."

And this is what Pandit Madan Mohan Malaviya said :

"When the Bill was considered in the Select Committee last year I expressed the opinion that the age of consent should be raised to 14 years in the case of strangers, but that it should be left at 12 in the case of husbands. I adhere to this opinion. The opinions that have been received strongly support it. In view of these opinions the age of consent should be left by the law where it is in the case of a husband and we must trust in such cases to social and religious reform associations to protect our young women who are married before 14 from the indisputable evil results of the consummation of marriage before they have completed at least fourteen years of age." He should have stated that all the Pandits agree that the age should not be less than 14. Then there is Mr. Pal, whom I congratulate on his bold utterance. He said :

"I see no reason why it should be fixed at 14 instead of at 16 if not even higher, in so far as non-marital connections are concerned. I therefore fully support the recommendation that it should be raised to 13, as decided by the majority of my colleagues."

(Cries of "Divide, divide.")

With these few words, Sir, I submit my amendment.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, my sole object in rising at this stage is to speak to the amendment moved by my friend Mr. Chanda. If he wanted the authority of the sacred Shastras in favour of 16 he would have found an unequivocal passage in the well-known book known as *Shusrat Samita*. I will give to the House a passage from Chapter X, verses 54 and 55, translated literally. They say :

"When a man who has not attained the age of 25 causes a girl less than 16 years of age to conceive the embryo dies in the womb. If however the child is born it will not live long and even if it lives its body will be void of strength. Therefore a man should not cause a girl who has not attained to this age of 16 years to conceive."

Diwan Bahadur T. Rangachariar: Does it say you should be transported for life?

Sir Hari Singh Gour: Well, Sir, so far therefore as the arguments of reason and religion are concerned, there is a great deal to commend in the amendment moved for the raising of the age to 16, and I think I must explain to the House why I did not myself select that age and submit it for the acceptance of this House. I thought, Sir, that I would be well advised in moving along the line of least resistance and carrying the large body of public opinion as voiced in this House if I moved slowly and cautiously, and I therefore fixed the age at fourteen; and I would ask Honourable Members who would like to raise the age to sixteen to wait till the age of fourteen is placed on the Statute-book and the country is prepared for a further move onwards. I would therefore advise my friend, Mr. Chanda, not to press his amendment to the vote but to support the motion, supported as it is by the Select Committee, that the age be raised to that of fourteen.

Several Honourable Members: I move that the question be now put.

Mr. President: The original question was :

"That clause 2 stand part of the Bill."

Since which an amendment has been moved :

"That in clause 2 for the word 'fourteen' the word 'sixteen' be substituted."

The question I have to put is that that amendment be made.

The Assembly divided:

AYES—65.

Abmed, Mr. K.
 Aiyangar, Mr. K. Rama.
 Akram Hussain, Prince A. M. M.
 Alimuzzaman Chowdhry, Mr.
 Ariff, Mr. Yacoob C.
 Bhat, Mr. K. Sadasiva.
 Bhole Mr. J. W.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Das, Mr. B.
 Datla, Dr. S. K.
 Dutt, Mr. Amar Nath.
 Fleming, Mr. E. G.
 Ghazanfar Ali Khan, Raja.
 Ghulam Bari, Khan Bahadur.
 Goswami, Mr. T. C.
 Gour, Sir Hari Singh.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hira Singh Brar, Sardar Bahadur.
 Captain.
 Hyder, Dr. L. K.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kasturbhai Lalbhai, Mr.
 Keikar, Mr. N. C.
 Kidwai, Shaikh Mushir Hosain.
 Lindsay, Mr. Darcy.
 Lohokare, Dr. K. G.
 Mahmood Schamnad Sahib Bahadur,
 Mr.
 Malaviya, Pandit Krishna Kant.

Marr, Mr. A.
 McCallum, Mr. J. L.
 Mehta, Mr. Jammadas M.
 Misra, Pandit Harkaran Nath.
 Moir, Mr. T. E.
 Muhammad Ismail, Khan Bahadur
 Sa'vid.
 Murluza Sahib Bahadur, Maulvi
 Sayad.
 Mutalik, Sardar V. N.
 Naidu, Mr. M. C.
 Nambiyar, Mr. K. K.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Pal, Mr. Bipin Chandra.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Purshotamdas Thakurdas, Sir.
 Ramachandra Rao, Diwan Bahadur
 M.
 Ray, Mr. Kumar Sankar.
 Reddi, Mr. K. Venkataramana.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sadiq Hasan, Mr. S.
 Sarda, Rai Sahib M. Harbilas.
 Singh, Rai Bahadur S. N.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Devaki Prasad.
 Sykes, Mr. E. F.
 Tok Kyi, Maung.
 Wilson, Mr. R. A.
 Yusuf Imam, Mr. M.

NOES—22

Abdul Mumin, Khan Bahadur.
 Muhammad.
 Abul Kasem, Maulvi.
 Ahmad Ali Khan, Mr.
 Ajab Khan, Captain.
 Ashworth, Mr. E. H.
 Blackett, The Honourable Sir Basil.
 Burdon, Mr. E.
 Duni Chand, Lala.
 Ghose, Mr. S. C.
 Graham, Mr. L.
 Hari Prasad Lal, Rai.
 Hussanally, Khan Bahadur W. M.

Innes, The Honourable Sir Charles.
 Muddiman, The Honourable Sir
 Alexander.
 Narain Dass, Mr.
 Rangachariar, Diwan Bahadur T.
 Sastri, Diwan Bahadur C. V.
 -- Visvanatha.
 Singh, Raja Raghunandan Prasad.
 Stanyon, Colonel Sir Henry.
 Tonkinson, Mr. H.
 Ujagar Singh Bedi, Baba.
 Willson, Mr. W. S. J.

The motion was adopted.

Dr. S. K. Datta (Nominated: Indian Christians): Sir, I move the following amendment which stands in my name:

"In clause 2 of the Bill for the word 'thirteen' the word 'fourteen' be substituted."

This demand to raise the age to 14 has been a very long one in the history of Indian social reform. Even before the passing of the Age of Consent Act of 1891, Mr. Malabari wrote:

4 P.M.

"It is not contended for a moment that India should adopt European ideals of life. All that is sought is that she should go back to the older, wiser ways. A wife at 10, a widow at 12 (in many a case the age limits stand much lower), a mother

at 13—these are monstrosities in the face of which it is madness to think of a consistent, progressive public life. And so long as this state of things continues, so long will the Indian Sphinx continue to laugh at the efforts of man to shake her from her purpose which is to puzzle, to mystify, and to undo the work of years.”

That great Indian reformer, Mr. Malabari, during the eighties was responsible for an agitation in the United Kingdom. The purpose of that agitation was to bring pressure to bear upon the Government of India so that the age of consent should be raised from 10. In the opinion of those reformers the age should have been 14. The Government of India acceded to the demand in the year 1891 (as the Honourable the Home Member has recently told us) to raise the age to 12. A Bill was introduced in the Legislative Council on the 9th of January 1891 by the Law Member, Sir Andrew Scoble, but immediately it was opposed particularly by public opinion in Bengal, though not in the same degree by public opinion in the other provinces of India. Going through the history of the agitation of those days, one is greatly struck by the arguments which were adduced against the Bill of 1891, the very same arguments have been used to-day, again particularly in Bengal. May I quote the arguments of those days as summarised in the great speech which was made on the 19th March 1891 in the Legislative Council by Rai Bahadur Krishnaji Lakshman Nulkar, the representative of the Bombay Presidency. He tells us that he had examined the various objections, and they might be summarised as follows:

“(1) The proposed law, so interfering with ‘the religious belief and worship’ of the people, would amount to a direct breach of the promise of Her Majesty’s Proclamation of 1858.

(2) The evil against which the proposed law is directed has no existence, but, granting that it does exist in any appreciable degree, the existing law against hurt, grievous hurt and culpable homicide is sufficient to adequately punish the offence in question.

(3) There can be no such offence as rape between husband and wife; such is not recognised by the English law, and therefore its existence in the Indian criminal law is an anomaly, and as such must not be extended.

(4) The proposed law would lead to police oppression and false charges by enemies.

(5) The new law would defeat its own ends by banding the people together for effectual evasion of it by perjury and forgery, and so would have the effect of completely demoralizing them”

The Honourable Member then proceeded to take up these arguments. Anyone who reads the debate is struck by the strong case that he made even as early as 1891 for raising the age. Among the arguments brought forward in those days for the Bill was the action taken by a great Indian Prince, the Maharaja of Jaipur, who had forbidden marriages within his territories until the age of 14, as also the opinion of the great zamindar, the Maharaja of Vizianagram. The document which created the greatest of impression was a petition which had been sent to His Excellency the Viceroy the previous September, that is, in September 1890:

“praying that the age of consent be raised to fourteen years, fifty doctors practising among native women in India have given the harrowing details of suffering and cruel deaths among thirteen cases of child-wives which came before them with a few years’ practice.”

The document created a very great impression on the Legislative Council—this memorial which was sent to His Excellency the Viceroy signed by 50 leading women doctors. If you will permit me, Sir, I desire to draw the attention of the House to certain figures, which, I think, will show the

[Dr. S. K. Datta.]

tendency of early marriages in this country over a considerable period of years. In the first place, I shall give the House the position in Bombay. The figures of married girls in Bombay are as follows: In 1881 there were 603 girls out of 1,000 between the ages of 10 to 15 who were married. In 1891 there were 660, in 1901, 539; in 1911, 622; in 1921, 548; in other words, a drop from 663 per thousand to 548 from 1881 to 1921. Take the case of Madras. In Madras in the year 1891 there were 310 per 1,000 between 10 and 15 who were married. In 1901 there were 248; in 1911 there were 268 and in 1921 there were 234. Take the case of Bengal. In 1881 there were 666 Hindu girls per 1,000 between 10 and 15 who were married. In 1891, there were 621; in 1901 there were 600; in 1911 there were 587 and in 1921 there were 510. Throughout these figures then, the House will realise the percentage of married girls between the ages of 10 to 15 is steadily getting lower and lower during the period from 1881 to 1921. May I now be permitted to turn for a moment to Burma which the Home Member mentioned a few moments ago. Hindu girls married between 10 and 15 per 1,000 in 1891 were 62; in 1901 there were 141, in 1911 there were 151 and in 1921 there were 44; in other words the proportion of Indian girls was considerably smaller than that for India itself. The Burmese figures for Buddhist girls is as follows:—4 per 1,000 in 1891, 10 in 1901, 5 in 1911 and 2 in 1921.

Now, with these figures, I wish to draw the attention of the House to the question of vital statistics. Statistics often give a wrong impression, still I quote them for what they are worth. On account of the consummation of marriage between 10 and 15, the cumulative result is probably felt in the years coming after that period whether that is reflected in the death rate or not, I am not sure, but these figures are suggestive. In Madras, where after all a quarter of the girls between 10 and 15 were married (250 per 1,000) the figures between the ages of 15 and 20 are 8·2 per 1,000 among males and for girls 10·7, in Bombay 10·26 per thousand males and 12·55 per thousand females. In Bengal 17·5 per thousand males and 20·0 per thousand females; in the United Provinces 14·15 per thousand males and 16·51 per thousand females. The main feature is that between the ages of 15 and 20 the female death-rate is higher than the male death-rate. In Burma the male death-rate is 9·81 per thousand and the female death-rate is 8·78 per thousand. In fact, the figures are reversed. In other words, in every part of India the female death-rate is higher with the exception of Burma where it is 8·78 as against 9·81. Another exception to this rule is Bihar and Orissa. The Honourable Members from that province will bear me out when I say that that province is a bad province from the point of view of early marriages; in Bihar and Orissa the general death-rate also is higher than in most of the other provinces in India. On the other hand, Bihar and Orissa has a very substantial number of aborigines who number several millions. These aborigines have a higher marriage age than the people in the plains. Taking all these figures into consideration, the conclusion is that there are only two provinces of India, namely, Burma and Bihar and Orissa, where the female death-rate between the ages of 15 and 20 is lower than the corresponding figures for the males.

Now, Sir, so much for the figures. There is another good reason why the age of marriage is steadily though slowly becoming higher. I think a reference has already been made to these facts in this House. The causes

are not far to seek. In the first place, advanced social opinion in the country in favour of raising the age limit is becoming operative. In the second place, it seems to me, as my Honourable friend Mr. Ghose said the other day, that the problem of marriage is an economic one and it is becoming more and more expensive. Therefore, a girl's marriage is actually put off until a time when things become better and there is money to marry her and the parents can get her a good home.

Next, I shall place before the House certain opinions which I have taken the trouble to collect during the last few months. I had a letter circulated to about 25 women doctors throughout India and here are some of the opinions of these women doctors. I have already said that the letter was circulated to 25 women doctors and not one of them has urged the marriage age lower than 14. One woman doctor says :

“ Within the last few years the following girls have been admitted into hospital :

- 1 girl of 12
- 3 girls of 13
- 11 girls of 14
- 36 girls of 15
- 86 girls of 16.”

She tells me that practically in every case the labour was difficult and that in a number of cases the infants died. This lady writing from somewhere in Southern India says further :

“ The earliest marriages in this part of India occur among the Brahmans. Not only are these girls far more delicate than most other girls, but the early child-bearing increases this tendency and reduces their capacity for taking up their domestic responsibilities. Consequently their children are strikingly unhealthy and enfeebled. Apart from midwifery cases, we not infrequently have had girls of 12 and upwards (some of whom had not reached puberty) suffering from venereal diseases contracted from their husbands. We have had one case of serious mental trouble and several girls suffering from various minor nervous disorders following the too early consummation of marriage.”

Here is now the testimony of an Indian woman doctor. She writes :

“ With all my heart I wish the age of consent to be raised.”

May I take the opinion of an Indian woman doctor from Bengal? She says :

“ I will give two cases as illustrations of the evils of early marriage. One was about 30 years ago where the girl was married at the age of 10. She conceived when just 12 years of age and I delivered her, when not quite 13 years old, with the help of the Assistant Surgeon and one of the local private practitioners. In the 35 years of practice I have seen many a girl who has become a mother before she is fourteen. In many cases she has led a sickly life and in many other cases she has never had any more children.”

Thus goes the medical opinion which is unanimous. I can refer to medical opinion before 1891. Again, I have in my hands the opinions of doctors who have actual experience extending over several years. They all say that the existing system has brought about an enormous amount of suffering and an enormous amount of what we might call a cruelty to thousands of women. Now that the Assembly is considering the question of raising the age of consent, it seems to me that it is an opportune time to try and make some progress. We should make at least progress of two years, namely, from 12 to 14. People may say that we ought to have public opinion behind it. It is perfectly true that there ought to be public opinion

[Dr. S. K. Datta.]

behind it. May I refer you, Sir, to Dicey's "Law and Opinion in England" where he writes about characteristics of law-making opinion? He says:

"Laws foster or create law-making opinion. This assertion may sound, to one who has learned that laws are the outcome of public opinion, like a paradox; when properly understood it is nothing but an undeniable though sometimes neglected truth.

Every law or rule of conduct must, whether its author perceives the fact or not, lay down or rest upon some general principle, and must therefore, if it succeeds in attaining its end, commend this principle to public attention or imitation, and thus affect legislative opinion. Nor is the success of a law necessary for the production of this effect. A principle derives prestige from its mere recognition by Parliament, and if a law fails in attaining its object the argument lies ready to hand that the failure was due to the law not going far enough, i.e., to its not carrying out the principle on which it is founded to its full logical consequences. The true importance, indeed, of laws lies far less in their direct result than in their effect upon the sentiment or convictions of the public."

And here to-day, as a member of a particular community, I desire to speak for a moment, Sir, of the problems before that community. At the time when the first report of the Select Committee was presented to the House I raised certain objections to the Report because of a clause in the Indian Christian Marriage Act, Part VI, section 60, entitled The Marriage of Native Christians:

"Every marriage between Native Christians applying for a certificate shall, without the preliminary notice required under Part III, be certified under this Part, if the following conditions be fulfilled, and not otherwise:

- (1) the age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years."

In other words, under the Indian Christian Marriage Act, in the case of an Indian Christian, a girl may be married the day she reaches her 13th birthday. I also mentioned that there had been growing up throughout India a feeling that the age of marriage itself should be raised. In the first place I was sure the Protestant Churches in India were behind the movement to raise the age.

Pandit Shamlal Nehru: Will you not send in an amendment to that effect?

Dr. S. K. Datta: We not only wanted this Act amended in that respect; we wanted it amended in other particulars also. We are at the present moment drafting an amending Bill, not merely in the matter of age, but in several other particulars also. In the second place I was not quite clear regarding the position that the Catholic Church would take up. To-day I am in a position to give their opinion. Canon 1067 of the Code of Canon Law of the Catholic Church reads as follows:

"A man cannot contract a valid marriage before the age of 16 years completed; a woman before the age of 14 years completed. Although marriage contracted after these ages is valid, Pastors of souls should nevertheless warn young people against marrying at an earlier age than is customary in the country they live in."

One of the Jesuit Fathers in India adds:

"Because of the special difficulties in countries like India, very limited faculties of dispensation from this Canon have been given to Bishops by the Holy See."

I have it on the authority of the Anglican Bishop of Bombay that it is clear that the Catholics would have no objection to the proposed age in the Bill, that is to say, to raising the age to 14 years.

Sir, it may be thrown at me in this House that I speak for a religion that is not Hindu, and that I have no right to speak on a question like this mainly on that ground. In the first place I would like to say this, that it is precisely those friends who might say this to me on this particular question, who are the ones who emphasise that after all I am an Indian first, and being an Indian first I think it is perfectly legitimate for me to consider everything that concerns the people of India. And I believe that by passing this Bill and making the age 14, we shall all be taking a very great step forward in the matter of social reform. In the second place, Sir, I can only say this. My ancestors may have been hopelessly wrong, but they came out of Hinduism for one particular reason among others that they felt there was not a sufficient amount of social liberty. I will not say that they were right or that they were wrong, but they were convinced that there was not enough social liberty within the fold of Hinduism. And for this reason I think it is for the leaders of Hindu social opinion in this country to ask themselves the question whether Hinduism should not free itself from some of these things. It may then not be necessary for people who desire social liberty to come out of it. There are many ways in which that has been done and one is glad to see it. In the early days of Bengal after the new policy of education was introduced into Bengal, most of those who desired a change became Christians. Then came the Brahma Samaj and they found social liberty there and they became members of that Samaj; the Arya Samaj movement at a later stage provided social liberty and was acclaimed by many thousands in North India who desired social liberty. The fact that there have been these movements all indicate that there are men and women who do desire reform.

Lastly, Sir, we are ready at all times to speak about individual liberty. This House is perfectly willing to give women votes, but here to my mind is a custom, here to my mind is a practice on which men of this country will not dare to ask the opinion of the women. They have legislated for them. If ever there was a "man-made law," this compulsion of young girls to become mothers is one of them. I feel sure there are women in India who themselves are demanding freedom. We all demand this freedom for them. As I consider this matter of social freedom, I look into the future and I see the movement for freedom here, there and elsewhere, and it seems to me that the time will come (it may not come in our day, but it is bound to come in the days to come) when it will be possible to create in India a civil social status in which all people can partake, whether they be Hindu, Muhammadan or Christian. I look forward to that day when we will all have the same laws of marriage, the same laws of divorce, and the same laws of inheritance. French India has it to-day. It is open to any Hindu or Muhammadan in Chandernagore or Pondicherry to deliberately place himself under the French civil law, and then inheritance, divorce, marriage in his case are all regulated by the French civil law. It does not change his religion, but unity is brought about in that way. And I look forward to the day when in India we shall have such unity, and all these steps we are taking are bringing that day nearer. I ask the House that it may give this liberty to Indian society, to give liberty to the women-folk of India, and for their sake to bring about this great reform that is necessary, for after all the corner-stone of freedom is in the first place liberty of conscience and in the second place social liberty (Applause).

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, after having voted for raising the age in non-marital cases to 16, it

[Mr. Amar Nath Dutt.]

may be surprising to some that I should rise to oppose this lesser amendment of Dr. Datta. But, Sir, as I have expressed myself in clear and unambiguous language in my note of dissent, I think I have made myself thoroughly clear about my position in this matter. Sir, I am opposed to the raising of the age of consent in the case of marital relations to 14 or to any figure than what is to be found already in the Indian Penal Code, for the simple reason that this Legislature, constituted as it is by an alien Government, whose faith and religious, moral and social ideas are quite different from those of the children of the soil, has no right to legislate or thrust its will upon an unwilling people

Pandit Shamlal Nehru: It is you who are legislating.

Mr. Amar Nath Dutt: No, it is not I that am legislating. I am sorry my friend changes his position when it is a question of social legislation. When it was politics, his views were different. Then this House was a Legislature brought into existence by an alien Government, with whom we could hardly co-operate, and my friend was out to destroy this very Assembly where we are sitting. My friend and those who are of the same opinion as he is, and I am one of them, was out to destroy, not only the hybrid constitution of dyarchy in the provinces, but also this irresponsible bureaucratic system of government. We are out to destroy this system as Swarajists, and therein my friend agreed with me, but here when there is a question of certain views on social matters which are in conformity with advanced social ideas, he thinks this is our own Legislature. I will not believe that it is we who are legislating. That is my first objection.

Secondly, Sir, I am myself opposed to early marriages. I am opposed to *pardah*, I am in favour of female education. At the same time I know that there is a lot of people all over India, in my own province at least of which I am sure who have not kept pace with these progressive ideas about female emancipation, female education and early marriage. That being so, I ask whether any democratic constitution, any democratic Government, has any right to legislate upon matters like these for a people whose social and religious ideas are different from theirs? I quite sympathise with Sir Hari Singh Gour when he says that he urges the passing of this Bill upon humanitarian grounds; but I will request him also to remember that besides early marriage and early consummation of marriage being the reason of infant mortality, there are other factors also, namely, want of proper food, want of sustenance, the seclusion of women, want of physical exercise. Now, Sir, I ask the Honourable Member who has been impelled by such humanitarian reasons to legislate upon a matter like this in the interests of the coming generations of this country, although he has been sitting in this Legislature for the last four years, has he ever thought of introducing a Bill to give better food, better milk, to the starved women and starved babies of our people? Was he with us, Sir, when we wanted to reduce the salt tax and to give these poor men and women whose sickly constitutions

Pandit Shamlal Nehru: On a point of order, Sir. May I know if salt has anything to do with the relations between husband and wife?

Mr. Amar Nath Dutt: That was the result of a bureaucratic Government. But my Honourable friend was not always with us in those matters. He

comes to us only in such matters as will not offend the bureaucracy and will at the same time give him probably some title to the gratitude of the future generation as a second Manu, as my Honourable friend Mr. Shanmukham Chetty put it the other day, a second Manu of the twentieth century. Be that as it may, Sir, I beg to submit that it is not for us in this House to legislate on social matters and thereby interfere with the marriage customs or the religious ideas of our orthodox friends. I have declared more than once in this very hall that I am myself not an orthodox Hindu, nor do I believe in orthodoxy. But at the same time I have this much respect for my orthodox brethren among whom I live and among whom I expect to live till the end of my days, that I do not wish to offend any of their feelings. Right or wrong, the feelings are there; the belief is there, that they must have consummation after attainment of puberty, it may be before 12 or it may be before 13, it does not matter which. So, Sir, I beg to submit that it will be proper for us not to interfere in cases of marital relationship by raising the age of consent.

Then there is one other matter to which I would like to refer in opposing Dr. Datta's amendment, which I think will appeal not only to the author of this Bill but also to Dr. Datta who quoted medical opinion in support of his amendment. There is a danger of police inquisition. I will not take up the time of the House by dealing with the Indian Police and how they behave towards the people of this country. This will be one more handle in the hands of an unscrupulous police to terrorise and oppress men and thereby get bribes. On that ground also I ask even my heterodox friends to consider whether or not they are willing to arm the police of this country with powers such as these. On these grounds, Sir, I think I shall have the support of this House when I oppose the raising of the age of consent to 14. An amendment stands in my name, and when the time comes I shall move that and ask the House not to interfere with the present law.

*Colonel J. D. Crawford (Bengal: European): It was not my intention, Sir, to take part in this debate even though the fact that the Bill affects my community gives me a certain *locus standi*. Just a fortnight ago, however, I was for reasons which were entirely unconvincing invited to address a meeting convened for the purpose of initiating a Delhi branch of the International Council of Women. I was not aware that I had been in favour of women's rights. In fact, my inclinations had always rather been towards the exertion of women's undoubted influence through the home rather than through public life. But the previous debate in this House on this Bill forced me to realise that there are very many questions of this nature in which we, men, would be well-advised to take counsel with our womenfolk. However, Sir, the small part I played on that occasion has brought me telegrams and letters from women in Bengal and it is with a view to voicing their opinion that I intervene in this debate. The Bengal Presidency Council of Women, a body composed of Indian and European ladies who are working constantly for social reform and in questions affecting their sex and children, have sent me the following telegram:

"Bengal Presidency Council of Women vigorously support Sir Hari Gour's Bill regarding the age of consent without amendment. Earnestly trust you will support Bill when discussed to-morrow and oppose proposal of Select Committee."

* Speech not corrected by the Honourable Member.

[Colonel J. D. Crawford.]

That, Sir, is an emphatic record of public opinion amongst the women in Bengal condemning the recommendations of the Select Committee to restrict the age of consent to 13.

Diwan Bahadur T. Rangachariar: May I ask the Honourable Member what is the strength of that Association and who form the component parts of that Association?

Colonel J. D. Crawford: I regret to say I have not the figures with me, but if my Honourable friend knew more of Calcutta

Diwan Bahadur T. Rangachariar: How many people, how many ladies were present?

Sir Hari Singh Gour: If my Honourable friend had put me that question I would have satisfied his curiosity to his satisfaction.

Diwan Bahadur T. Rangachariar: Do so now!

Sir Hari Singh Gour: I will certainly do so and I will let you have the papers from the women of all parts.

Colonel J. D. Crawford: I believe other Honourable Members have also received messages from the women in their provinces; and with your permission, Sir, I would like to read a very brief extract from a letter from the Women's Indian Association in my Honourable friend Diwan Bahadur T. Rangachariar's province. (*Diwan Bahadur T. Rangachariar:* "I know the Association very well.") They say:

"The eyes of the world are to-day upon India as she is working out her plans for Home Rule, but India can never be recognised as an equal nation in the civilised world while evil customs, among which child motherhood looms largely, prevail, and are even encouraged by the Legislatures. No cultured civilised nation can tolerate the idea of motherhood being thrust upon a child of 12 whether she will or no.

But we do not ask you to accept Western standards of culture or morality, however good, but to just go back to the pure Hindu teaching of the Shruti. The chief reason for continuing the custom of child marriage seems to be based on the statement that any modification of the marriage age will be to interfere with the basis of Hinduism. We have discussed this question with learned Pandits and Shastris and are informed that the ancient Vedic teaching clearly visualised marriage as between a mature young man and woman.

We cannot find that Hinduism in its original purity teaches that the mothers of the race are to be uneducated children, but rather, thinking, educated grown women. When this was the custom in the Vedic days of India, her people were great, and this former greatness of India can only be won back when the people return to the pure teaching of the God-given Vedas unstained by comparatively modern additions and interpolations."

What is the question, Sir? It is a perfectly simple one. At what age do we consider, in the interest of the mother and child and of the future health of generations of Indians, intercourse between the sexes ought to be permitted? We have just had the vote of this House in favour of 16 and I am perfectly convinced that every Member of this House believes himself that that is the right age. I would like, Sir, to refer very briefly to some figures which were given by Mr. B. C. Allen in a brilliant speech he made on this subject on the motion of Rai Bahadur Bakshi Sohan Lal to refer his Bill further to amend the Indian Penal Code to a Select Committee. Mr. Allen said:

"I am sorry to have to trouble the House with a few statistics. But statistics with regard to mortality in child-birth are difficult to obtain, and I doubt whether

Honourable Members are in possession of them. In England, for some years past, the mortality has been at the rate of $4\frac{1}{2}$ per mille, that is to say, for every 2,000 children born, nine mothers die. Similar statistics are not procurable at all from many parts of India, but I have been supplied with some information from the source to which I referred before. In Bombay towns the statistics show not $4\frac{1}{2}$ per mille but 16 per mille. Shikarpur has a rate of 60 per mille, i.e., for every thousand babies born, 60 mothers die. Poona, 33 per mille, Bombay, 25 per mille. The United Provinces and Madras returns are much more favourable, but I fear that these returns are very incorrect. Does the House realise what these figures mean? They mean that in the course of one generation three million, two hundred thousand mothers die, who would not have died if the conditions were as satisfactory here as they are in England."

That, Sir, is an appalling state of affairs and this House will be shirking its responsibility if from fear of agitation or from lack of determination to overcome the difficulties of making such legislation effective, we were to connive at the dreadful suffering to which our women and children are submitted owing to ignorance or antiquated custom. We are all of the same opinion as to the age at which intercourse should be permitted. We have heard much in this House, Sir, of the slavery to which Indians are subjected owing to the existing constitution. I would suggest that that exists very largely in the fertile imagination of our youthful politicians. But as to the slavery of one sex to the carnal desire of the other, there is ample evidence on medical grounds. We, Sir, will have little justification for political freedom if we have not now the courage ourselves to free our womenfolk from the terrible bondage to which they are at present subjected and which has been the cause of the loss of life of so many mothers and children, and which is one of the main contributory causes of the physical emasculation of India's manhood. I will urge the House to take its courage in both hands; and in accepting Dr. Datta's amendment I am convinced that this Assembly will not only have added to its reputation but will have placed on the Statute-book a legislation which in the long run will lead to very real benefit to the health of the nation. So 14. let it be.

***Pandit Madan Mohan Malaviya** (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I entirely agree with those friends who think that there should be no consummation of marriage until a girl has completed her fourteenth year of age. I go further, Sir. I support the expression of opinion of the Shusrat Samhita, to which reference was made by Dr. Gour, that a marriage should not be consummated until a girl has completed her sixteenth year. I think it is right that the consummation of marriage should be postponed till a girl has attained her sixteenth year. But, Sir, at the same time, so far as this proposal to raise the age of consent within the marital relation is concerned, I am sorry I am opposed to it and for this reason. In a country where marriages before the age of 14 are permitted, it is not right that the age of consent in the case of husband and wife should be fixed by law at 14. I have said and I repeat again, that I am whole-heartedly with those friends, with every one of those friends who desire that consummation of marriage should not take place until at least a girl has reached her fourteenth year. But, while these marriages are permitted to the extent that they are, and while marriages take place to the large extent that they do before a girl has reached her fourteenth year, I consider it is not right of the Legislature to lay down the age of consent in the case of husbands and girls of 14. I should still leave it to social reformers and individuals to work to establish the higher

*Speech not corrected by the Honourable Member.

[Pandit Madan Mohan Malaviya.]

age. A great deal of progress has been achieved in the direction of social reform. Marriages do not take place at these early ages at which they used to do and I hope and trust that all of us who have expressed any opinions in favour of the measure before the House will really give a little more time to educating public opinion in the various communities in which the custom prevails in order to raise the age of consent to the figure that is desired; but at the same time I feel, Sir, that this is work which should not be undertaken at the present stage of public opinion among those among whom marriages take place at an early age, to establish this rule by law. I therefore think that, so far as husbands are concerned, the matter should be left where it is, namely, that the age should be left at 12. To ascertain whether the proposed amendment is a desirable one, we should use one single test. Would it be right of the Legislature, in view of the opinion that prevails among those among whom marriages take place earlier than 14, to lay down by law that no marriage should take place before 14? (Sir Hari Singh Gour: "They don't do that.") If it will not be right, I say it will not be right to lay down this other rule either. We must trust to social reform and the progress of education, to the progress of ideas generally and of social advance among the different sections of the community. I would certainly say that every effort should be made by introducing lessons in school, by organisations of social reform associations, by the publication of pamphlets and tracts, to educate public opinion against the effects of early marriages, but I submit, Sir, that, in view of the opinions that have been received from the Local Governments, the provinces, and public associations, it will not be right on the part of this House to raise the age to 14 in the case of married persons. Of course, it is possible that there may be, it is probable that there are many Members here, who feel strongly that it is their duty to lend their vote and their protection to girls below 14 but I would ask them to bear in mind that it would be a violence to the feelings of those who do not agree with them; and I do not think that in a matter in which social and religious considerations come in this House should legislate so much in advance of the general opinion of the communities and the people that are concerned. I therefore strongly urge that in the case of married persons the age should be left where it is.

Lala Piyare Lal (Delhi: General): I feel, Sir, that this piece of legislation, so far as it is designed to attack marital relations, will seriously affect a certain class of people; it may injure their religious feelings and interfere with their social customs. This class forms the majority of the population of this country, though their representation in this House is not adequate. I refer to the people who cherish the beliefs and traditions of their forefathers and cling to them. I mean, Sir, the orthodox portion of the Hindu community. On its face, the Bill applies to all classes and communities of India but its main object is to stop the custom of early marriages which prevails to a large extent amongst certain castes and communities of the Hindus. The Christians are not concerned with this measure. They have got their own law governing the marriageable age of men and women. It will touch the Muhammadans only slightly. Early marriages are very scarce among them, though in my 45 years' practice at the Bar, the only case I had came from a Muhammadan family and I still remember the disastrous effects it had on the life of the married couple. The husband was sent to jail and the parties never got reconciled thereafter. Personally I am opposed to marriages and their consummation

at an immature age, nor do I think that there are any in this House who will be prepared to defend that practice. It has many disadvantages but they need not be exaggerated.

Pandit Shamlal Nehru: Why are you opposing, then?

Lala Piyare Lal: You will see. Be that as it may, the fact, however, remains that there is a conservative element in our society and it is our duty to represent the views of that school of thought also before this House.

Sir, the object of the Bill may be laudable but its policy is open to serious objections and severe criticism. Social reforms can better be left to the growth of public opinion and moral pressure than to legislation of a penal character. Progress in religious beliefs and social manners is naturally and usually slow and those who are engaged in this class of work know the difficult nature of their task. Signs of progress are, however, visible in various directions. The Sikhs and the Arya Samajists have thrown their shackles and have raised the marriageable age of their girls, and many others seem inclined to follow the same course. But in any case, it is safer to proceed cautiously and to walk steadily than to run at break-neck speed.

There can be no objection to raise the age of consent in the case of strangers but the case of marital relations stands on a different footing altogether and it would be unwise to meddle with it by legislation. While I am myself opposed to early marriages, I cannot shut my eyes to the fact that there are millions of my countrymen who still think—and firmly believe—that a girl should be married before signs of puberty appear on her person. I hold no brief for that belief. It is not for me to defend it. You may, if you like, call it prejudice or superstition but you cannot and should not ignore its existence. Marriage among the Hindus is a sacrament and it would be unwise to interfere in a delicate matter of this kind in which religion plays an important part.

This Bill was twice referred to Select Committee and on each occasion it has been reported unfavourably. Moreover, the opinions of eminent authorities have unequivocally declared it unnecessary and uncalled for and it would therefore be an act of rashness to proceed with this measure in the face of an opposition of this magnitude. It is likely to create agitation which it would be advisable to avoid. I feel, Sir, that it is not a case in which the majority of the House have a right to impose their will on the minority.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, I regret very much I have to oppose the amendment of my Honourable friend Dr. Datta, while I agree with him in all the arguments he has put forward as to the evil of early consummation of marriages. If my Honourable friend Dr. Datta, with all his eloquence could go about the country and address a thousand platforms if not a hundred thousand platforms, and educate the country to acceptance of this position, I am sure in another 10 years the country will be ready to accept the amendment that he has proposed. I know, Sir, that public opinion is advancing fast in this direction. I may say at once that I had a family consultation over this Bill, when I consulted my wife and daughters as regards the wisdom of this measure. They all agreed that it is a wise measure indeed to increase the age to thirteen. That shows what progress is really being made in the direction of development of public opinion in favour of late consummation of marriage. But I must advise my ardent friends in the cause of this reform to proceed slowly and cautiously. Nothing is lost.

[Diwan Bahadur T. Rangachariar.]

The nation is not one year old. The nation is going to live long and I am sure in another 10 years, if my Honourable friend Sir Hari Singh Gour does not find a place here, there will be hundreds of Hari Singh Gours in his place to urge for this reform.

Pandit Shamlal Nehru: May I know—when this section was enacted last?

Sir Hari Singh Gour: 1891.

Diwan Bahadur T. Rangachariar: I do feel, Sir, that this is not the place for us to force social reform. Here you are appealing to an audience which is willing to agree with you. That is the unfairness about it. The unfairness of the position is this. Here you have got everybody who feels with you, who agrees with you in all your views, whereas for one here, there are a hundred thousand outside who do not agree with you. That is the unfairness of the position. You want to take advantage of the Legislature in forcing down the public throat a reform, a much needed reform I may say, by making relationship between husband and wife a crime. What is it you are doing? You want to subject the husband to imprisonment, I see from the Schedule, in the case of consummation after 12, to two years' rigorous imprisonment and fine. If she is under 12 years, then of course, there is the law already.

Sir Hari Singh Gour: Why don't you quarrel with it? It is also a social reform.

Diwan Bahadur T. Rangachariar: That is a settled fact. We are not trying to go below 12 years. You want to advance from 12 to 14. That is the effect of the amendment. I am quite willing, speaking for myself, to admit that it is perhaps not unwise to increase the age to 13 years. But you must realise the difficulties which parents have to contend with in the matter of keeping husband and wife apart. They have to live together in the same house, under the same roof, oftentimes. Boys go to their father-in-law's houses for study. They live in the same house as the girl. It is all very well to say—it may be a counsel of perfection to say—that they should be kept apart. But the difficulties of parents have to be recognised. I do not put it on the ground of any orthodoxy, or on account of the religious sanctity attached to it. You have to educate public opinion. My point of view is that public opinion is not ripe for it. The public opinion must rise to it. I may mention that in some places marriage is essential to the performance of certain duties. For instance, in the case of the Dhikshadars who perform worship at Chidambaram, unless he is a married man he is not entitled to enter the temple and perform worship. Therefore, in some cases, you may entail social disabilities. We know that the habits and customs prevailing are so many and so different. Is there any man here who can come forward and say he knows the habits of the Hindus in all parts of India? Speaking for my own province, I am quite ignorant of the social habits and customs of many a community in my own province. Much more so should be our ignorance when we speak of a continent like India where you have got so many people with different social habits and usages. What is it you propose to do? You propose to send the husband to jail for consorting with his wife. You know, Sir, in certain communities, going to jail puts a man out of caste altogether, even if it is simple imprisonment. In the case of the Nattukottai Chetties in my own province, confinement even for a day inside a jail puts him out of caste. Why, you profess to do good for the girl. What is it you are doing? You are putting her husband out of caste altogether by doing these things, and thereby making

the life of the girl and the life of the boy unpleasant altogether. Let us proceed cautiously. There is no object in hurrying through these things. I quite admire the ardour of my friends, but let that ardour be also spent in educating the public. Let them also spend some portion of their time in doing this work outside. May I ask my Honourable friend Sir Hari Singh Gour, how many platforms he has addressed in this connection outside this hall? (*A Voice*: "Never.") Has he ever summoned a meeting in his own province and addressed the people on the value of these reforms? Sir, it is easy to avail yourself of the position which you occupy here and appealing to an audience where all are wedded to your views and get them to aid in this legislation. It is very easy indeed but it is not so easy a task to go to the country and convince your own countrymen and countrywomen. Sir, we have heard of petitions sent by Women Associations. Does my Honourable friend believe in those Associations? How many women really—women of the country really—are members of that Association? A Mrs. Jinaraja Dasa, an Australian lady, who has married a Buddhist coming forward no doubt and advocating this reform. Lady Sadasiva Aiyar, who is a very grand old dame, no doubt a great and ardent social reformer in my province, is a member of that Association.

5 P.M. How many people are there out of the 5 lakhs of the population in Madras, of whom about 2 lakhs are women, adult women, who are in favour of this? How many Associations are there? Let us not force the pace. I am quite willing for 13 speaking for myself individually because I do think you can move slowly in that direction but to raise the age to 14 is, I am afraid, a most impracticable measure, a most unwise measure, by which you will be courting unpopularity not for yourself but for the Government which encourages it.

Colonel Sir Henry Stanyon (United Provinces: European): Sir, I think my Honourable friend Sir Hari Singh Gour is to be congratulated on his introduction of this Bill. It represents, among other things, a courageous effort on his part to lead public opinion and to overcome conservative orthodoxy in the matter of premature sexual intercourse. The Bill, however, purports to deal with the subject by amendment of sections 375 and 376, Indian Penal Code—the law relating to rape. As a Member of the Select Committee to which the Bill was referred for report, I wrote a minute of dissent from which I make the following extract:

"I should certainly support a provision to make non-marital intercourse with a girl under 14 punishable as rape. But so far as husband and wife are concerned, there seem to be practical difficulties in the way of effective legislation. * * * * * If there is a feeling to raise the age all round to 13, I will support it, but I doubt its practical value in marriage cases."

To that opinion I still adhere. Indeed it has been confirmed by the opinions which we have received.

With your permission, Sir, and that of the House, I will try and make a detailed examination of the questions before us. We are dealing with one particular form of rape, namely, that in which sexual intercourse takes place with the consent of the woman, such consent not having been obtained by force or fraud, *i.e.*, a case falling under the last of the five definitions of rape given in section 375, I. P. C., in which consent is no defence where the woman is under the age of 12 years.

Then we have a sub-division of this branch into two heads, namely, (1) rape by a man who is not, and (2) rape by a man who is the husband of the woman raped. We have already disposed of the first part. We are now concerned with the second

[Sir Henry Stanyon.]

A study of the opinions received reveals:

- (1) that public opinion is almost unanimous in favour of raising the age of lawful consent from 12 to 14 years against a seducer who is not the husband of the woman seduced; while a large body of it asks that the age-limit should be placed even higher, and
- (2) that public opinion is strongly divided for and against any alteration of the existing law as between husband and wife and that a large preponderance in this case is in favour of non-interference.

In my humble opinion we should treat the two branches of the subject quite separately. We have dealt with one but we have now to deal with the more difficult of them. All or most of us know of the sad case of Haree Mohan Majthee, reported in I. L. R. 18 Calcutta 49, which was the immediate cause of the age of lawful consent being raised from 10 to 12 years by Act X of 1891. In taking that course having regard to the well established fact that in almost every case a girl of 10 years is absolutely immature and physically unfit for sexual intercourse, the Legislature was justified in overriding a large volume of orthodox opinion against the change. But to my mind there is all the difference in the world between raising the age for lawful consummation of marriage from 10 years (when the wife is certainly immature) to 12 years, and raising it from 12 years (when the wife is frequently pubescent) to 13 or 14 years.

In my opinion it is a mistake to classify as rape any sexual intercourse between a husband and wife. Such a classification is unknown to English law. Under that law unlawful carnal knowledge of a girl under the age of 13 years is a felony punishable as rape, and unlawful carnal knowledge of a girl over 13 but under 16 years of age is a misdemeanour punishable as an indecent assault. The age limit for marriage in England is 14 years for a boy and 12 years for a girl. It is a rule of common law that in regard to the offence of rape *militia non supplet actatem*, a boy under 14 years cannot be convicted of that offence, there being a presumption that he is physically incapable of committing it. That is a *presumptio juris et de jure* and judges have time after time refused to receive evidence to show that a particular prisoner was in fact capable. In England if a male over 14 could get married to a girl over 12 but under 13, and sexual intercourse took place, he could not be convicted either of rape because his wife was under 13 or of indecent assault because she was under 16. The intercourse would not be unlawful carnal knowledge. But no one in England could ever lawfully marry a girl under 13 years. because of other legal and social safeguards which stand in the way. These safeguards are also to be found in the Indian Christian Marriage Act (XV of 1872), which, besides requiring, where either party to a marriage is a minor, the consent of the guardian of such minor, provides for the particular cases of Native Christians that the age of the bridegroom shall exceed 16 years and that of the bride shall exceed 13 years. The particular point that I wish to make is that under English law there can be no such thing as unlawful sexual intercourse between a husband and wife, and no husband can rape a wife who has not been legally separated from him even though her age might be under 13 years.

But in India in cases to which the Indian Christian Marriage Act does not apply, marriages are often celebrated many years before consummation is physically possible. I know of no rule of Hindu or Muhammadan law or any well recognised custom which fixes a limit of age below which a girl

may not be married, and though education and reform have made, and continue to make, excellent changes in public opinion regarding the union of immature children, child marriages are still the rule. Consequently the Indian Legislature has been compelled to enact an age limit for the consummation of marriage. It has done so by making consummation before that age punishable as rape.

I think, with all due respect, that this is a wrong classification. The primary conception of rape is carnal knowledge of a woman (1) against her will, (2) without her consent, or (3) with her consent obtained by intimidation or fraud. One important feature which makes the crime of rape so serious is the indelible disgrace which it inflicts upon the woman. There are women who would rather lose their lives than suffer a loss of honour and virtue.

Now, all these features are absent from intercourse between a husband and wife. Provided the wife is not under the age of consent, the husband may have intercourse with her against her will or without her consent. If he resorts to assault, wrongful restraint or wrongful confinement to achieve his purpose he may be punishable for such offence, but he cannot be indicted for rape. Nor in the eyes of anyone will the intercourse be regarded as dishonourable or degrading to the wife. Nevertheless, a husband who indulges in the animalism of insisting on intercourse with his child wife under the age of 12 years, commits a crime as serious as rape in the ordinary sense of that term and therefore his inclusion as an offender punishable under section 376, Indian Penal Code, has not involved any injustice.

But when we come to intercourse between a husband and his lawful wife who is over the age of 12 years we are presented with a difficult problem and we shall certainly alienate a large volume of public opinion if we treat such intercourse as rape. It is still unduly premature. It may be harmful to the wife, and it is certainly against the interests of the race generally. But it seems to me that it would be a misnomer to call it rape. In dealing with the Bill before us we must proceed from the point of view of penologists and not of social reformers. I feel as strongly as anyone in this House or out of it, the need of social reform in this matter. But we are not justified in using criminal law to enforce a reform which is only necessary or desirable from a moral or eugenic standpoint. This is all the more so since we know that education has already made and will continue to make substantial progress in bringing about that reform. The number of people who understand and appreciate eugenism increases constantly. One of the most hopeful features is the spread of female education and the fact that Councils and Associations of Women in India have taken up this subject with characteristic energy and enthusiasm. I am sure we all wish them success in their efforts to lead the inferior sex in this matter.

But the question for us to-day is whether we shall do any good to the people of India by legislating that intercourse between husband and wife, the wife being over 12 years, shall be defined and made punishable as rape. I may point out that the limit of 14 years desired by the Honourable Sir Hari Sing Gour and other Members would be in excess of the limit for rape fixed even in England and would involve amendment of the Indian Christian Marriage Act, 1872, and possibly other enactments. The 13 years recommended by the Select Committee is not open to these objections. But I would remind the House that the law introduced by Act X of 1891 has remained a dead letter so far as husbands and wives are concerned, though the offence is cognizable by the police and not bailable. I have not heard

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of a single case of a husband being prosecuted for rape on his wife during the 34 years that have passed since the enactment came into force. No one with any knowledge of the circumstances of this country can believe that marital intercourse with wives under the age of 12 years has not taken place during this period. That particular form of rape must have been committed times without number. But with public opinion indifferent, with the police reluctant to prosecute, and with the husband and his parents-in-law of one mind, either detection has not taken place, or prosecution with any chance of success has been impossible.

The Bill before us would make every case against a husband non-cognizable by the police—even that of rape on a wife under the age of 12 years. That is a very serious weakening of the present law. What hope can there be that any private complainant will ever come forward to prosecute a husband for rape on his own wife whether she be under the age of 13 years but over 12, or even if she be under the age of 12 years? The check which police cognizance imposed in the latter case is certainly not one which should be removed. If we remove it we shall put the protection of the child-wife back to where it stood before Act X of 1891. It would be a blunder of the first magnitude.

I may sum up my views in this way. We should take advantage of the strong public opinion in favour of tightening up the law against the stranger seducer. As regards husband and wife, I should leave sections 375 and 376, Indian Penal Code, as they are at present and if legislation is held desirable to punish as a crime marital intercourse with a wife over 12 but under 13 years of age, I would recommend that it should take the form of a new section, being treated as a non-cognizable, bailable offence, punishable with a very light sentence. Such a provision will remain a dead letter as a penal enactment but it may help to educate public opinion in the way so many of us consider desirable.

The Honourable Sir Alexander Muddiman: Sir, the House has taken a step which I confess has somewhat surprised me in raising the age as high as 16 outside the marriage tie. The question now before the House is as to whether it should raise it to 14 within the marriage tie. When I spoke on this at an earlier stage of the discussion I drew attention to the very large bulk of opinion which was opposed to raising the age within marriage. I then said that the Government of India were prepared to leave it to the House to vote on this question, but by that I meant the question of raising the age within marriage by one year. I did not, I must confess, consider it was likely that the House would be inclined to raise the age as high as 16 years outside marriage and I must modify the attitude which I previously took up in that respect. I shall therefore feel it my duty to oppose the present motion. In doing so, I wish to make it perfectly clear that I do so merely from the fact that I consider that the authorities which have been consulted disclosed so considerable a body of public opinion opposed to an increase in the age, which is now suggested by the motion under consideration, that I think, looking at the matter from an administrative point of view, we might be faced with serious agitation if this measure was to be passed into law. If the age is to be raised as high as 14, you will be taking a step for which we shall have to bear the burden. I hope the House will consider very seriously before it votes on it and I think it is a pity that the discussion should come to a vote at so late an hour and in so thin a House. I trust

the House will consider this question very very seriously before it takes a step which it may seriously regret.

Mr. President: The original question was:

“That clause 2 stand part of the Bill.”

Since which an amendment has been moved:

“That in the said clause for the word ‘thirteen’ the word ‘fourteen’ be substituted.”

The question I have to put is that that amendment be made.

The Assembly divided:

AYES—45.

Ahmad Ali Khan, Mr.
Ahmed, Mr. N.
Ariff, Mr. Yacoub C.
Bha, Mr. K. Sadesiva.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Crawford, Colonel J. D.
Das, Mr. B.
Datta, Dr. S. K.
Fleming, Mr. E. G.
Ghazanfar Ali Khan, Raja.
Ghulam Bari, Khan Bahadur.
Goswami, Mr. T. C.
Gour. Sir Hari Singh.
Gulab Singh, Sardar.
Hans Raj, Lala.
Hira Singh Brar, Sardar Bahadur Captain.
Ismail Khan, Mr.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kasturbhai Lalbhai, Mr.
Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.

Lindsay, Mr. Darcy
Mehta, Mr. Jamnadas M.
Misra, Pandit Harkaran Nath.
Muhammad Ismail, Khan Bahadur Saiyid.
Murtuza Sahib Bahadur, Maulvi Sayad.
Naidu, Mr. M. C.
Nehru, Dr. Kishenlal.
Nehru, Pandit Shamlal.
Pal, Mr. Bipin Chandra.
Patel, Mr. V. J.
Phookun, Mr. Tarun Ram.
Ramachandra Rao, Diwan Bahadur M.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Rhodes, Sir Campbell.
Sadiq Hasan, Mr. S.
Sarfaraz Hussain Khan, Khan Bahadur.
Sinha, Mr. Devaki Prasad.
Sykes, Mr. E. F.
Willson, Mr. W. S. J.
Yakob, Maulvi Muhammad.
Yusuf Imam, Mr. M.

NOES—43.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abhyankar, Mr. M. V.
Aiyangar, Mr. K. Rama.
Ajab Khan, Captain.
Aney, Mr. M. S.
Ashworth, Mr. E. H.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Burdon, Mr. E.
Clow, Mr. A. G.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghose, Mr. S. C.
Graham, Mr. L.
Hari Prasad Lal, Rai.
Innes, The Honourable Sir Charles.
Iyengar, Mr. A. Rangaswami.
Kelkar, Mr. N. C.
Lloyd, Mr. A. H.
Malaviva, Pandit Madan Mohan.
Marr, Mr. A.
McCallum, Mr. J. I.
Moir, Mr. T. E.

Muddiman, The Honourable Sir Alexander.
Mutalik, Sardar V. N.
Narain Dass, Mr.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Piyare Lal, Lala.
Rangacharar, Diwan Bahadur T.
Rushbrook-Williams, Prof. L. F.
Samiullah Khan, Mr. M.
Sarda, Rai Sahib M. Harbilas.
Sestri, Diwan Bahadur C. V. Visvanatha.
Singh, Mr. Gaya Prasad.
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Sinha, Mr. Ambika Prasad.
Stanyon, Colonel Sir Henry.
Svamacharan, Mr.
Tonkinson, Mr. H.
Ujagar Singh Bedi, Baba.
Wilson, Mr. R. A.

The motion was adopted.

Mr. President: The question is:

“That clause 2, as amended, stand part of the Bill.”

The Assembly divided:

AYES—55.

Ahmad Ali Khan, Mr.
 Ahmed, Mr. K.
 Ariff, Mr. Yacoob C.
 Ashworth, Mr. E. H.
 Bhat, Mr. K. Sadasiva.
 Bhole, Mr. J. W.
 Burdon, Mr. E.
 Chaman Lal, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Clow, Mr. A. G.
 Crawford, Colonel J. D.
 Das, Mr. B.
 Datta, Dr. S. K.
 Fleming, Mr. E. G.
 Ghazanfar Ali Khan, Raja.
 Ghulam Bari, Khan Bahadur.
 Goswami, Mr. T. C.
 Gour, Sir Hari Singh.
 Graham, Mr. L.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Ismail Khan, Mr
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kasturbhai Lalbhai, Mr.
 Kazim Ali, Shaikh-e-Chatgam Maulvi
 Muhammad.
 Lindsay, Mr. Darcy.

Lloyd, Mr. A. H.
 Lohokare, Dr. K. G.
 Mahmood Schammad Sahib Bahadur,
 Mr.
 Mehta, Mr. Jamnadas M.
 Misra, Pandit Harkaran Nath.
 Muhammad Ismail, Khan Bahadur
 Sayid.
 Murtuza Sahib Bahadur, Maulvi Sayed.
 Naidu, Mr. M. C.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Shamlal.
 Pal, Mr. Bipin Chandra.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Ramachandra Rao, Diwan Bahadur
 M.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Shankar.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sadiq Hasan, Mr. S.
 Sarfraz Hussain Khan, Khan
 Bahadur.
 Sinha, Mr. Devaki Prasad.
 Sykes, Mr. E. F.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.
 Yakub, Maulvi Muhammad.
 Yusuf Imam, Mr. M.

NOES—23.

Abdul Qaiyum, Nawab Sir Sahibzada.
 Aiyangar, Mr. K. Rama.
 Ajab Khan, Captain.
 Aney, Mr. M. S.
 Duni Chand, Lala
 Dutt, Mr. Amar Nath.
 Ghose, Mr. S. C.
 Hari Prasad Lal, Rai.
 Kelkar, Mr. N. C.
 Malaviya, Pandit Madan Mohan.
 Mutalik, Sardar V. N.
 Narain Dass, Mr.

Neogy, Mr. K. C.
 Piyare Lal, Lala.
 Rangachariar, Diwan Bahadur T.
 Sastri, Diwan Bahadur C. V.
 Visvanatha.
 Singh, Mr. Gaya Prasad.
 Singh, Rai Bahadur S. N.
 Singh, Raja Raghunandan Prasad.
 Sinha, Mr. Ambika Prasad.
 Stanyon, Colonel Sir Henry.
 Syamacharan, Mr.
 Ujagar Singh Bedi, Baba.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 24th March, 1925

LEGISLATIVE ASSEMBLY.

Tuesday, 24th March, 1925.

The Assembly met in the Assembly Chamber at Eleven of the Clock.
Mr. President in the Chair.

MEMBER SWORN:

Mr. George Gall Sim, C.I.E., M.L.A. (Financial Commissioner, Railways).

QUESTIONS AND ANSWERS.

INDIANIZATION OF THE HIGHER RANKS OF THE SURVEY OF INDIA.

1275. *Maulvi Muhammad Yakub: Will the Government be pleased to state:

- (a) What steps are being taken in the Survey of India to Indianize the higher ranks of the service?
- (b) What proportion of Indianization in other analogous services is to be effected by (1) promotion from the junior branch of the service and (2) by direct recruitment of the senior branch?
- (c) If the proportion under (b) (1) is less in the Survey of India, will the Government be pleased to give reasons for such differentiation?

Mr. J. W. Bhore: (a) The matter is under the careful consideration of the Government of India.

(b) and (c). I regret that I am not aware to what "analogous services" the Honourable Member refers. If he will kindly specify these, I will be better in a position to answer this part of the question.

Maulvi Muhammad Yakub: By "analogous services" I mean, Sir, other services directly under the Government of India.

Mr. J. W. Bhore: I am afraid the Honourable Member is labouring under a mistake. The other services mentioned are not exactly analogous to the Survey of India. But since he has told me what is in his mind, I will endeavour to give him a reply to his question in due course.

Mr. K. Ahmed: A supplementary question, Sir. I am asking for ruling, Sir, and it is for you to state whether the Member giving notice inquiring about something from a particular branch, as is the case with Maulvi Muhammad Yakub in this particular case, should also mention

the names of the Departments to which the analogous service belongs. I remember, Sir, about two or three years ago it was ruled by the Chair that Honourable Members giving notice of questions must stick to the Department. Sir, there are six or seven Departments. I ask from the Chair for a ruling on this subject and also whether my Honourable friend Maulvi Muhammad Yaqub is entitled to get an answer relating to the services which are analogous to the service mentioned in the question.

Maulvi Muhammad Yaqub: The Honourable Member should wait for the time when he will occupy the Presidential Chair of this House.

Mr. K. Ahmed: May I ask for a ruling, Sir, from the Chair whether the other Departments of the Central Government will give an answer to the inquiry?

Mr. President: It is not for the Chair to decide which Department should answer any particular question.

COMMUNAL REPRESENTATION IN THE SERVICES.

1276. ***Maulvi Muhammad Yakub:** Will the Government be pleased to state since when and in what services effect will be given to the statement of the Honourable the Home Member in the Council of State about giving a due share to the minorities in the services?

The Honourable Sir Alexander Muddiman: The announcement made by me in another place referred to the four Services which will remain all-India Services, namely, the Indian Civil Service, the Indian Police Service, the Indian Forest Service and the Indian Service of Engineers. It has since been decided to apply a similar policy to the Central Services with the possible exception of certain Services for which high technical qualifications are required. The Services to be excepted, if any, are still to be determined. I need hardly add that so far as provincial services are concerned the matter is one for Local Governments and not for the Government of India. Effect has already been given to the policy in this year's recruitment for certain Services and in other Services will be given from the dates on which formal orders are issued in regard to them. These orders will be issued with as little delay as possible.

Maulvi Muhammad Yaqub: Will the Government of India be pleased to indicate their policy to the Local Governments in this matter?

The Honourable Sir Alexander Muddiman: The Local Governments will see the policy of the Government of India from the various announcements which have been made.

Mr. K. Ahmed: Are the Government of India aware, Sir, that some of the Departments or at least the branches of those Departments are directly under and as a matter of fact in the Provincial Governments and the officers of them keep in touch with them?

The Honourable Sir Alexander Muddiman: I am afraid I have not followed the question.

Mr. K. Ahmed: Are the Government of India aware that some of the appointments are made directly by the Provincial Governments, though, as a matter of fact, the Department is under the Government of India, for instance, income-tax, customs, etc.?

The Honourable Sir Alexander Muddiman: No, Sir.

Mr. B. Das: Will Government be pleased to state whether they will consider the claims of the people of Bihar and Orissa amongst the minorities in the services as they always form a minority in all services?

The Honourable Sir Alexander Muddiman: That question, Sir, does not arise. It is the question of communal representation with which we are dealing.

Lala Duni Chand: Are the Government aware of the existence of a strong feeling in the country that the introduction of any principle other than that of fitness into the recruitment of services is bound to demoralise the services and harm those people whom the services are meant to serve?

Mr. K. Ahmed: Do Government propose to take steps to disabuse the minds of prejudiced persons, as recruitment to these services is made from the point of view of justice and equity by fixing their proportion?

LETTER PUBLISHED BY MR. D. D. KHANDLWAL IN THE *SERVANT*
UNDER THE HEADING "E. I. RAILWAY GRIEVANCE".

1277. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to a letter by Mr. D. D. Khandelwal, and published in the *Servant*, dated the 9th March 1925, under the heading "E. I. Railway Grievance?"

(b) Will the Government be pleased to say if the statements made in the letter are substantially correct?

(c) If not, what are the true facts; and what steps, if any, have been taken in the matter?

The Honourable Sir Charles Innes: The gentleman referred to by the Honourable Member appears to have sent to the press a copy of a representation made by him to the Agent. The Government have no doubt that the Agent will give consideration to the representation and they propose to leave it to him to deal with it.

ADMISSION OF INDIANS INTO THE ARMY AS COMMISSIONED OFFICERS.

1278. ***Raja Ghazanfar Ali Khan:** (a) Are there any branches of the Indian Army to which Indians are not admitted as commissioned officers? If so, what are those and for what reasons?

(b) If the answer to part I of the question is in affirmative, will the Government be pleased to state the names of Indian commissioned officers serving in various branches of the Army except Infantry and Cavalry?

Mr. E. Burdon: (a) There is no branch of the Indian Army, including the Indian Medical Service and the various Indian Army Departments, to which Indians with the King's commission are not eligible for appointment. In this connection, I would invite the attention of the Honourable Member to item 2 of the statement which was laid on the table on the 2nd July 1923 in reply to starred question No. 55, as also to the reply which was given on the 15th September 1924 to part (b) of starred question No. 1912.

As regards the grant of King's commissions in the Royal Artillery, Royal Engineers and Royal Air Force services in India, I would invite the Honourable Member's attention to the reply which was given on the 22nd January 1925 to unstarred question No. 38.

(b) I lay on the table a statement showing the names of the officers who are in extra-regimental employment. So far, no Indians holding the King's commission are employed in any of the Indian Army Departments. The names of those who hold commissions in the Indian Medical Service will be found in the Indian Army List, to which the attention of the Honourable Member is invited.

Statement giving the names of the King's Commissioned Indian Officers who are extra-regimentally employed.

Names.		Appointments held.
Captain Zorawar Singh . . .	1st Horse . . .	Lent officer to the Bhavnagar State.
Captain Pirthi Singh . . .	3rd Cav. . .	Coy. Comdr., 11-4th Bombay Grenadiers, I. Terr. F.
Lieutenant Hissam-ud-Din . . .	11th Cav. . .	Adjt., 11-12th F. F. Regt., Ind. Terr. Force.
Lieut. Sardar Jai Singh . . .	8-11th Sikhs . . .	With Kapurthala State Forces.
Lieut. M. Abdula Khan . . .	4-15th P. B. . .	Coy. Comdr., 11-15th P. B., Indian Terr. Force.
Lieut. Baja Sher Mohd. Khan . . .	1-15th P. R. . .	Adjt., 11-13th F. F. Rifles, Indian Terr. Force.
Lieut. C. S. Thakur . . .	8-7th Rajputs . . .	Coy. Offr., 11-7th Rajput Regt., Ind. Terr. Force.
Lieut. Mohd. Ayub Khan . . .	12th Cav. . .	Asst. Recruiting Officer, Peshawar.
Lieut. N. U. K. Janjhua . . .	1-16th P. B. . .	Asst. Recruiting Officer, Lahore.
Lieut. Abdul Samad Shah . . .	13th L. . .	Asst. Instr., Army School of Education (Indian Wing).

Lieut. S. B. S. Roy, 1/7th Rajput Regiment, is under consideration for appointment as Adjutant, Mewar Bhil Corps.

GRANT OF SPECIAL PROMOTION TO EMPLOYEES OF THE NORTH WESTERN RAILWAY WHO VOLUNTEERED FOR SERVICE OVERSEAS.

1279. *Khan Bahadur W. M. Hussanally: (a) Are Government aware of the fact that in accordance with notification No. 1012-E.—5, dated 21st October, 1916, of the Agent those who volunteered services for overseas were to get special promotion?

(b) Is it a fact that out of those who served overseas some were given the special promotion while others were denied the same?

(c) Is it a fact that in certain cases those who had a break in their services also received this special promotion?

(d) Is it a fact that Mr. J. Lydeen, guard, after a break of about 5 years' services received special promotion without having served overseas?

(e) Will the Government be pleased to state on which grounds this special promotion was granted?

(f) Are the Government aware of the fact that the Anglo-Indian and domiciled European Association represented to the Agent the case of a certain guard, and qualified station master who had rendered overseas service and the Agent replied that he could not see his way to condone the break in his services?

(g) Will the Government state if there are any rules guiding this special promotion?

(h) If so, what are they?

(i) Will the Government state why the rule was not applied in the case of Mr. J. Lydeen?

(j) Are the Government prepared to recommend to the Agent to go into the cases of all who rendered overseas services and give promotion to those who are entitled to it?

The Honourable Sir Charles Innes: (a) Yes.

(b) to (j). Government have no information. But they propose to send the Honourable Member's question to the Agent, North Western Railway, for such action as he may consider necessary in regard to part (j).

HOLDING OF THE NEXT SESSION OF THE LEGISLATIVE ASSEMBLY IN AUGUST.

Mr. W. S. J. Willson: Sir, may I ask the Honourable Member a question of which I have given him private notice? Whether it is correct that the next session of the Legislative Assembly is likely to be held on about the 20th August? Whilst most Members will not fail in their duty to attend if it is really necessary, I wish to point out that it will be most inconvenient for those who intend taking leave to Europe, and a very trying time for travel for those who have long distances to come. I therefore ask if it will be possible to have the Session fixed after the Pujah session instead of before, as the custom really is?

The Honourable Sir Alexander Muddiman: Sir, the Governor General has passed no orders as yet in regard to the holding of the legislative session, but owing to the dates of the various holidays this year, the session is likely to be held somewhere about the middle of August, about the 20th of August. With reference to the latter part of his question my Honourable friend has probably forgotten the fact that the Council of State may be dissolved and that elections may take place this cold weather, which will therefore give an additional reason for holding the session rather earlier than usual.

STATEMENT LAID ON THE TABLE.

The Honourable Sir Charles Innes: With reference to my reply to unstarred question No. 260, I lay on the table a statement giving the information available in the form desired. In order to complete the statement, I have included information for the year 1924-25.

Note.—The position with regard to the nature of arrangement made by the Railway Board with Messrs. Tata Iron and Steel Company during the period of 1913-14 to 1923-24, is as follows :—

In the year 1906, the Railway Board gave the Company a guarantee that they would order 20,000 tons of rails per annum for a period of 10 years from the date of commencement of output at the *c. i. f.* rates for imported rails.

The Steel Company commenced deliveries in the year 1913-14. The arrangement under this guarantee was abandoned owing to the conditions brought about by the war. A new arrangement by mutual consent was arrived at in July 1915, according to which almost the entire output of the Steel Works was utilised for the purposes of the war. It was only after the armistice that deliveries to Railways were recommenced on the 1918-19 price of Rs. 150 per ton, fixed by the Indian Munitions Board. This rate was applied to all deliveries made up to 31st March 1920. During this period it was practically impossible to import rails from Europe and probably no *c. i. f.* rate for imported rails could be fixed for the period in question but, from the fact that post-war prices in the United Kingdom were abnormally high, there is no doubt that the *c. i. f.* rate would have been considerably higher than Rs. 150 per ton.

In the meantime a new seven year agreement operative from April 1st, 1920, was made on August 7th, 1920, for the supply to all State worked Railways for rails at Rs. 130 per ton and for fishplates at Rs. 160 per ton. These prices, however, were found to be much lower than the *c. i. f.* prices for imported rails, which began to be available about the same time, and on a representation from the Steel Company the above price for rails was revised on 26th April 1921 to apply retrospectively from the commencement of the 7-year contract, and to continue for a period of two years. The revised price was based on the contract price *plus* a percentage, on a sliding scale, but in no case exceeding half of the difference between the contract price and the *c. i. f.* price for imported English rails. This method of making payment to the Steel Company continued for a period of a year and a half, and on June 16th, 1922, the rates were fixed at Rs. 156 per ton for rails and Rs. 186 per ton for fishplates to take effect from November 1st, 1921. This rate for rails was in the neighbourhood of the *c. i. f.* prices, obtaining at the time of making the arrangement, and these rates continued in force up to 31st March 1924 when the original contract rates came into force. As a set off against the increase in prices of rails and fishplates agreed upon in April 1921 the Steel Company allowed the Government a discount of 10 per cent. on the price of steel other than rails to be supplied to State-worked Railways and Government of India Departments, under a pre-existing contract at *c. i. f.* rates. At the subsequent revision on June 16th, 1922, this 10 per cent. discount was changed to a fixed one of Rs. 7.8 per ton below *c. i. f.* cost on steel other than rails.

It will be clear from the facts stated above that, as compared with *c. i. f.* prices, the State-worked Railways effected a considerable saving by obtaining their supply of material from the Steel Company instead of from abroad.

As regards the supply of material to State-owned but Company worked railways, it may be pointed out that from the armistice up to 31st March 1920 the supply to all railways was at one rate, namely, Rs. 150 per ton for heavy section rails, which was that fixed by the Indian Munitions Board by mutual arrangement with the Steel Company. After 31st of March 1920, the post-war contracts came into force. The prices in those contracts of Company-worked railways, excepting the Bengal Nagpur Railway contract, were Rs. 122-8-0 to Rs. 125 per ton for rails, and Rs. 30 per ton extra for fishplates. The Bengal Nagpur Railway price was Rs. 110 per ton for rails. These prices have proved to be lower than the *c. i. f.* prices for similar materials imported in the period during which the contracts have been in operation. No increases were allowed to the Steel Company on these contract rates by the Railways concerned.

It is claimed by the Company that during the two years 1920-21 and 1921-22 total savings amounting to over 142 lakhs accrued to the Railways through their buying from the Steel Company instead of imported rails and fishplates (*vide* pages 22 to 25 of Volume I of the Evidence before the Tariff Board).

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 have, at their meeting held on the 23rd March, 1925, agreed without any amendments to the following Bills which have been passed by the Legislative Assembly:

- A Bill further to amend the Indian Tariff Act, 1894.
- A Bill further to amend the Indian Stamp Act, 1889.
- A Bill further to amend the Indian Income-tax Act, 1922."

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

Mr. President: I have received a Message from His Excellency the Governor General:

(The Message was received by the Assembly standing.)

"In pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, I, Rufus Daniel, Earl of Reading, do recommend to the Legislative Assembly that it do pass the Bill to supplement the Bengal Criminal Law Amendment Act, 1925, in the form hereto annexed.

The 23rd March, 1925.

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

THE BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY)
BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I beg to move that after clause 3 of the Bill the clauses set out in the paper in the hands of the Members be added.

I will not read the clauses as they are before the House. The object of my amendment is to bring the Bill into accord with the recommendation which you have just read to the House. The matters dealt with in these clauses were fully discussed yesterday, and they have been, in one form or another, the subject of debate throughout this Session. I propose therefore, Sir, to add nothing further at this stage.

Mr. President: Motion moved:

"That after clause 3 of the Bill the following clauses be added, namely:

4. The power of the Local Government under sub-section (1) of section 11 of the local Act to direct by order in writing that any person shall be committed to custody in jail shall be deemed to include a power to direct, by order in writing made with the previous sanction of the Governor General in Council, that such person shall be committed to custody in any jail in British India; and, for all or any of the purposes of the local Act, an order so made shall be deemed to be an order made under section 11 of that Act and all the provisions of that Act shall apply accordingly:

Provided that the powers exercisable by the Local Government under section 20 of the local Act in respect of any person committed to custody in a jail outside Bengal, and under section 22 of that Act to provide for the manner of custody of any such person, shall be exercised by the Local Government of the province in which the jail is situated, and rules made by such Local Government in exercise of such powers shall be published in the local official Gazette.

5. References to the local Act in sections 24 and 25 of that Act shall be deemed also to be references to the local Act as supplemented by this Act.

6. The powers conferred by section 491 of the Code shall not be exercised in respect of any person arrested, committed to or detained in custody under the local Act or the local Act as supplemented by this Act."

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, I want to put to the House the plain English of this motion made by my Honourable friend Sir Alexander Muddiman. Sir, I cannot help regretting that His Excellency the Governor General has chosen to

adopt this course of recommending these amendments to this Assembly. Sir, what are the public interests or the interests of the province of Bengal which require that His Excellency should adopt this extraordinary course? Sir, without our consent and without our being a party to this measure, the Bengal Criminal Law Amendment Act, that extraordinary Act, has become law, and there it is for the Government to work it as they have framed it. This measure before us is purely a supplementary Act in two respects, in which the local Legislature had not the power to pass the necessary legislation, namely, in this case the Governor of Bengal, for the local Legislature refused leave to introduce the Bill, and therefore this legislation has become an Act of the Legislature by virtue of the act of the Governor of Bengal, and by signification of the assent of His Majesty. Now, Sir, what are the amendments or supplementary provisions which this Act provides? The one substantial amendment made is in clause 3 of the Bill, namely, giving facilities of appeal and reference in the cases of persons who are convicted and sentenced under the first part of the Bengal Criminal Law Amendment Act. Sir, that is perhaps a provision which is necessary and no Government can rest content perhaps if such provisions were not found even in a special enactment like the Criminal Law Amendment Act. We saw the justice of that course and therefore, although we did not want to be a party to the Bengal Criminal Law Amendment Act in any sense or term, we allowed that clause to pass this House. The other clauses which we refused to give assent to are the clauses relating to the extra-territorial jurisdiction under which these unfortunate persons, who are going to be arrested and detained and not brought to trial, will be sent out of the province. What is the public interest of the province of Bengal which is going to be served by not sending them out of Bengal? They are going to be detained and confined at the pleasure of the Executive, at the pleasure of the police, naturally no doubt endorsed by the head of the Government. They can be detained in that big province of Bengal in any jail whatsoever. But what is the interest within the meaning of section 67B under which His Excellency has chosen to act in this case, and under which he proposes to take the further step of certification, I take it. What is the interest of Bengal which requires this extraordinary action on the part of the Governor General of India? What will be the harm done if these people are detained only in Bengal in the numerous jails of which there are plenty in that province? Now that is one aspect of the amendment. And I ask my English friends to take note of this because they are lovers of liberty, because they made war in defence of the liberty of nations, big and small. I ask my European friends to take note of this, what is the other amendment which His Excellency the Governor General, ex-Lord Chief Justice, thinks is necessary to be made in this Criminal Law Amendment Act? It is to deprive the High Court of that very small, and not altogether effective power of examining the case of any person who has been arrested under this Act and detained without being brought to trial. Is it that the Bengal Government are afraid even that this shaded light of the High Court should not penetrate the dark corners of the action of the Executive in this matter? What is the fear of the Executive of the High Court? Why are they afraid of their own High Court in which you have got eminent judges? All that the High Court can do under section 491 of the Criminal Procedure Code is to call for the record, or rather to call upon the officer who detained the person without trial to show that the detention of the person is not illegal or improper. Sir, what is the great harm that will be done if the High Court do exercise that power in this case? Is this the action of a British

[Diwan Bahadur T. Rangachariar.]

Government? Is it an action of which they can be proud? And to go to the length of depriving the High Court of this power which is vouchsafed to the subjects of His Majesty by section 491 of the Criminal Procedure Code, to deprive the subject of this privilege, is it in the public interest, in the interests of the province of Bengal that His Excellency should resort to this extraordinary power which he has under the law? How can it be justified? If that is the position to be taken up by an enlightened Government under the control of His Excellency Lord Reading, I must confess to a feeling of great disappointment. I should be ashamed to go forth to the world and say that His Excellency the Governor General

The Honourable Sir Alexander Muddiman: On a point of order, Sir. Is the Honourable Member in order in discussing the action of His Excellency the Governor General in making a recommendation in respect of this Bill?

Mr. President: The Honourable the Home Member is aware that it is somewhat difficult to draw the line of order between the motion he has moved and the action of the Governor General. I have my eye on Mr. Deputy President with particular reference to that point!

Diwan Bahadur T. Rangachariar: I am only speaking of the action of His Excellency the Governor General as part of the Legislature by which this piece of legislation becomes law. He is the head of the Government and I should not speak of the action of His Excellency the Governor General unless it comes as part of his action as head of the Government. It is as head of the Government that this power is entrusted to him under the Government of India Act and therefore I mentioned his action. I am drawing pointed attention to the effect that is going to be produced by the action of His Excellency the Governor General. Therefore I wish to draw the attention of Honourable Members here to what will be the effect of this action which we are asked to sanction by our vote here. No doubt it comes in the shape of a recommendation. We also make recommendations in our humble capacity to His Excellency the Governor General in Council. In the same way His Excellency makes recommendations to this Assembly. But the two recommendations stand on an entirely different footing. Our recommendation may be ignored. His recommendation is mandatory and has legal force by his mere signature as Governor General, if we do not accept that recommendation.

Sir, I earnestly appeal to all lovers of the liberty of the subject that they should oppose these amendments now proposed, even though they may be recommended by His Excellency the Governor General. His Excellency has to take action in order to make this law under that section 67B. My submission to His Excellency even now before it is too late is this. There is a further step on his part to be taken before this can become law. If we throw out this motion His Excellency will have to think again and to see whether he should certify the measure in the manner described in section 67B. I wish to draw the attention of the Government, of the Treasury Bench to-day, to the seriousness of the step which they propose to take. Can they for one moment contend that it is in the interests of the province of Bengal that His Excellency should be advised to take this extraordinary step under section 67B? Is it in the interests of the province to deprive the subject of the right to go to the High Court and have his case examined when he is detained by a warrant not issued by a Magistrate and with no intention of bringing him up for trial? How can

it be contended by any civilised Government that it is in the interests of the province of Bengal that this power should be exercised! May I appeal to all my Honourable friends here to take a united stand on this? The power is there. The Bengal Criminal Law Amendment Act is there. The power of the Executive is there. By all means let them seize people without the warrant of a magistrate and detain them under the Act as it is. That Act is not going to be affected. Let not my Honourable friends be under any impression that the Bengal Criminal Law Amendment Act is going to be affected by any action we are going to take here in rejecting this motion. The Act is there. The police in Bengal have the unrestricted power to arrest people and detain them without any obligation to go to a magistrate. Therefore that power is not going to be affected. The only thing which will be affected is the liberty of the subject. Under the Act as it is, the poor subject has an opportunity of going to the High Court and saying "Please examine my case and see whether I have not been illegally or improperly detained." That is the only power given to the High Court and that shadowy power is sought to be taken away by virtue of this amendment which my Honourable friend asks us to accept. I have no hesitation in refusing my acceptance to this motion and I ask every Honourable Member to throw out this amendment.

*Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I was rather surprised that the Honourable the Home Member should have resented it when my friend, Mr. Rangachariar, was dealing with the recommendation of the Governor General. Sir, it is the recommendation of the Governor General with which we have to deal to-day on the floor of the House. Lord Reading addressing the Members of the Legislature said this:

"The responsibility was of a nature which could not be shared and it would not be right or proper for me to try to share it with you or place it on your shoulders."

What does this recommendation mean? The Earl of Reading, Governor General, is desirous of placing that responsibility on our shoulders; and is this the manner in which it is going to be placed on our shoulders? Sir, I say it is a flagrant misuse of section 67B; and I further state on the floor of this House that it is a matter of great sorrow and regret that at this moment when the affairs of India are in the hands of two great men, one an Ex-Chancellor who sat on the Woolsack and the other ex-Lord Chief Justice—that this House should be asked in any way to supplement the Bengal Criminal Law Amendment Act.

Sir, my Honourable friend, Mr. Rangachariar, was indignant, but I think he has not appreciated the scheme and the design of Government. The scheme and the design of Government is this. The Bengal Act gives the Executive and the police the power to arrest any citizen and to detain him indefinitely or for as long a time as they desire. Now unless they strike at the root of the principle of the writ of *habeas corpus* which is incorporated in section 491 of the Criminal Procedure Code they cannot carry on that nefarious Statute to its logical conclusion, because, if they detain a citizen under that abominable Act, there is section 491 and he is entitled to ask for a writ of *habeas corpus*, and the result will be that the High Court, of which I am very proud in this country, will not tolerate that for a single moment. It is for that reason that the Government wish to use their axe at that writ of *habeas corpus* under section 491. That is their scheme, that is their design. They wish to pursue that

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scheme and design. They wish to persist in that policy obstinately, and I say once more on the floor of this House that you will regret it and you will create more trouble than you imagine.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, the treatment which was accorded by this Assembly yesterday to this supplementary black law was just what it deserved. This kind of piecemeal legislation, introducing a portion in the local Council and another portion in the central Legislature, to achieve but one aim is novel and unprecedented. This Assembly by its vote on the Resolution regarding the Bengal Ordinance invited the Government of India to introduce a measure of suitable legislation in the Central Legislature to meet the necessities of a situation alleged to have arisen in Bengal and to have necessitated the promulgation of an Ordinance. Just at the same time as this Assembly was discussing the Ordinance a recommended Bill called the Bengal Criminal Law Amendment Act was being rushed through in the Bengal Council. It was not then too late for the Government of India to get that Bill withdrawn so that they might take prompt steps early in this session of the Assembly to introduce a full piece of legislation which, while superseding the Ordinance, might have made some suitable provisions for meeting the situation in Bengal in a civilized manner. It is a mystery why the Government of India fought shy of the Central Legislature with a calmer atmosphere and a tame Council too. The Local Government would not have introduced the Amendment Act without consultation with the Central Government. Between the two Governments together it must have been pretty clear that the Bill of the local Council should have become incomplete without the aid of the Central Legislature to give a fresh life to the short-lived Ordinance. Inasmuch as the Ordinance was on the field there was no hurry for any kind of legislation in the local Council, especially as the Central Legislature has been in session from January. The Governments of India and Bengal having together adopted a novel procedure the Central Legislature was called upon to deal with only a supplementary fraction of a grave piece of legislation yesterday in this Assembly.

Coming to the merits of the several provisions of the Bill presented to the Assembly one finds that the only redeeming portion of it is the right of appeal granted to the comparatively smaller number out of those who may become victims to the local Act. It provides for a right of appeal to those who are actually tried and convicted by the Court of Commissioners. But the mischief contemplated by the Supplementary Act is so enormous that the right of appeal to a few becomes quite a negligible factor.

Clause 6 of the Bill is the prince of clauses in this little referendum. By this provision the Bengal Criminal Law Amendment Act was sought to be added to the list of excepted Regulations under clause (3) of section 491 of the Code of Criminal Procedure. In other words the privilege of the highest court of judicature of the province to issue a writ of *habeas corpus* for protecting against improper, illegal or inordinate detention of a King's subject is sought to be taken away. Apart from the question of compliment paid thereby to a High Court, there arises the legal and constitutional question whether such a right can be taken away. For the protection of the liberty of the King's subject two writs are absolutely essential under any civilised constitution, namely, a writ of *habeas corpus* and a writ of *Homine Replegiando*. We are now concerned with the writ

of *habeas corpus* which after all is not as perfect under section 491 of the Criminal Procedure Code as it is in all civilized countries. By successive *habeas corpus* Acts, namely, 16 Charles I, c. 10, 31 Charles II, c. 2 and 56 Geo. III, c. 100 personal liberty was completely safeguarded. Blackstone says:

"To bereave a man of life, or by violence to confiscate his estate without accusation or trial, would be so gross and notorious an act of despotism, as must at once convey the alarm of tyranny throughout the whole kingdom; but confinement of the person, by secretly hurrying him to gaol where his sufferings are unknown and forgotten, is less public, less striking and therefore a more dangerous engine of arbitrary government."

It is a well-established rule of law that the Habeas Corpus Act can be suspended only when in cases of rebellion or invasion the public safety may require it. A reference to the judgment of the Supreme Court of the United States in the famous case *ex-parte Milligan* will throw a good deal of light on the principles. A few extracts from the judgment of Justice Davis in that case will be of great educative value. To understand the question, the facts of that case may be briefly stated. The Congress of the United States suspended the writ of *habeas corpus* in the solitary instance of the Act of March 3, 1863, providing that,

"During the present Rebellion the President of the United States, whenever in his judgment the public safety may require it, is authorised to suspend the privilege of the writ of *habeas corpus* in any case throughout the United States or any part thereof."

Under the authority conferred by this Act President Lincoln issued a proclamation suspending the writ of *habeas corpus* throughout the United States under certain circumstances. Lampkin P. Milligan was tried and convicted before a military commission in Indiana for offences amounting to treason and sentenced to be hanged. He applied for a writ of *habeas corpus* and obtained his discharge. Now I cull a few passages from the judgment:

"No graver question was ever considered by this Court nor one which more nearly concerns the rights of the whole people; for it is the birthright of every American citizen when charged with crime to be tried and punished according to law."

"In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour and to have the assistance of counsel for his defence."

"No doctrine, involving more pernicious consequences was ever invented by the wit of man than that of any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the Government, within the constitution, has all the powers granted to it which are necessary to preserve its existence."

"If, in foreign invasion or civil war, the courts are actually closed, and it is impossible to administer criminal justice according to law, then, on the theatre of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority, thus overthrown, to preserve the safety of the Army and the society. . . . Martial rule can never exist where the courts are open and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of the actual war."

In the light of these observations let us judge the situation in Bengal and the necessity for the suspension of the writ of *habeas corpus*. Is Bengal in a state of civil war or a sweeping rebellion? Are not the ordinary courts functioning without an interruption? Are the ordinary

[Mr. C. Duraiswami Aiyangar.]

law of the land and the machinery for the enforcement of the same impeded in their efficient operation? Is the High Court of Bengal incompetent to judge whether or not a particular case is fit for protection by a writ of *habeas corpus*? Is the liberty of an Indian subject not so sacred as that of a King's subject in Great Britain? Sir Alexander Muddiman did not make even an honest attempt to justify the suspension of the writ of *habeas corpus*, a matter whose gravity and importance were wholly ignored. The Legislative Assembly was fully alive to the fact that the Bill gave it only a Hobson's choice. Still it took the only course, namely, allowing the clause relating to the appeal alone to stand and voting down all the black articles of the Bill.

Sir, let us next see how the back-ground of the supplementary Bill stands, for there can be no law to supplement an unsound law. The Bengal Criminal Law Amendment Act, 1925, has become a full-blown Act by the assent of His Majesty. Still, if it is inherently *ultra vires* of the local Council, if even otherwise that Act is intrinsically an erroneous measure, then the Assembly could not countenance it even remotely. Its object is stated to be the continuance and commemoration of the Bengal Ordinance. Section 1 (2) of that Act runs as follows:

"This Act shall come into force on such date as the Local Government may, by notification in the *Calcutta Gazette*, direct."

What is the full statutory implication of this provision? It enables the Local Government to notify that the Act is put into operation, fixing any date, even before the death or collapse of the Ordinance. It may be remembered that the Ordinance is now in force and will be in force till the 25th April 1925 as all the chances of its supersession are now over. Reading sections 67, 72 and 80A of the Government of India Act together, it will be clear that the only authority that can supersede, control, amend or alter an Ordinance once promulgated is the Central Legislature. I pointed this out in my remarks on the Bengal Ordinance Resolution on the 28th January 1925. In view of this fact the Local Government of Bengal cannot give effect to the local law on any date it pleases. Suppose the said clause said "It shall come into force on the 1st of April", the entire Act will become illegal. It makes no difference in principle that the clause enables the Local Government to fix a date after the 25th April or that the Local Government may fix only a date after 25th April. . .

Mr. President: Consideration of the provisions of the local Act is only in order in so far as it refers to the powers under clauses 4, 5 and 6 of the present motion. The Honourable Member cannot roam over the whole field of the local Act; he must confine himself to the provisions of these three clauses in so far as they may relate to the local Act.

Mr. C. Duraiswami Aiyangar: I am only pointing out to the House, Sir, that this being a supplementary Act, a supplementary Act cannot be sanctioned by this Assembly unless the Act which it supplements is a legal and enforceable Act and therefore it is that I am bringing out briefly the provisions of that Act, in order to point out that it is an illegal Act. The Act is to supplement that illegal Act. If, Sir, the Chair should rule that after these amendments are passed and the Bill is taken up for being passed into law it will be time for me to move this portion of the matter, I am perfectly willing to wait till then. But, if on the other hand, the Chair

agrees with me that the principle of this Bill cannot be separated from the principle of the Bill which it is asked to supplement, then I submit I am in order

Mr. President: The Honourable Member, for the purpose of this discussion, must assume that the local Act is a legal Act. The motion made by the Honourable the Home Member covers clauses 4, 5 and 6, as they originally appeared in the Bill; and the debate is confined to them.

Mr. C. Duraiswami Aiyangar: I submit, Sir, with reference to that point that if there is a legal Act under which a man is arrested, the Court may not have power to release him under a writ of *habeas corpus*. If the Act is improper, the power of *habeas corpus* must be retained. Therefore, I am justified in pointing out that that Act being an improper and illegal Act, the power of *habeas corpus* must be provided for by the present Bill. May I continue, Sir?

Mr. President: The Honourable Member is confusing political undesirability with actual illegality. The two things are not necessarily the same.

Mr. C. Duraiswami Aiyangar: I am pointing out to the Chair the illegality of the Act and that it is *ultra vires* of the Bengal Council altogether.

Mr. President: If the Honourable Member really wanted to take objection on the ground of the illegality of the original Act, he ought to have done so on the introduction of this measure to show that it was founded upon an Act which was *ultra vires* in the local Legislature. It is now too late to take that point.

Mr. C. Duraiswami Aiyangar: May I suggest, Sir, that according to the practice of this House, the Chair is allowing the general principles of the Bill to be discussed at the third reading of the Bill when it is passed into law.

Mr. President: This is not the Third Reading.

Mr. C. Duraiswami Aiyangar: I will confine myself to the illegality of it, and not the political impropriety of it. In the interpretation and legal effect of a statute it is not what a particular authority in its wisdom may do or not do that matters but what the statute itself empowers one to do. In this view the operative clause of the Bengal Criminal Law Amendment Act is illegal. The power conferred on the Local Government to put the Act into operation even if the Ordinance had not exhausted itself or been superseded by the proper authority vitiates the Act itself.

In this connection section 25 of the Act may also be noticed. The title of this section is "Effect of the Act". Though a marginal note is not legally a part of an enactment, still it indicates the nature of the provision. This section runs as follows:

"Where prior to the commencement of this Act, anything has been done or any action has been taken under the provisions of the Bengal Criminal Law Amendment Ordinance, 1924, which thing or action might have been done or taken under the provisions herein enacted *had this Act commenced on the 25th October 1924*, such thing or action shall be deemed to have been done or taken under the provisions of this Act and every consequence which would have ensued *if this Act had commenced as aforesaid* and such thing or action had been done or taken thereunder shall thereupon ensue in all respects *as if this Act had so commenced and such thing or action had been so done or taken.*"

[Mr. C. Duraiswami Aiyangar.]

Sir, this provision of section 25 of that Act clearly makes out that the Bengal Criminal Law Amendment Act is an act to supersede the Ordinance itself in such a way that it is entirely opposed to the Government of India Act. This section gives a retrospective operation to the Act so as to enable it to adopt and assimilate all that has been done under the Ordinance. This is controlling the Ordinance itself, or it may be taken as a power to override the Ordinance. Then again, it is also imaginable that this Act may take effect some days and months too after the Ordinance elapses. Those who have been arrested under the Ordinance might still be continued under detention, even after the 25th April 1925. If the new Act takes effect say on the 1st May, 1925, it has the effect of legalising the interim illegal detention or wrongful confinement as the Act shall be treated as though it commenced on the 25th October, 1924 and as though all who were arrested under the Ordinance were arrested under this Act. Hence it is clear that section 25 of the Act is illegal and mischievous. Can it be that these provisions together point to a view on the part of those who have been responsible for the local Act that thereby the Ordinance may be replaced by this Act? Such a view is also traceable to the speech of His Excellency Lord Lytton at St. Andrew's Dinner. But that is opposed to the main provisions of the Government of India Act.

I am tempted to go back to section 1 clause (2) and to point out another consequence that may flow from it. Suppose by the 26th April, 1925, from which date alone the Bengal Criminal Law Amendment Act can be given effect, the political horizon in Bengal gets clear and the Local Government sees no necessity to use this new weapon, then there will be no notification of effect for the time being. All the same, the local Act with its supplement will be kept in some pigeon hole in the Statute Chamber. Ten or fifteen years hence the Local Government may again imagine a situation arising when there may be a requisition for these Acts. Then the Local Government will have no need for approaching any legislative body with an explanation of the situation and a request for legislation. They have simply to wake up a sleeping Statute, remove or not remove even the dust on it and issue a notification putting it into operation. It will take effect and have a life of five years from that date. It will be another Bengal Regulation III of 1818. Therefore, Sir, if this Assembly now countenances this piece of monstrous legislation, it will be answerable to the future curse of the people of Bengal too. Hence the duty of this Assembly to-day is perfectly clear that it must oppose this Bill.

Sir, there is one more point that I may refer to. The local Act contains a special rule of evidence a rule of evidence of which the Honourable Sir Alexander Muddiman has been very much enamoured. In reply to my remarks on the Resolution moved by me about the Bengal Ordinance, Sir Alexander Muddiman said:

"The first part provides a special form of trial and lays down rules of evidence to which my Honourable friend appeared to take the greatest objection. I must confess I was surprised at it. I should have thought that a provision to enable evidence of a murdered witness to be laid before the Court was a provision that I should have had no difficulty in defending before any Assembly."

Sir, I fully sympathise with his sad confession. I wish to know the precedent for admitting such evidence. (Compare sections 32 and 33 of the Indian Evidence Act and sections 509 to 512 in the Code of Criminal Procedure.) Further, the special rule of evidence enacted in the Ordinance as well

as the local Act covers cases of living persons—persons within the reach of the Court too, but it was designed to meet the wishes of Lord Lytton who said:

“I have finally decided not to produce any witness before a Court unless his safety is guaranteed if he speaks the truth.”

Who is to guarantee this safety if not His Excellency himself?

Turning to the legal aspect of the provision, this rule is enacted only in the local Act which does not bind the High Court. If the High Court hears an appeal on a decision based on such a rule of evidence, is the High Court not entitled to reject such evidence?

Sir, considering the inequitous and illegal provision of this Act this Assembly is clearly bound to oppose the passage of this Bill except in the form in which it was put by the vote of the Assembly yesterday. Nevertheless I know this Bill will become law in the course of 24 hours. But then it is in the fitness of things that a recommended local Act must have a recommended Central Act to buttress it.

That, Sir, will be our sole consolation.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhamadan Urban): Sir, I should like to say only two words about this motion. I should have preferred to say nothing at all and record my silent vote which would have been as eloquent as any number of speeches that I can make, but as some Honourable Members have spoken, I feel, Sir, that I should take this opportunity to make one or two observations.

Now, Sir, the first observation that I have to make is this. We have been asked to-day to do what we refused to do yesterday, and we are being asked to do so with a loaded pistol pointed at our heads. We are now given to understand that the provisions we have rejected must ultimately find a place in the Act. Sir, I have only to ask the House whether there is any Member of it so devoid of self-respect as to do some thing which it does not like when a loaded pistol is pointed at his head, something which he would not otherwise have done and which he has shown that he did not like to do by his vote yesterday.

The next point that I wish to urge is this. I took it upon myself yesterday to say that the principal object of this supplementary Bill was not to give a right of appeal, but that under cover of a very shadowy, unsubstantial right of appeal what was really aimed at was to deprive the subject of what little protection he enjoyed under the existing law. To-day, Sir, the cat is out of the bag. It was only a speculation yesterday: to-day it is a proved fact. My Honourable friend, the Home Member, in the Statement of Objects and Reasons appended to this Supplementary Bill said that the principal provision of the Bill was clause 3 which gave this right of appeal, and in his speech also he referred to that clause as the principal clause. That principal clause has been allowed to be passed by this House. But what do we find? The Government are not satisfied with that. Clauses which were supposed to be only subsidiary clauses are now being forced down our throats by a recommendation from His Excellency! They have now become essential because, otherwise this procedure would not have been adopted. Now, Sir, I ask the House whether under these circumstances it would permit these clauses, which according to the Government were not so essential as the right of appeal to be passed over their heads in the manner that is proposed to be done? I have nothing more to say; but I again repeat that it is a disingenuous attempt on the

[Pandit Motilal Nehru.]

part of the Government to deprive the subject of a right which is recognized now in England and elsewhere to be one of the elementary rights which every free citizen of every country has, namely, the right to obtain a writ of *habeas corpus*. That was the real object, and that object this House I am perfectly certain will not allow the Government to achieve.

Mr. M. C. Naidu (Burma: Non-European): Sir, I rise to support the Supplementary Bill. (*Cries of "Shame, shame."*) I know you will say that—never mind. I am glad that I have been fortunate to catch your eye to-day, though I have been trying in vain for the last few weeks. Nothing has impressed me more in the course of the debate—(*An Honourable Member: "Who wrote the speech for you?"*). These are notes made by myself. Nothing has impressed me more in the course of the debate on the issue of the Ordinance in all that I heard a few days ago and what I have heard yesterday and to-day, than the reality of the dangers which threatened the public safety, the safety of the State, in Bengal. (*Inaudible interruptions.*) I know all these things, I have heard enough of such things in this House. I do not want to be bullied by you.

Mr. President: The Honourable Member must address the Chair. If he is interrupted too much, I shall protect him.

Mr. M. C. Naidu: The facts recounted in the speech of the Honourable the Home Member a few days ago regarding the conspiracies and revolutionary movements in Bengal have not been seriously questioned then or even yesterday and to-day. (*Several Honourable Members: "Question."*) Those facts have indeed been supported by the admission of the Honourable Mr. Bipin Chandra Pal the other day of the existence of disturbances in Bengal. In my opinion, Government have proved the existence of an emergency which justified His Excellency the Governor General in Council in exercising the powers conferred on him. (*An Honourable Member: "You know nothing."*) It was the duty of Government to protect its peaceful citizens at all costs, even at the cost of this exceptional legislation. His Excellency is a most eminent lawyer and a liberal minded statesman, and the facts that His Excellency and the Executive Council accepted the necessity of the Ordinance and that His Excellency found the necessity of this Supplementary Bill, knowing fully well what *Habeas Corpus* is, are to me powerful arguments to show that the measure was unavoidable. (*An Honourable Member: "You know nothing about the Habeas Corpus."*) I know everything about the *Habeas Corpus*.

Mr. President: Order, order.

Mr. M. C. Naidu: It was said the other day that before promulgating this Ordinance Government should have placed the facts before this House during the last September session. On the other hand, Sir, Government have informed us that at that time the papers were incomplete, and that consultation with the Assembly would have defeated the ends for which the Ordinance was issued. I see no reason why this explanation should not be accepted. Another charge which has been brought against the Ordinance the other day is that, under it, innocent persons as well as guilty persons may have been arrested. My Honourable friend Pandit Motilal Nehru had stated the other day that many Swarajists were arrested when no lead or powder was found in their possession. Sir, such arrests

of innocent persons are not confined to action taken under Ordinances. They are common enough under the ordinary law of the land. (Hear, hear.) Are not warrants issued for the arrest of persons merely on the sworn statements of complainants, their accusers? It is only in exceptional cases that a magistrate calls for any further evidence than that of the complainant. Such persons, however, if they are really innocent, have their remedy later, and there is no reason to believe that innocent persons arrested under this Ordinance will not likewise have a similar remedy open to them.

It is not, I do not believe it is, the intention of Government to arrest innocent persons. (*A Voice*: "You are not the Government.") The machinery with which Government work, the machinery of the police, may be defective, and it is possible that, through wrong information of the police, an innocent man may be here and there arrested. I do not think it would be just to place the entire blame upon the Government for these acts of their agents, and so to condemn the Ordinance and this Supplementary Bill out of hand. (Inaudible interruptions from several parts of the House.)

Mr. K. Ahmed: Sir, should we have consistent and insistent interruptions like these

Mr. President: Order, order. Is the Honourable Member from Bengal rising to a point of order?

Mr. K. Ahmed: Yes, Sir.

Mr. President: What is it?

Mr. K. Ahmed: There are these consistent and insistent interruptions raised on this side and that side by a handful of people who are objectionable Members of this Assembly

Mr. President: The Honourable Member from Bengal seems to have forgotten the proverb that those who live in glass houses. **Mr. M. C. Naidu**.

Mr. M. C. Naidu: Though I find that other sections of opinion in this House are opposed to these views of mine, and have voiced their opinions with great force and eloquence, I do not think, Sir, that this country can be run by oratory alone. For action in an emergency like the present, I prefer the guidance of His Excellency and his advisers, provided I am convinced, as I am in this case, that they have acted sincerely, honestly, and on a due consideration of all the circumstances. I therefore support

12 Noon. the action taken by His Excellency and the Executive and I would point out that the interests safeguarded by this Ordinance include, as no small part, the interests of this very Assembly itself. After all, what has the honest man to fear from the existence of this Ordinance or other laws of a similar nature? The ordinary man who lives within the law never comes into contact with them. They do not affect the life of the law-abiding citizen. Sir, I think the Government are on the whole sympathetic to our natural and national aspirations. (*Honourable Members*: "Question.")

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): Sir, on a point of order

Mr. President: I understand the Honourable Member (Mr. Patel) wishes to raise a point of order. **Mr. Patel**.

Mr. V. J. Patel: I understood your ruling to be that we are not allowed to discuss the Bengal Criminal Law Amendment Act, which my friend is discussing. We are merely concerned with the three clauses which are proposed to be introduced by the recommendation. My friend is dealing with the whole thing.

Mr. President: The Honourable Member did not think it fit to raise that point of order when the Honourable Member from behind (Mr. Duraiswami Aiyangar) was speaking.

Mr. M. C. Naidu: Sir, Government are on the whole sympathetic to our natural and national aspirations. (*Voices:* "Shame, shame"), that they are earnestly desirous of removing our legitimate grievances if properly placed before them, and that they do not interfere with our lawful avocations. I therefore support the provisions of this Supplementary Bill as recommended by His Excellency. (*Cries of "Shame, shame."*) There is nothing strange in these cries. It is what I expected.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): I desire, Sir, as representing the capital city of the province which has been smitten by this law, or is going to be smitten by it, to say a few words. In the first place, I thank the representatives of the other provinces for the hearty and unstinted measure of support which they have given to public opinion in Bengal in regard to these repressive measures. In the next place, I hope my Honourable friend opposite, the Leader of the House, will allow me to congratulate him upon the support which he has just received from the Member for Rangoon. (*An Honourable Member:* "Burma.") Burma is in Rangoon. (*Loud Laughter.*) (*An Honourable Member:* "Bengal is in Calcutta?") In a sense I think Bengal is Calcutta, as Paris is France and England is London. In that sense, I think Rangoon is Burma. In any case, more light has come from Burma upon these Regulations than we have had till now. Now, Sir, I am not a lawyer and I will not dabble in law. But I have all my life been something of a humble politician and I desire this House to approach this question from the politician's point of view, and what is that point of view? We want peace no less than my friend opposite and the Government which he represents. Disorder hurts us more intimately than it hurts them. It hurts us in two ways. It hurts us in the first place by the action of those who bring about the disorder; in the second place, more intimately, more keenly, it hurts us by the action of the Government in trying to meet this disorder. This is no new story in Bengal. This story of political criminalism or revolutionary patriotism is an old story, 20 years' old; and you have tried not once, but repeatedly, to meet the roused brute force in my people by the organised brute force of the Government; and when brute meets brute humanity is lost and you are killing the humanity of my people by the application of the organised brute force of your irresponsible government to put down what originally was and may continue to the end to be only a legitimate movement for working out the problem of political freedom of a dependent nation. That was what you did and I ask you to consider the result of it. Bengal was quieting down. You applied this law in October and from October to March I think it is quite one full half year. Have you had any trouble in Bengal during these six months? It will be said—I know your reply—because of the Ordinance there has not been any trouble in Bengal. But you had these Ordinances, you had these arrests and detention without proper, legal, judicial trial in 1905, 1906, 1907, 1908, 1909, 1910, 1911. Did it frighten Bengal? Bengal was not

frightened. No province will be frightened by repeated repression. When you try it first, people may lose their nerve for a while but the more you try repression the people get more and more reckless, and that is the situation in Bengal to-day. And what will be the result of your present action? Your Act did not provide against the appeal to the High Court for the issue of a writ of *Habeas Corpus*; and, as has been pointed out, you want to deprive the people of Bengal, those who may be taken up by your new lawless law, from appealing to the High Court for this writ of *Habeas Corpus*. You may do it, you will pass it, by certification. I am not, Sir, in favour of a policy which will force the Government to certify anything and everything, but when you come up to us with an outrageous law like this and you say, "Unless you pass it, we will certify," all the answer that we can give is: "Go ahead and certify this law, certify every other law, rule this country not by constitution, but by certification." (At this stage the Honourable Member having raised his voice, Mr. W. S. J. Willson, who was sitting next to him, put his hands to his ears.) (Laughter.) I am sorry, I am very sorry for my Honourable friend. Well, the thing is this, the Government are so deaf,—(Laughter)—and the supporters of the Government are so deaf, that you have to hammer your words into their ears with a view to get a hearing from them. Now, the whole question is this. Are you going to rule this country by certification? You may try it, others tried it before. These measures of repression have never in history successfully controlled sedition or revolution. On the contrary it is the universal verdict of history that wherever Governments have tried to put down legitimate movements of freedom in the people by brute force, the result has been that force met force; the latent force of the people is quickened into activity by the repressive and oppressive laws and measures of the Government. This is the verdict of history. And I want you to take note of it. You may say that Bengal is not France, Bengal is not England either, of the reign of the Stuarts, Bengal is not Russia. You tried that; you fancied that at one time the Bengali was a race of cowards. From Macaulay downwards you always twitted us with our cowardice, and what is the result? Bengal has proved that it is not cowardly. Bengal has proved that even a Bengali youth can command the quality of physical courage and face death without flinching and you are out for more trouble in Bengal. I say it not to frighten you because I know you will not be frightened until you face the consequences, the physical consequences. You lack imagination. If you had imagination, the history of British India might have been written differently. If you had imagination, the history of Bengal might have been written differently. If you have imagination even now, the course of political evolution in India may take a very different line than what you are forcing it to. I am not a revolutionary and I do not believe in physical revolt or revolution, and I say this not out of regard for your susceptibilities or for my own skin, but I say it because I know the freedom that may be won through revolution will not come in the shape of democratic Swaraj but in the shape, at least in the intermediate stage, of a military despotism. I do not want it. Therefore, I am not for revolution. But if you force a revolution upon Bengal, if you force a revolution upon India, not even my Honourable friend—where is the Captain Sahib? (*Sardar Bahadur Captain Hira Singh Brar*: "I am here.") Not you, Sir, but your referee, whom you referred to yesterday as being capable of putting six of us in his pocket. I am always glad to look back to my old friend. Now, Sir, this will not do. This brandishing of the sword will not put down revolt because it is really not a physical but a moral revolt, it is an intellectual revolt and a spiritual revolt. And

[Mr. Bipin Chandra Pal.]

remember this that these conspirators, this handful of young Bengalis, who are charged with using bombs and revolvers, are not the disease themselves, they are the symptoms of a deeper and wider disease. There is a spiritual revolt in India; there is a moral revolt in India; there is a mental revolt in India. This moral rebellion has spread from the classes to the masses and it covers the whole country. And unless you can meet it properly, as happened in the past it will happen here again—from moral and spiritual revolt always grows physical revolt. That is the history of the Puritan movement. That is the history of the freedom movement in America. That is the history of the freedom movement in France. Therefore take care of this moral, intellectual and spiritual revolt which is already out in the country and try to meet it half-way and conquer it by moral and intellectual instead of by physical force. Do not bring out your organised brute forces to crush this moral revolt.

One word more, Sir. Many years ago I met an English friend. He was a member of the Christian Church and we were talking about British justice under which we were brought up. The generation to which I have the honour to belong was brought up—not the younger people who have come behind us but the generation to which I have the honour to belong—in the traditions of British justice. It was the tradition of British justice as we were taught by your books and by your history. It was the tradition of that British justice that made us loyal to the British connection. We were talking about that British justice and I told my friend that people were losing their faith in British justice. This English Christian gentleman replied: "When the people of India lose their faith in British justice, then after that the deluge." And that is what I want to tell the Honourable the Home Member and all his colleagues.

Several Honourable Members: I move that the question be now put.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I think that the occasion requires that we should give expression to the feelings which are surging in our hearts on the motion that has been brought before the House by the Honourable the Home Member. I wish, Sir, to say briefly that, while many of us feel disappointed that the Government should have taken the course which they have taken, to some of us at least it seems that there is the hand of Providence in the course which the Government are pursuing. I feel that probably the result will show that it is good for India that the Government have adopted the course which they seem to have decided upon. Before the Reforms were introduced, in this very House, the Rowlatt Bill was introduced. It was debated for weeks and the Government passed it by the majority which they commanded at the time. All the Indian Members, the most senior as well as the most junior, united in their protest against the Rowlatt Bill. Almost all the amendments which were moved were rejected. The appeal of all the Indians in the Council was disregarded. The Rowlatt Bill was passed into an Act. But it remained a dead letter. The Government decided not to put it into force. I do not reveal a secret when I say that the then Viceroy, Lord Chelmsford, shortly after the Bill was passed, said: "They have killed the Bill. I am not going to put it into force." That was the result of the united opposition shown to the Rowlatt Bill. Things have changed. The Reforms have now been introduced. The Great War has passed away. The people of India had expected great constitutional changes and much

more freedom than they enjoyed before. The Government of India Act of 1919 governs us now. The provision which it makes to meet a situation when the Legislative Assembly might not pass a Bill which the Government desire to pass is to be found in section 67 B. It says:

"Where either chamber of the Indian legislature refuses leave to introduce, or fails to pass in a form recommended by the Governor-General, any Bill, the Governor General may certify that the passage of the Bill is essential for the safety, tranquillity, or interests of British India or any part thereof."

and then it lays down what will happen. Now, Sir, the Government do not command a majority in this House under the new constitution. The majority rejected the Bill yesterday and His Excellency the Viceroy has been advised to recommend to this House that this Bill should be passed. The recommendation of His Excellency is contained in the following words:

"In pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, I, Rufus Daniel, Earl of Reading, do recommend to the Legislative Assembly that it do pass the Bill to supplement the Bengal Criminal Law Amendment Act, 1925, in the form hereto annexed."

The essential part of the certification is wanting in this declaration. The essential part of the certification required under the law is that the passage of the Bill is essential for the safety, tranquillity or interests of British India or any part thereof. I submit, Sir, that omission is significant.

The Honourable Sir Alexander Muddiman: I am loth to interrupt the Honourable Member but may I point out to him that he was reading the words which are required for certification. No such words are required for recommendation.

Diwan Bahadur T. Rangachariar: He may not certify it yet.

Pandit Madan Mohan Malaviya: I am sure my Honourable friend will agree that I have correctly read sub-section (1) of section 67 B of the Government of India Act. It says the Governor General may certify—

An Honourable Member: Not certify; it is a recommendation.

Pandit Madan Mohan Malaviya: Yes, I thank you. He recommends that we do pass the Bill in the form hereto annexed. Now, Sir, His Excellency the Governor General has been persuaded to recommend to this House that this Bill should be passed in the form recommended. This is the prelude to certification. Why has this course been adopted? Because the Government have not a majority of votes at their command in this House. What then is the result? Before the Reforms took place the Government had to depend upon the majority of the votes which they commanded. Now the Government rely upon a recommendation by His Excellency the Viceroy and wish by following that course, to ride rough shod over the votes of this Assembly. That is what it comes to. And what will be the consequence, Sir? What will be the result? The large section of the public who were sceptical in the matter of the Reforms, who urged from the beginning that the Reforms were inadequate and unsatisfactory will have the seal of the action of His Excellency the Governor General placed upon their contention that the present constitution is unsatisfactory and inadequate. It should have been expected that, in a matter of this description affecting law and order and security and public peace, when the elected representatives of the people in this Assembly unitedly or nearly unitedly opposed a measure of the character that is now in question, the Government would abstain from taking any action in regard to that matter. But the Government are going to ignore the voice

[Panjit Madan Mohan Malaviya.]

and the votes of this Assembly, and what was yesterday rejected by the Assembly it is sought to enact under the powers which are conferred upon His Excellency the Viceroy. The result is that the whole country will know the exact way in which India is governed. Parliament will know, the whole civilized world will know that the constitution really places absolute power in the hands of the Viceroy, subject of course to the provisions of the section which come later on, for this Bill being placed before the House of Parliament, but that it places absolute power in the hands of the Viceroy if after he has recommended that a Bill should be passed, if the other House also does not pass it, certify, even in a time of peace, that the Bill is required in the interests of public safety and tranquillity, and the Bill will become law. I submit this is very unsatisfactory, but there is one ray of hope and that ray of hope is that the constitutional position being disclosed in its naked form, those English gentlemen who used to recommend to Indians to go on working the reforms for some time in the hope that further reforms would come in due time, will feel that the constitution stands exposed and that it stands exposed by the action of the Governor General himself. In that view, Sir, I hope that this evil may prove to be good in another form. I hope that it will lead to such an agitation in the country that the reform of the constitution will not be delayed very much longer. In that hope I must content myself to rest to-day. I raise my voice against the course which the Government have pursued because I consider it is an unconstitutional course, though it is within the constitution, because I consider, Sir, that it is an outrage upon public opinion in India, that while the elected representatives of the people in this House have opposed a measure like the one before us, the Government should seek to pass it in the manner in which they are doing in times of peace.

A few facts relating to this Bill will show clearly the position of Indians. The Ordinance was introduced in Bengal nearly six months ago. The Ordinance was introduced, not because there was any crime rampant at the time. It was introduced at a time when the need for it was not obvious. It was introduced at a time when the action of the Swaraj Party in the Bengal Legislative Council had irritated the Government, when the Government could not deny that it had been irritated by the action of the Swarajists. The 96 odd members who are arrested, who have been kept under detention for these six months contain a very large number of Swarajists. They contain among them men of distinction, men of education, men of light and leading in the community. The Ordinance was passed. Some months after that, the Government of Bengal tried to pass an Act in the Bengal Legislative Council to replace the Ordinance. The elected representatives of Bengal rejected the Bill. His Majesty's support was asked for it under the constitution and it has been obtained. The Bill has thus become law. And now the present legislation intended to supplement that law is placed before this Council. Now, Sir, the whole situation is such that there is reason to urge that the Government have not shown a clear necessity for the legislation. Government have not brought one of these 96 men to trial during these six months so far as I understand. A question was asked yesterday regarding it and no answer was given to it by the Honourable the Home Member. I therefore assume that not a single one of the men who have been kept under detention under the Ordinance for the last six months has been brought to trial. They are not men of inconspicuous positions. If the Government had any case against them, the Government ought to have tried at least some of them by this

time. Instead of doing that, the Government are endeavouring by the process of certification to perpetuate this law for the longer period of five years. I cannot imagine, Sir, a more regrettable course being adopted by any Government, but I hope that this course will lead to a real reform of the constitution so that it will become impossible for any Government to adopt such a course in future in the circumstances in which it is being adopted at present.

Maung Tok Kyi (Burma: Non-European): Sir, I rise with great diffidence to take part in this debate, a debate in which leaders of both parties, the Swaraja Party and the Independent Party, and such stalwarts as Pandit Madan Mohan Malaviya, Mr. Bipin Chandra Pal and Diwan Bahadur Rangachariar have taken part. The only excuse I have for taking part in this debate is the manuscript eloquence which the Honourable Mr. Naidu has inflicted upon this House. (Laughter.) Sir, at the very outset I would inform the Honourable Members of this House that he does not represent the people of Burma. You can know it from the fact that he is not a Burman. He was returned to this House by a mere fluke. (Hear, hear).

Mr. M. C. Naidu: How did you come?

Maung Tok Kyi: I was elected by nearly 3,000 electors.

Mr. M. C. Naidu: I know what you are; you are nobody. (Uproar.)

Mr. President: Order, order.

Maung Tok Kyi: Sir, he stood for the election in opposition to a friend of mine, a real Burman, and that friend of mine was technically disqualified.

Mr. M. C. Naidu: What has this to do with the present debate? Don't be foolish.

Maung Tok Kyi: After what has happened during this session I am very sorry that my Burman friend was not elected. Sir, I have done with Mr. Naidu, but I want to say something about the Bill now before the House. Unlike Mr. Naidu I would oppose the motion moved by the Honourable the Home Member. I oppose it on behalf of the people of Burma. Of course we have got here other representatives from Burma. My Honourable friend Mr. McCallum is one; he represents the Government of Burma. My Honourable friend Mr. Fleming is another; he represents Europeans in Burma. But Mr. Naidu represents nobody. One of the two gentlemen who nominated him, that is Mr. Rahman, barrister-at-law, has already expressed sorrow to me. (Uproar; Mr. Naidu shouting "Are you mad?") Sir, I am not ashamed of Mr. Naidu because he is not a Burman. But my Honourable friends sitting near me, my Honourable friends from Madras, should be ashamed of him. (Continued uproar). (Mr. A. H. Lloyd: "You said you had done with Mr. Naidu.")

Now coming to the Bill before the House, Sir, this abominable Bill is one for which no true and good son of India that I know has a good word to say. The Bengal Ordinance of which this Bill is the outcome and under which Mr. Subash Chandra Bose and other Swarajists have been detained, has been universally condemned. It has done great injustice to Subash Chandra Bose and others, and the injustice done to them I take it has been done to the whole nation of India. Sir, the other day my Honourable friend Mr. Ranga Iyer pointed out, in a very eloquent speech, the injustice done under that piece of legislation to Subash Chandra Bose. I then felt that an injustice had been done personally to me; and

[Maung Tok Kyi.]

I now feel that the injustice done to Subash Chandra Bose and others was an injustice done to the whole nation. Sir, I beg to remind Honourable Members opposite of the wise words of Mr. Gladstone: "national injustice is the surest road to national downfall." Sir, with these few words I oppose the Bill now before the House.

***Lala Hans Raj** (Jullunder Division: Non-Muhammadian): Sir, I obey the Chair but I do not think I can add anything to what my friends Mr. Pal and Pandit Motilal Nehru have said, which is enough; but I think it high time for the Government to take note of those speeches and not to send back to us this Bill.

(Cries of: "The question may now be put.")

Mr. President: The question is that the question be now put.

The motion was adopted.

The Honourable Sir Alexander Muddiman: With your permission, Sir, I only desire to say a few words on one point. I do not propose to travel over the debate which has ranged over the whole constitution nor to refer to the interchange of jocularities between two Members from the same province. The only point I wish to refer to is the contention that in the clause of this Bill which deals with *habeas corpus* we are dealing with the matter in quite a novel and terrible way. Now there has long been statutory recognition of the fact that if you have this class of legislation you must have protection from *habeas corpus*. The Code of Criminal Procedure has been on the Statute-book many years and contains such a provision in section 491 (3). Three years ago this very clause was before this Legislature. It was then recognised that if you have this kind of legislation you must make it effective. You cannot make it effective if you have to justify your arrest in the High Court. My Honourable friend Mr. Jinnah, with his customary acumen, pointed that out; he put his finger on the spot at once. This legislation may be good or bad, but if you are to work it at all you must have this clause; and that, Sir, is the sole point that remains to be made by me.

Mr. President: The question is:

"That after clause 3 of the Bill the following clauses be added, namely:

4. The power of the Local Government under sub-section (2) of section 11 of the local Act to direct by order in writing that any person shall be committed to custody in jail shall be deemed to include a power to direct, by order in writing made with the previous sanction of the Governor General in Council, that such person shall be committed to custody in any jail in British India; and, for all or any of the purposes of the local Act, an order so made shall be deemed to be an order made under section 11 of that Act and all the provisions of that Act shall apply accordingly:

Provided that the powers exercisable by the Local Government under section 20 of the local Act in respect of any person committed to custody in a jail outside Bengal, and under section 22 of that Act to provide for the manner of custody of any such person, shall be exercised by the Local Government of the province in which the jail is situated, and rules made by such Local Government in exercise of such powers shall be published in the local official Gazette.

5. References to the local Act in sections 24 and 25 of that Act shall be deemed also to be references to the local Act as supplemented by this Act.

6. The powers conferred by section 491 of the Code shall not be exercised in respect of any person arrested, committed to or detained in custody under the local Act or the local Act as supplemented by this Act."

*Speech not corrected by the Honourable Member.

The Assembly divided:

AYES—41.

Abdul Mumin, Khan Bahadur
Muhammad.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Ashworth, Mr. E. H.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Fleming, Mr. E. G.
Graham, Mr. L.
Hira Singh Brar, Sardar Bahadur
Captain.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles
Tindsay, Mr. Darcy.
Lloyd, Mr. A. H.
Marr, Mr. A.

McCallum, Mr. J. L.
Milne, Mr. R. B.
Mitra, The Honourable Sir Bhupendra
Nath.
Moir, Mr. T. E.
Muddiman, The Honourable Sir
Alexander.
Muhammad Ismail, Khan Bahadur
Saiyid.
Naidu, Mr. M. C.
Raj Narain, Rai Bahadur.
Rhodes, Sir Campbell.
Rushbrook-Williams, Prof. L. F.
Sastri, Diwan Bahadur C. V.
Visvanatha.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Willson, Mr. W. S. J.
Wilson, Mr. R. A.

NOES—72.

Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Abul Kasem, Maulvi.
Acharya, Mr. M. K.
Ahmad Ali Khan, Mr.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Alimuzzaman Chowdhry, Mr.
Aney, Mr. M. S.
Ariff, Mr. Yacoob C.
Bhat, Mr. K. Sadasiva.
Chaman Lal, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Dr. S. K.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghazanfar Ali Khan, Raja.
Ghose, Mr. S. C.
Ghulam Bari, Khan Bahadur.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Gulab Singh, Sardar.
Hans Raj, Lala.
Hari Prasad Lal, Rai.
Hussainally, Khan Bahadur W. M.
Ismail Khan, Mr.
Ivengar, Mr. A. Rungaswami.
Joelani, Haji S. A. K.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kasturbhai Lalbhai, Mr.
Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Malaviya, Pandit Krishna Kant.
Malaviya, Pandit Madan Mohan.

Mehta, Mr. Jamnadas M.
Misra, Pandit Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Murluza Sahib Bahadur, Maulvi
Sayad.
Mutalik, Sardar V. N.
Nambiyar, Mr. K. K.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Pal, Mr. Bipin Chandra.
Patel, Mr. V. J.
Phookun, Mr. Tarun Ram.
Piyare Lal, Lala.
Purshotamdas ThakurDas, Sir.
Ranachandra Rao, Diwan Bahadur
M.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Reddi, Mr. K. Venkataramana.
Sadiq Hasan, Mr. S.
Samiullah Khan, Mr. M.
Sarda, Rai Sahib M. Harbilas.
Sarfaraz Hussain Khan, Khan
Bahadur.
Shafee, Maulvi Mohammad.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Devaki Prasad.
Svamacharan, Mr.
Tok Kyi, Maung.
Venkatapatiraju, Mr. B.
Yakub, Maulvi Muhammad.
Yusuf Imam, Mr. M.

The motion was negatived.

The Honourable Sir Alexander Muddiman: Sir, in view of the result of the division which has just been announced by you, I request you to make a certificate in terms of clause (5) of rule 36B that this House has refused to pass the Bill in the form recommended.

Mr. President: I shall so endorse the Bill.

Mr. A. Rangaswami Iyengar: May I say a word, Sir? The section under which this endorsement is sought by the Honourable the Home Member reads thus: "Where either Chamber refuses"

The Honourable Sir Alexander Muddiman: I do not wish to interrupt but I ask for a certificate under Rule 36B (5).

Mr. A. Rangaswami Iyengar: But if the rule is inconsistent with the terms of the section I am entitled to draw attention to it. The section reads thus:

"Where either Chamber of the Indian Legislature refuses leave to introduce or fails to pass in the form recommended by the Governor General any Bill"

Now, Sir, the effect of throwing out these amendments is not that the Bill has failed to pass in the form recommended. Until the Bill is actually passed by some motion or other, would it be right to say that because these clauses are thrown out, therefore this has failed to pass in the form recommended?

Mr. President: I think it must be held that the House has failed to pass it when they refused to accept the motion proposed by the Honourable Home Member. In actual fact, the House cannot now, even if it would, pass the Bill in the recommended form.

Mr. A. Rangaswami Iyengar: Of course it is for the Governor General to consider whether the certificate that you endorse is sufficient for him to enable him to certify; but so far as I can see it cannot be said that we have failed to pass in the form recommended. What we have done is to throw out the clauses which the Honourable Member said should be passed by us on the recommendation of the Governor General.

The Honourable Sir Alexander Muddiman: I merely suggest on that, Sir, that the point is one for the Governor General and not for this House.

Mr. President: So far as my endorsement is concerned, it is for the Governor General to satisfy himself that the procedure adopted is correct. As far as the procedure under the rule is concerned, I am satisfied that we have followed the correct procedure.

As I understand that the Member in charge of the Indian Penal Code (Amendment) Bill cannot be here till some time later, I propose to adjourn a little longer the usual hour, namely, till half past two.

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

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

THE INDIAN PENAL CODE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 375).

Mr. President: The Assembly will now resume consideration of the Bill further to amend the Indian Penal Code (Amendment of section 375) as reported by the Select Committee.

The question is :

“ That clause 3 stand part of the Bill.”

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural):
Sir, the amendment that stands in my name runs as follows :

“ After clause 3 of the Bill the following clause be inserted, namely :

‘ After section 199-A of the Code of Criminal Procedure, 1898, the following section shall be inserted, namely :

‘ 199-B. No court shall take cognizance of an offence under section 376 of the Indian Penal Code except upon a complaint made by a person who would be the legal guardian of the girl if she was unmarried or the woman herself and in case of offenders other than the husband, by the husband also in addition to the persons named before.’ ”

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, my Honourable friend is now moving amendment No. 16. The question is that clause 3 stand part of the Bill, but he is not moving amendment No. 12, which is his amendment to that clause.

Mr. President: Which amendment is the Honourable Member moving?

Mr. Amar Nath Dutt: I am moving amendment No. 16 that stands in my name.

Mr. President: The question is that clause 3 stand part of the Bill, and I called on the Honourable Member to move amendment No. 12 standing in his name.

Mr. Amar Nath Dutt: Sir, my amendment No. 12 reads :

“ In clause 3 of the Bill the words ‘ and is not under twelve years of age ’ be deleted.”

Clause 3 runs as follows :

“ . . . unless the woman raped is his own wife and is not under twelve years of age. . . . ”

I want to delete those words and my reasons are these, Sir, that there has been a distinction made between the case of a marital relationship and that of a non-marital relationship and they want to minimise the punishment in the case of marital relationship. The clause says that if the rape was committed upon a wife who is older than 12 years of age and less than 13 years of age in that case only a lesser punishment will be awarded. My amendment is to this effect that all cases of rape by a husband upon a wife should be dealt with more leniently.

Sir Hari Singh Gour: Even if she is under twelve? That is your point. Even if a husband rapes a girl of 5 he should be dealt with more leniently than anybody else?

Mr. Amar Nath Dutt: That is a thing I am not aware of and as regards those class of cases I think there are some in this House who have more knowledge of those cases than myself. In my whole career of 22 years as a lawyer I had only a very few cases under this section. Whatever that may be, such a case as interrogated by my Honourable friend Sir Hari Singh, never came to my notice, and whatever Sir Hari Singh Gour might say, Sir, I move my amendment that the words "and is not under twelve years of age" be deleted.

Mr. H. Tonkinson: Sir, I merely wish to draw the attention of the House to the retrograde character of the amendment which has been moved by my Honourable friend. At the present time if the girl is under 12 years of age it is rape punishable with the maximum punishment provided in section 376. My Honourable friend would do away with that punishment in cases even when the girl is under 12 years of age.

Mr. President: The question is :

"That in clause 3 of the Bill the words 'and is not under twelve years of age' be deleted."

The motion was negatived.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I beg to move the amendment which stands in my name:

"That in clause 3 of the Bill for the word 'twelve' the word 'thirteen' be substituted."

My reasons, Sir, are very simple. I find from the Report of the Select Committee to which the Bill was referred, that almost all the members of the Select Committee are agreed that the age of consent should be raised. But unfortunately in this country social customs in the name of religion stand in the way of social reforms even when most essentially needed. No other country in the world I think takes so much advantage of religion as India in matters entirely social. In the religion of Islam there is no instruction and no time limit fixed for the marital relation. With regard to the Hindu law it will be, I think, impertinent on my part to say anything. But this I may be permitted to state that the Women's Indian Association which has 57 branches and 18 centres have thrown light on the question and I may be permitted to quote:

"The eyes of the world are to-day upon India as she is working out her plans for Home Rule, but India can never be recognised as an equal nation in the civilised world while evil customs, among which child Motherhood looms largely, prevail, and are even encouraged by the Legislatures. No cultured, civilised nation can tolerate the idea of Motherhood being thrust upon a child of 12 whether she will or no."

Sir, it is a matter that should be seriously taken into consideration, and if religion really does not stand in the way and surely the religion of Islam does not—then why not advance with the advance of the times. As far as the Hindu religion is concerned I am no doubt not an authority but here is a further quotation really no other country has taken so much advantage of religion as India in the matter of social advancement. And so since religion does not stand in the way, we may proceed with our work of reform:

specially when humanity demands that the age of the child wife must be raised. Here is another quotation:

"We cannot find that Hinduism in its original purity teaches that the Mothers of the race are to be uneducated children, but rather, thinking, educated, grown women. When this was the custom in the Vedic days of India, her people were great, and this former greatness of India can only be won back when the people return to the pure teaching of the God-given Veda, untainted by comparatively modern additions and interpolations."

Again, Sir, Islam has left the question of age to local conditions. But regarding Hinduism, it is said again:

"The chief reason for continuing the custom of child marriage seems to be based on the statement that any modification of the marriage age will be to interfere with the basis of Hinduism. We have discussed this question with learned Pundits and Shastrias and are informed that the ancient Vedic teaching clearly visualised marriage as between a mature young man and woman."

Nothing can be otherwise. Hinduism cannot be otherwise; and if customs have come in and mixed themselves up with the pure religion, that is a different thing altogether. I therefore appeal to all Honourable Members, including Malaviyaji, to see that the pure Hindu religion is divorced of all these vicious customs. Further on, it is said:

"Apart from the religious aspect of the case we would appeal to you on the grounds of the well-being of the Indian people. Nobody can deny that the race is most unduly physically unfit, that there is a terrible amount of disease, suffering and premature death all over the country. This is largely due to the weakness and lack of development of the Mothers of the race, for the standard of the health and mentality of the race is always set by the Mothers and it is only when that standard is raised that India can hope once again to be a glorious and efficient people. Further, Sushruta, the highest Hindu medical authority, clearly points out the evils that occur if a child is born before the mother is sixteen and says that there should take place no consummation of marriage with a very young girl."

Other gentlemen have already raised the point with regard to this matter. Captain Hira Singh, however humorous his speech may have been, has dealt with the point and has proved to the House that early marriage has produced very weak children. As such, we especially Swarajists (*A Voice*: "Why only Swarajists?"), not only Swarajists but also Nationalists, in fact everybody, when we are looking to the welfare of India and when we are thinking of a martial race and when we are thinking of a Swaraj Government, must have our children strong and healthy and our wives strong, mature, and physically developed. I think everybody will agree with me, unless he is led away by custom, that the reform contemplated in the Bill is very necessary. As such, I commend my amendment to the House, and if it is not carried, I would heartily support the motion of my friend Sir Hari Singh Gour.

Mr. President: Amendment moved:

"In clause 3 of the Bill for the word 'twelve' the word 'thirteen' be substituted."

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadar Urban): Sir, I have an amendment of which I gave notice yesterday and I ask your permission to move it in this connection. It is in the opposite direction to that in which my Honourable friend wants this House to go. Sir, let us remember that the offender in this case is the lawful husband of the girl. So long as marriage is not prohibited under the law between boys

[Diwan Bahadur T. Rangachariar.]

and girls below a certain age, I think it is certainly unjust on the part of the Legislature to go and impose a punishment of imprisonment in cases where the lawful husband approaches his own wife. Sir, it is against all sense to say that a husband when he approaches his wife commits a criminal offence. Not only a criminal offence, but a felony for which my Honourable friend says he should be transported for life or sentenced to rigorous imprisonment for 10 years. Does my Honourable friend recognise that? If the country is advanced to accept the position taken up by my Honourable friend, the more straightforward course for them will be to bring forward a Bill prohibiting marriages and making marriages unlawful, saying that there should be no marriage between a boy and girl under certain defined ages.

Khan Bahadur Sarfaraz Hussain Khan: Marriage is a different thing from consummation. The two things are different.

Diwan Bahdur T. Rangachariar: I do not understand your position. You make the union lawful. They are husband and wife. Here, in this country, unfortunately the climate is against us. Girls are precocious enough and boys are precocious enough. To enact a law saying that although they may be lawful husband and wife still they are committing a felony is I think a position which cannot be taken up or defended. I dare say people are courageous enough to put forward such a position. My Honourable friend Sir Henry Stanyon has appealed to the House with all his experience, with the years of experience which he has behind him, with his complete knowledge of human nature, and with his knowledge of the people of this country, to take a sober view of this matter. I ask the House earnestly to consider this position. Sir, I have said yesterday what would be the result in certain cases of sending the husband to prison. You are enacting a law to protect the girls, I take it, and their progeny. What will you be doing by sending the husband to prison? Probably the husband becomes an outcast and is never afterwards to be associated with the family. The husband and wife will have to go out of the family altogether if the girl cares to live with the husband. Having been in prison, people put them off. You cannot go and interfere with that. You cannot go and pass a law that no man shall be put out of caste whatever your social usage may be. Are you prepared to do that? Are you prepared to make it an offence if a man is put out of caste because he has been in prison? Is the Assembly going to take its courage in both hands and say that there shall be no such social usage and that it shall be illegal and unlawful? Unless you are prepared to go to that extent it will be most unfortunate if the House compels the magistrate to send a boy to prison simply because he happens to approach his wife. Sir, I said yesterday that we should not make it an offence unless the age is below 13 years. But now, Sir, the Assembly has voted yesterday for the age of 14. Remember the position of girls in our country between 12 and 14. Have we not got our daughters in our house? Have we not got our sisters in our house? Remember that, and remember your own neighbours. Remembering our habits, remembering our usages, remembering the precociousness of our youth, remembering the conditions of the climate, remembering the conditions of the country. I ask you to give your weighty judgment in this matter. Are you prepared to send the husband to jail in such a case? You have already raised the age to 14. I ask the House that having raised the age to 14, to minimise the punishment. Don't place people at the mercy of their neighbours who may invoke the aid of the police.

You know how in villages enmities run through families, run through generations. They will be only waiting for an opportunity in order to throw dust and dirt upon their neighbours. They will say, "Here is a case where the husband and wife have united together." Probably the parents will not bring it out because it is not to their interest to do so. Close relations and friends will not bring it out. But some enemy, who has got a grudge against the man, will do so. Some quarrels might arise and then at once you place the family in the clutches of the police and the clutches of the magistrate. Are you prepared to do that? Is it not a serious consequence that you are trying to impose upon a community not yet advanced, of whom about 92 per cent. are illiterate? Take all these circumstances into consideration. By all means do go on with social reform. I will be one with you, but do not make a crime of this or a felony of this as my Honourable friend proposes to do. This appears to me a very very objectionable thing to do. I therefore move that the words "shall be punished with imprisonment" be omitted and I move that where the girl is above 12 the offence shall be punishable only with fine. For that purpose I move that in clause 3 of the Bill the words "with imprisonment of either description for a term which may extend to two years" and the words "or with both" be omitted so that the offence shall be punishable with fine only. Let us begin with that and see how it works. I do earnestly ask the House to accept this amendment and to reject the amendment of my Honourable friend Khan Bahadur Sarfaraz Hussain Khan.

Mr. President: I will take the amendment of the Honourable Diwan Bahadur after we have disposed of the amendment now under discussion.

The Honourable Sir Alexander Muddiman (Home Member): I oppose the amendment of my Honourable friend. What he does in effect is to raise by a year the limit for the major punishment. That is the substance of the amendment. As the clause stands at present we are discriminating for purposes of punishment between two classes of rape, by an outsider and by a husband. He proposes to raise the age by a year in the last one. I am not satisfied that this is necessary. I do not agree with my Honourable friend opposite who thinks that the enacting of a fine alone will be sufficient. If you want to maintain this as a criminal offence you must maintain some reasonable form of punishment, but I am not prepared, and the country is not prepared, to take the view of my Honourable friend and put up the age for the heavier punishment. I therefore oppose the amendment.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-
madan): As my friend the Honourable Diwan Bahadur Rangachariar has a stock argument for not only opposing this particular amendment of Khan Bahadur Sarfaraz Hussain Khan but opposing each and every part of the Bill, let me once for all examine his arguments. Sir, this House is familiar with the old worn-out argument of my Honourable friend that no change should be made in the marriage laws because marriage is a sacrament and to-day we are told by my friend that he has said nothing of the kind in this connection. That is the pity of it. Sir, nobody objects to marriage. As the marriage law at present stands, we the Hindus are entitled to marry at any age. What my little Bill is intended to do is to prevent the causing of hurt, grievous hurt and sometimes death to the married wife before she is able to endure the suffering caused by premature cohabitation. That is all that my Bill is intended to do and

[Sir Hari Singh Gour.]

I ask my Honourable friend what objection he has to that Bill. He has been talking of the lawful husband and of the lawful husband having the right to cohabit with his wife. I wish, Sir, that in some of his generous and perhaps just moments he will also talk of the lawful wife and the rights which the lawful wife possesses of resisting the overtures of the husband because she is not physically fit to receive them. My friend has given me a permission and I am therefore entitled to allude to his own family conclave. He was telling me that he asked his womenfolk, the ladies of his house, what they thought of my Bill and they cried with one voice, "We must raise the age". I asked my Honourable friend, "Why don't you raise the age?" He says, "The ladies of my house are advanced". Well, Sir, it is a pitiable thing that the ladies of my Honourable friend's house are more advanced than my Honourable friend himself. I ask my friend, can any Member in this House point to one single instance of any woman in this country out of the thousands upon thousands who have been consulted

Diwan Bahadur T. Rangachariar: Who are they?

Sir Hari Singh Gour: Dozens have written to me and I shall presently show to the House what representative women of all communities from all parts of India have written to other Members of the House approving of the raising of the age of consent. Against that can my Honourable friend point to one single instance of a woman approving of the existing law and protesting against the raising of the age? That, I submit, is a more eloquent argument than all the arguments which my Honourable friend trots out in season and out of season whenever any reforming measure is placed before this House for acceptance. What has he been talking? He says, "Are you going to send a husband to jail? He will be outcasted and the relations between the husband and the wife will be imperilled for all time." To that I reply, "Why should the husband go to jail at all? Why should he not avoid the law on the ground of humanity, on the ground that a serious injury will be inflicted on his wife and on the ground that she will probably suffer and beget children who are feeble, stunted in growth and who herself may perchance die?" I ask, Sir, if a man brings about this result, if he consciously, and deliberately offends against the majesty of the law, should he not be sent to jail? My friend appeals to this House to sympathise with and extend commiseration to a husband who violates an immature girl and thereby brings himself under the penalty of the law. Then he tells us "We have usages, we have law". Now, these are vague words which anybody can use. I have heard once a thief saying to himself "If I do not steal, how am I going to live?" I submit that if the husband were to use a similar argument, what will be the answer of this House? Honourable Members must remember that in the notes circulated by the Honourable the Home Member, Sir Malcolm Hailey, some statistics were given to which I would ask my Honourable friends to refer. On page 2 of this printed memorandum circulated to the Members, Honourable Members will find figures given of 3,189 cases of girls whose records were kept for the purpose of ascertaining the age at which they attained puberty and in this tabular statement the first column commences from 10-11 and the last one from 18-19 years. It goes on 10 to 11 and 11 to 12 and so on. Now, if Honourable Members will turn to that page, sub-dividing these columns into two just below and above 14, they will find that 21.53 per cent. of girls attain puberty before

3 P.M.

* they complete their 14th year, and of these—mark you—of these the vast majority attain puberty between the years of 13 and 14; and no less than 78·47 per cent. of the girls attain puberty after they have passed their 14th year. Now, Sir, my friend on the other side has referred to the tropical climate, precociousness, etc. Surely, Sir, he could not have forgotten what is written here in this very minute, in this note itself, and it is an extract from the medical books of the country. Let me read to the Honourable Members what the Honourable the Home Member circularised.

“The influence of tropical climate in causing early menstruation seems to have been over-estimated.”

Then it says in earlier passages:

“Menstruation is not a sign of bodily maturity. It is in most cases merely a sign of puberty and ovulation with a possible pregnantability or capacity to conceive.”

Now, Sir, the inference that I draw from these extracts from the medical books is the inference that if you wish to protect children at all, and if you wish at any rate to protect children till they attain puberty, of which 78·47 per cent. do so on or after the 14th year, the minimum age that you must fix is the age of 14. And I go further and say that the authorities cited by the Honourable the Home Member to the effect that the attainment of puberty is not the same thing as the development of the body, make it clear that, even assuming for the sake of argument that it were demonstrated, and it has not been demonstrated, that girls attain puberty before the age of 14, even then I say, Sir, that it will be wrong of this House to withdraw its protection from girls who are still undergoing physical and mental development with the result that cohabitation would be bad from their standpoint, from the standpoint of the husband and generally from the standpoint of the race. The evidence of medical men and statisticians, evidence furnished by text writers, all shows that this terrible scourge of infant mortality in this country is due to early marriages. I shall not use my own words, but read to you what the editor of the Census Report writes in the Census of India, 1921, Volume I, Part I, paragraph 109, page 131. I have got a copy here and if anybody wishes to read it he is welcome to take it from me.

“Studies of statistics of countries of the world show that there is a close correlation between the rate of infant mortality and the size of the family owing to two distinct sets of factors, physical and economic. On the one hand, the vitality of the mother and through her the life of the child appear to be affected by the age at which child-bearing begins, the number of births (or pregnancies) and especially the spacing of births; on the other hand, the health of the infant is closely allied with the circumstances frequently associated with large families, viz., poverty, congestion, malnutrition, insanitary surroundings and the improvidence and ignorance of the parents.”

Then I leave an ellipsis and go on to read another passage:

“Special causes contribute to the high mortality”

The Honourable Sir Alexander Muddiman: Sir, I do not desire to interrupt the Honourable Member, but this seems to be a speech on the general clauses of the Bill, not on the clause which is before the House, which is really a very short point. The point is the question of punishment.

Sir Hari Singh Gour: It is the question of raising the age from 12 to 13. In the case of girls above the age of 13 and below 14 the offender shall be given a reduced punishment. That is the motion of the Honourable Khan Bahadur Sarfaraz Hussain Khan. I am supporting it.

"Special causes contribute to the high mortality of infants in India. Owing to the custom of early marriage cohabitation and child-birth take place before the woman is physically mature and this combined with the primitive and insanitary methods of midwifery seriously affects the health and vitality of the mother and through her of the child. Available statistics show that over 40"

Mr. President: I must support the point taken by the Honourable the Home Member. Now the Honourable Member is arguing on clause 2 and not on clause 3. Clause 3 is a sanction clause dealing with punishment, and the second line in the proposed addition to section 376 deals with the question of age. The point is limited and the Honourable Member must confine himself to it.

Sir Hari Singh Gour: I only want to point out to this House, Sir, that girls below 13 require as much protection as girls below 12. And I submit that there is really no distinction between a girl of 12 and a girl of 13 so far as puberty and physical development is concerned. I therefore submit that they are both growing children and by raising the age by one year you certainly extend the circle of protection. I therefore submit, Sir, that the amendment of my Honourable friend should receive the acceptance of this House.

Colonel Sir Henry Stanyon (United Provinces: European): I would like to give the Honourable Member a chance of correcting an error into which he fell. He said, if I understood him rightly, that the ages between which the highest percentage of girls attained puberty were 13 and 14. In this table, which we all have,—it is taken from Lytton's Medical Jurisprudence,—the highest percentage is between 12 and 13.

Sir Hari Singh Gour: My Honourable friend is wrong. I said, Sir, that the highest percentage of puberty was in the case of girls of about 14 and over.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, as my Honourable friend Sir Hari Singh Gour has stated that he is supporting the amendment moved by Khan Bahadur Sarfaraz Hussain Khan I think I should read to the House an extract from the report of the Select Committee which was signed by my Honourable and learned friend. There it was stated:

"We are however unanimously of opinion that if the age is raised to 14 years both within and without the marital connection there should be a reduction of the maximum penalty in cases in which sexual intercourse is between man and wife and the wife is between 12 and 14 years of age."

Mr. President: Amendment moved:

"In clause 3, for the word 'twelve' the word 'thirteen' be substituted."

The motion was negatived.

Mr. President: Lala Piyare Lal.

Diwan Bahadur T. Rangachariar: May I take it, Sir, that my amendment is being taken?

Mr. President: Lala Piyare Lal.

Mr. H. Tonkinson (Nominated Official): I should like, Sir, to take a point of order with reference to the amendment No. 14 on the List. It relates to complaints by the wife or her natural guardian. Clause 3 of the Bill, Sir, seeks to amend the Indian Penal Code, and that Code has nothing to do with complaints. I suggest that the present proposal would come in better under the later clauses of the Bill or under a separate clause altogether which should amend the Code of Criminal Procedure.

Mr. President (to Lala Piyare Lal): If the Honourable Member really intends to propose a new clause after clause 3 the amendments standing in the names of Mr. Kamini Kumar Chanda and Mr. Amar Nath Dutt are the right way to effect the purpose. The Honourable Member will have a chance of raising his point on them. Mr. Rangachariar.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, I have already said what I have to say on the amendment which I have proposed, that where the girl is above the age of twelve, the offence in the case of the husband should not be punishable with imprisonment. Make it an offence by all means, but make it punishable only with a fine. I have already indicated to the House the serious consequences which would follow from sending the husband to jail. My Honourable friend says that girls require protection. But by this sort of protection you would really be killing the girl, you would be separating the husband from the wife, you would be also putting the husband out of caste, and you have to remember that the girl will also thereby have to go out of caste. That would be the result of making this offence punishable with imprisonment, and therefore, Sir, I move my amendment.

Mr. President: Amendment moved:

"In clause 3, the words 'with imprisonment of either description for a term which may extend to two years or' and the words 'or with both' be omitted."

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, I fully convict myself of the terrible charge which some Honourable Members would make against those who regard marriage as a sacrament. To me it is the highest of all sacraments; and if I rise in this House to-day to give my full support to the amendment moved by my Honourable friend, Diwan Bahadur Rangachariar, let it not be for a moment understood that I am less desirous than any other so-called social reformer of seeing that our girls are adequately protected, and protected in sane and harmless ways. But I ask, if the father and the mother of a girl, if the girl herself, and if the husband of the girl are all going to do something which they consider right but which you consider as loathsome

[Mr. M. K. Acharya.]

or heinous, what is your right to interfere? Who gave you that right, who indeed—God or man—to separate man and wife and say that the wife shall be subjected to social disgrace and to misery all through her life? You are going by this proposed measure to make her life for all time miserable by sending her husband to jail—let it be for three days, it is enough. Sir, is this House going to interfere with ties that are held most sacred, as indeed they have been held most sacred for generations? By all means, let us try and bring about changes in our social system by means of social reform undertaken privately, in quiet unobtrusive ways; but what justification is there for bringing forward penal legislation to achieve such reform on the part of those who have got no regard for our ancient traditions? Sir, the tradition of womanhood in this country is unapproached by the tradition of womanhood in any other country. Our ideal of womanhood is this. Our women regard their husbands—they have been taught from the moment they were suckling their mothers' milk to regard their husbands as their God on earth. Sir, let me relate to you a small personal incident. I have been a father of daughters; I am now a grandfather of grandchildren. I have a grand-daughter aged twelve. In June last when the girl was over 10 years and some months she was re-married in the religious sense. She is a motherless child. Sir, a few days ago some relations came in, and they referred to her as motherless. I wanted to divert the subject and said that she had now got someone who was father and mother to her. With an angelic smile the child added, "Is he not also my God, grandfather?" That, Sir, is the Indian ideal. The words sent a thrill of joy through my frame. Yes; the reply that this child of eleven years gave was that she regarded her husband as God on earth. What right have you to interfere with that ideal and with that feeling among our girls? And yet that would be exactly the dire result if the husband were to be sent to jail even if only for a few weeks. To the Brahman girl-wife the husband is a greater, truer, dearer benefactor than all the social reformers bundled together! His is the duty and the right to keep her and protect her. But if it so happens that he approaches her too closely, is he to be sent to jail for two years? What right have you to interfere with this ancient, noble tradition of ours regarding the sanctity of wedlock? What right have you to separate man and wife? You may lay your unholy hands on our ancient ideals and traditions, but we will not follow you. There is, Sir, a fine advertisement put up by one of the greatest men of modern India, Swami Ram Tirtha, on the very first page of his great works. He said: "Wanted reformers not of others but of themselves." This reminds me again of what Swami Vivekananda once said; he said that social reformers were all men with good intentions but their method was wrong. Now, Sir, what is your object? What is the object of this legislation? Do you want to make the women of India strong and their children stalwart? But remember that in trying to do that, you may otherwise be doing a lot of evil, far worse than the evil you seek to remove. The Honourable Member may laugh at Mr. Rangachariar and say, "We have made it a crime yesterday—a husband's cohabiting with his wife before 14. You are bound by that vote." Sir, the debate yesterday was so loathsome, some of the speeches were so low in tone, that even at the cost of my not voting and not doing my duty, in sheer disgust I went out. You now say, you have made it a crime, therefore it should go on the Statute-book. But why should you make the punishment

so heavy? What does it matter, if reform is your true objective, whether it is a fine or whether it is only a censure even that you impose? Either is good enough. It is a kind of moral censure intended to push up the course of reform. But by this provision of sending the husband to jail you will in effect be really murdering the girl; the moment her husband is sent to jail she may hang herself or fall into a well—that is the way of the Indian girl! I know it is not so with non-Hindu girls; they think very differently. I have had personal experience for a sufficient number of years as a teacher in a Girls' High School and have thus been intimately connected with girls of sixteen and above (Laughter). Sir, I know what they feel. I have been taken into their confidence, by a good many of them, and I know what they feel. You cannot change nature's laws. All that you can do is to protect those natural laws, and say there should be some kind of restraint. I hold that it is between the ages of eleven and fourteen that a girl ought to be married. The ideal of the highest wifehood should and can only then be instilled into her, not later when the sex-instinct comes into her and dominates her heart, when *Kama* (pleasure) not *Dharma* (self-control) sways the mind. Before that time, train her mind, train her heart. By all means take care of her body; but fail not to train her morals, to train her soul, so as to enable her to look upon her husband as her God, which indeed is the case in India, among Hindus at least. And do not for God's sake interfere with that relationship. I appeal to all my English friends. I do not want to lecture upon various ideals of womanhood; but I cannot sit quiet and listen to my Honourable friend chaffing at anybody who says that marriage is a sacrament. Therefore I strongly support the amendment which is now before us. So far as I understand, it is the intention of the Mover of the Bill to expedite the progress of reform that is gradually coming over our homes. His eloquence has been battering my ears and the ears of the rest in this House these two days. But who is he, this self-appointed protector of all the girl-wives of India? What is his title to speak in their behalf? No social reformer—no, not the staunchest can honestly say that the parents do not care for the good of their daughters. No father, no grandfather wants to murder his children, or grand-children; nor even the husband his girl-wife. "If you protect the husband, why not the wife also" asks the Honourable Mover. Are you really protecting the wife? That is my question. You may physically protect her, but you are morally degrading her, you are socially degrading her, you are spiritually degrading her; and therefore I most earnestly appeal to this House truly, really, to protect the girl. You have done enough mischief by your vote yesterday. Take at least the venom from the scorpion's tail by accepting Mr. Rangachariar's amendment, and the other amendment which will come up later, namely, that in such cases the complaint must come from the wife, not from Sir Hari Singh Gour, or must come from her guardian or somebody who is closely related to the girl. I urge that by accepting this amendment and the other amendment which will come up, you will be at least lessening the evil course which this House rightly or wrongly yesterday chose to take. Don't destroy I beg of you—don't ruin our Hindu homes. After all, in India only the Brahmin community, so far as I understand, has got this system of marrying girls before puberty. I am not aware that the system obtains anywhere else. Why should Sir Hari Singh Gour take upon himself the burden of setting our Brahmin homes in order and protecting our girls? We can take care of our children. If you merely want to set up a kind of moral standard, you have done it, this House has done it; and I

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have no objection to your doing so. But if you want to penalise, that is a very serious thing. I would once more say and say a hundred times that it will shatter, destroy, hopelessly destrôÿ our Hindu homes; for that man and that girl can never live together, can never live as man and wife. Do not for God's sake embark upon this legislation, this penal legislation; do not in your zeal for reform penalise the husband for a thing which he himself will regret in his calmer moments. Surely sending him to jail will not make him repent more deeply than fining him or censuring him. We have done enough evil. For God's sake do not send the boy—for after all he will be a boy of about 17 or 18 years when the girl is 11 or 12 years old—do not send him to jail. For God's sake do not do that. To the girl it is something more terrible than even death. Shame is more terrible than death; dishonour is more terrible than death; that is what everybody who is a true friend of the girl would say. The very parent of the girl would prefer that the girl should sooner die than be subjected to this dishonour and shame, than to see her dear husband carried away to the prison house. Who is the Hindu that will not say that?

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): I was feeling, Sir, that we have not advanced very far in these matters in any case during the last half a century. Many of the arguments that have been put forward in the course of this debate have been familiar to me. In 1870-71, when the Civil Marriage Act was first introduced in the Indian Legislature, we had all these arguments about early pubescence, about climatic influences, about religious duty and all the rest of it. So far as early pubescence goes, while I was listening to the utterances of some of my friends I was reminded of the statement published in the records connected with the Civil Marriage Act of 1872, the statement of a medical man, an eminent medical man and a scientist of Bengal. (*Mr. K. Ahmed*: "What is the name?") My friend was not born then. His name is Dr. Mahendra Lal Sircar. He said that granting that signs of pubescence appear in girls of 11 or 12 or 13, that is absolutely physiologically and medically, if not morally, no reason that she should be given in marriage at that age; and Dr. Sircar brought out a very happy analogy. He said that when children's teeth first commence to appear, it shows that they are being gradually evolved for eating hard things, but when the teeth appear no doctor, no mother, no grandfather, like my friend Mr. Acharya either, would give that child a piece of cocoanut to chew. When the teeth appear, it only shows that the time is coming—it has not yet come—when the child will be able to chew and digest hard things. And so when the first signs of pubescence appear, to medical men it shows that the time is coming—it has not yet come—when the girl will be able to bear children, and Dr. Sircar laid it down distinctly that although signs of pubescence appear before 13 or even at 12, the girl is not fit for sexual intercourse, fit for bearing children, until she is 16; and he pleaded hard to have the minimum marriageable age for girls in that Act put at 16. But we had to make a compromise; society was not advanced sufficiently to accept 16 or even to think of 16 as a proper, decent, respectable marriageable age for respectable orthodox Hindus. Therefore a compromise was struck and that Act adopted 14 as the minimum marriageable age. We have advanced by half a century from 1872, more than half a century.

to 1925; and during those 50 years by the pressure of economic laws, owing to the general advance of education and culture in the community, owing to the progress even of orthodox Hinduism, practically there are many respectable girls who are now married after they have attained the age of 14. Pre-marital pubescence was considered at one time a social sin, if not a religious sin, by a section of the Hindus in many parts of India. That I hope does not obtain now. (Mr. S. C. Ghose: "It does.") I dare say it does. I do not say that the entire country of 350 millions of people has advanced, been illumined, educated, liberalised. No. There are dark spots certainly. There are backward classes, Sir, not only in the matter of caste, but in the matter of morals and culture and intelligence and education, and so far as these backward classes go, they may still try to cling to the idea that pre-marital pubescence is a social sin or a moral sin. But it belongs, Sir, to the primitive culture, it does not belong to the present time.

Mr. President: I must remind the Honourable Member that we are discussing now the nature of the penalty which the culprit should suffer.

Mr. Bipin Chandra Pal: I am coming to that, Sir. Now, this was the old argument and we have heard that argument to-day. At that time, in 1891, the age of consent was raised to 12 and there was a tremendous agitation almost all over Hindustan against that Act. And we were told that religion was in danger, society was in danger, the divine husbandhood of Hindustan stood in danger of being thrown down from its high pedestal. We heard all those arguments then. But the Act of 1891 made it penal even for husbands to have connection with their wives if they were below the age of 12. By making it penal, Sir, I think it helped indirectly the social progress very considerably. I do not know if there has been a single case of prosecution under that law. I do not know if there has been a single case under that law of the prosecution of Nattukkottai Chetties.

Mr. Kamini Kumar Chanda: There have been 8 prosecutions as I was informed by Mr. Tonkinson.

Mr. Bipin Chandra Pal: All over India? May I know for what years this figure was given.

Mr. Kamini Kumar Chanda: They gave me figures for 3 years, namely, 1921 to 1923.

Mr. Bipin Chandra Pal: Will my Honourable friend give me the results?

Mr. Kamini Kumar Chanda: The result was this. I quote from Mr. Tonkinson:

"The only opinion we have upon the question raised by you in regard to prosecutions of husbands for rape upon their wives is as follows. We know that during the 3 years—1921-1923—there were 8 cases in which husbands were convicted for a rape on their wives being under 12 years of age. We have no further information as regards the cases except that, I may add, 3 were in Bombay, 3 in Bengal, one in the United Provinces and one in Assam."

Mr. Bipin Chandra Pal: None in Madras—a glorious province. Whatever that may be, Sir, we heard of that in 1891 but the heavens have not fallen and we are still moving on; and I do not think that the acceptance of this motion or the rejection of the amendment of my Honourable friend Diwan Bahadur Rangachariar will practically make any difference. I am not afraid Sir, of the consequences which they have conjured up before them. I do not believe that the passing of this Act will deprive my friends, the Hindu husbands, of their divinity. (*A Voice:* "They do not accept the divinity.") I accept the divinity of every man. I accept the divinity of every woman. I accept the divinity of every human being. It is not the husband, Sir, who alone is divine. When my friend was talking of the divinity of husbands, I was reminded, Sir, when he was saying that every Hindu woman looks upon her husband as her God, of a little story that came from England. A little boy was walking the streets of London and he was swearing as street Arabs always do in that happy country. A clergyman who was coming that way happened to hear that street Arab swearing and said: "What are you doing?" He was horrified and he said: "What are you swearing at? You ought not to do so." The boy said: "Why?" The clergyman said: "Because it will offend God." They boy said: "Who is God? I have never heard of Him." And the clergyman said: "You have never heard of God? Why, God is your Father." And the little child cried out: "I hate Him." The clergyman was shocked and he said: "Hate God, why?" Then he calmed down a little and he approached the little boy and he said: "My dear boy, why do you hate God?" He replied: "You said he is my Father." "Yes, he is your Father", the clergyman replied. "Then every night he will come home and beat my mother. I therefore hate him." There are many wives who, if they were told that their husbands were God, would make a similar reply. (*A Voice:* "Is Mrs. Pal one of them?")

Several Honourable Members: I move that the question be now put.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I am sure neither the Honourable Mover nor my friend Dr. Datta will accuse me of lacking in enthusiasm for social reform. But I feel that social reformers must first preach their propaganda outside this House and then come inside to further their work. As a proof of my faith in social reform if proof were needed, I voted yesterday, however reluctantly, for Dr. Datta's proposition. But, Sir, when my friend Diwan Bahadur Rangachariar comes to this House with a suggestion to minimise the evil that radical social reform—seeking shelter under the law—might engender, I am surprised that a man like Dr. Gour does not rise equal to the occasion and accept it. Sir, it is this impossible, what orthodox people feel, this intolerable, this utterly unsympathetic attitude of the go-ahead social reformers that has made them almost social outcasts in this land. Sir, India is an orthodox country, it is a conservative country; and social reform cannot come from the Legislature; it must come from within. (*Mr. K. Ahmed:* "How, can you ask for reform or Swaraj in the country then?") Yes, that is a very legitimate question that my friend has put. It is very seldom that he puts such intelligent questions. (Laughter.) We ask for political reform because we know the country wants it. The country has agitated for it and it has suffered for it. The country has ventured greatly and sacrificed greatly for political reform. With public

opinion behind us, we come here to echo the feeling of the people. To the social reformer, I say, go to the country, agitate there, create public opinion and then come to the Legislature. I put it to Dr. Gour: Has he addressed one public meeting in Nagpur or elsewhere on this question? He is silent. (*A Voice*: "He will be hooted down.") That may be the spirit of orthodoxy, but if Dr. Gour is a reformer he must be prepared to face the music. (Hear, hear.) I remember, Sir, the time when in Madras my old friend the Right Honourable Srinivasa Sastri, contemplated introducing in Madras Legislative Council his post-puberty marriage Bill, he carried on a raging, tearing campaign throughout the Presidency. Public opinion was against him, but he argued his case so sincerely and so well, that he commanded the patient hearing of even the *ultra-orthodox*. A good deal of public support, even in that much maligned province of Madras, he managed to secure. But what has Dr. Gour done? He comes here with all the lumber of his legal lore, presents a Bill and asks the Members to applaud it! And when Diwan Bahadur Rangachariar, as good a lawyer as Dr. Gour himself (*An Honourable Member*: "Better."), if not better, comes to this House and says: "Please do not behave like a bureaucrat, even bureaucrats are not in favour of this legalised despotism, take up a conciliatory attitude," when he says that, Dr. Gour fears that the sting is being taken away and how can he get on with his reform propaganda without a sting? Sir, the reformer becomes the enemy of the nation when he carries on a campaign of stinging serpents! That is what the Honourable Member is doing. I am surprised that a man of his intelligence, who ought to be in touch with the public opinion of the country, does not see his way to accept the amendment proposed by the Diwan Bahadur. Do you want to revolutionise your people in social affairs in one day, by a stroke of the pen? If you are asking them to be social revolutionaries, then I am afraid you are crying for the moon. Yours is a conservative country in matters of social reforms. Therefore, the social reformers will do well to bear in mind that in every noble endeavour of theirs, they must have a single eye to conserve and preserve the genius of the race.

Sir Hari Singh Gour: Sir, I just wish to point out to the House what Diwan Bahadur Rangachariar's amendment means. As the clause stands, the punishment of fine is optional with the magistrate. That is to say, the magistrate may fine a man a small fine without imprisonment, and in cases of aggravated crime he may give him a punishment of imprisonment. What Diwan Bahadur Rangachariar's amendment wishes to do is to do away with that optional punishment of imprisonment altogether, and however grievous, however serious may be the crime committed under the most aggravated circumstances, the husband will only be fined. I beg to suggest that the amendment must be thrown out if only on that ground.

Several Honourable Members: I move that the question may now be put.

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. President: The original question was:

"That clause 3 stand part of the Bill."

[Mr. President.]

Since which an amendment has been moved:

“That in clause 3 of the Bill the words ‘with imprisonment of either description for a term which may extend to two years or’ and the words ‘or with both’ be omitted.”

The Assembly divided:

AYES—46.

Abdul Karim, Khwaja.	Mutalik, Sardar V. N.
Abdul Mumin, Khan Bahadur Muhammad.	Nambiyar, Mr. K. K.
Abhyankar, Mr. M. V.	Narayandas, Mr.
Abul Kasem, Maulvi.	Nehru, Dr. Kishenlal.
Acharya, Mr. M. K.	Nehru, Pandit Motilal.
Ahmed, Mr. K.	Nehru, Pandit Shamlal.
Aiyangar, Mr. K. Pama.	Neogy, Mr. K. C.
Alimuzzaman Chowdhry, Mr.	Piyare Lal, Lala.
Aney, Mr. M. S.	Ramachandra Rao, Diwan Bahadur M.
Bhat, Mr. K. Sadasiva.	Rangachariar, Diwan Bahadur T.
Chaman Lall, Mr.	Ranga Iyer, Mr. C. S.
Chetty, Mr. R. K. Shaumukham.	Reddi, Mr. K. Venkataramana.
Dutt, Mr. Amar Nath.	Samiullah Khan, Mr. M.
Ghazanfar Ali Khan, Raja.	Sarda, Rai Sahib M. Harbilas.
Ghose, Mr. S. C.	Shafee, Maulvi Mohammad.
Ghulam Bari, Khan Bahadur.	Singh, Mr. Gaya Prasad.
Goswami, Mr. T. C.	Singh, Raja Raghunandan Prasad.
Hari Prasad Lal, Rai.	Sinha, Mr. Ambika Prasad.
Ismail Khan, Mr.	S'anyon, Colonel Sir Henry.
Kelkar, Mr. N. C.	Syamacharan, Mr.
Lindsay, Mr. Darcy.	Tok Kyi, Maung.
Lohokare, Dr. K. G.	Ujagar Singh Bedi, Baba.
Malaviya, Pandit Krishna Kant.	Yusuf Imam, Mr. M.

NOES—50.

Abdul Qaiyum, Nawab Sir Sahibzada.	Lloyd, Mr. A. H.
Ahmad Ali Khan Mr.	Mahmood Schamnad Sahib Bahadur, Mr.
Ajab Khan, Captain.	Malaviya, Pandit Madan Mohan
Ashworth, Mr. E. H.	Marr, Mr. A.
Bhore, Mr. J. W.	McCallum, Mr. J. L.
Blackett, The Honourable Sir Basil.	Milne, Mr. R. B.
Bray, Mr. Denys.	Mitra, The Honourable Sir Bhupendra Nath.
Burdon, Mr. E.	Moir, Mr. T. E.
Calvert, Mr. H.	Muddiman, The Honourable Sir Alexander.
Chanda, Mr. Kamini Kumar.	Pal, Mr. Bipin Chandra.
Clew, Mr. A. G.	Phookun, Mr. Tarun Ram.
Cocke, Mr. H. G.	Purshotamdas Thakurdas, Sir.
Cosgrave, Mr. W. A.	Rhodes, Sir Campbell.
Crawford, Colonel J. D.	Rushbrook-Williams, Prof. L. F.
Das, Mr. B.	Sarfaraz Hussain Khan, Khan Bahadur.
Datta, Dr. S. K.	Sastri, Diwan Bahadur C. V. Vivanatha.
Duni Chand, Lala.	Sim, Mr. G. G.
Fleming, Mr. E. G.	Singh, Rai Bahadur S. N.
Gour, Sir Hari Singh.	Sykes, Mr. E. P.
Graham, Mr. L.	Tonkinson, Mr. H.
Gulab Singh, Sardar.	Willson, Mr. W. S. J.
Hira Singh Brar, Sardar Bahadur Captain.	Wilson, Mr. R. A.
Hudson, Mr. W. F.	Yakub, Maulvi Muhammad.
Innes, The Honourable Sir Charles.	
Joshi, Mr. M. A.	
Joshi, Mr. N. M.	
Kasturbhai Lalbhai, Mr.	

The motion was negatived.

Clause 3 was added to the Bill.

Mr. Kamini Kumar Chanda (Surma Valley *cum* Shillong: Non-Muham-
madan): Sir, I move the amendment which stands in my name with a
very small change. I will explain what the change is presently and the
reasons therefor. I move that:

"After clause 3 of the Bill the following new clause be inserted, namely:

'After section 199-A of the Code of Criminal Procedure, 1898, the following

Insertion of a new section 199-B,
in Act V of 1908.

section shall be inserted, namely:

'199-B.—No complaint of rape upon a wife *who is over 12—(that is the
change)*—shall be instituted against the husband except on the com-
plaint of a person who would be the natural guardian of the girl
if she remained unmarried at the time or of any one duly authorised
by him in writing, or where the former is absent from the district,
on the complaint of such other person who would be the guardian in
the absence of the first named person.'

Sir Hari Singh Gour: I rise to a point of order. Sir. I submit the
whole of this amendment is absolutely and entirely out of order. My Bill
is intended to amend section 375 of the Indian Penal Code. It is not
intended to insert any substantive clause in the Code of Criminal Procedure.
What my Honourable friend wants to do is to add a new section to the
Code of Criminal Procedure which I submit is foreign to the main purpose
of my Bill, and I therefore submit that the addition of this section is
inconsistent with the purpose and object I have in view in amending sec-
tion 375 of the Indian Penal Code. And I further object to it on the
ground that my friend has now made another amendment of which I
have had no notice. I therefore object to his moving an amended amendment.

Mr. President: I do not think the amendment is out of order. It
seems to me to be quite germane to the purpose of the Bill.

Mr. Kamini Kumar Chanda: Sir, my answer to this is that I am following
the procedure which my Honourable friend Dr. Gour has himself followed
in his Bill. If you turn to clause 4 you will find there the words:

"In Schedule II to the Code of Criminal Procedure, 1898, for The entries against
section 376 the following entries shall be substituted, etc."

If he himself can make changes in one part of the Code we are entitled
to do the same in regard to another part. We only follow him. My sub-
mission is that this Bill ought to be self-contained and not only refine the
law and state the circumstances under which a person would be guilty
under it, but also to provide for the special procedure that ought to be
adopted in these cases, as the definition now given is different from the
definition given in the Indian Penal Code. On these grounds I think I
am entitled to move the amendment. As to the fact that I have made a
certain change this can easily be avoided by some other Member moving
it in the form of another amendment. This amendment is very import-
ant and I believe a large number of Honourable Members will support it,
and I submit I ought to be permitted to move it.

Sir Hari Singh Gour: Sir, you have more than once ruled that where
one section of an Act is under consideration no Honourable Member has
a right to take up a different section altogether and ask that it should be
either amended or added to or modified. That, Sir, you have ruled several
times: and here my Honourable friend would be perfectly in order if
he wanted to make any amendment to Schedule II; but he wants to add
a new section to the Criminal Procedure Code and not merely to the
Schedule—an independent section in the main body of the Criminal
Procedure Code I submit, Sir, it is covered by several rulings which

[Sir Hari Singh Gour.]

you have given, that where one particular section of the Act is under discussion it is not open to a Member to take up a separate section altogether of that Act and say "I want that to be amended."

Mr. President: The Honourable Member is right in saying there have been many rulings on this point. The rulings that I have given hitherto have been rulings placing out of order any attempt to bring extraneous subjects within the scope of an amending Bill. It seems to me that the new clause which Mr. Kamini Kumar Chanda proposes to introduce is strictly germane to the purpose of the Bill.

Mr. Kamini Kumar Chanda: Thank you, Sir. The change I have made is this. In my original notice the words were "No complaint of rape upon a wife, *the wife being under 14*, shall be instituted against the husband, etc." I have changed that into "No complaint of rape upon a wife *who is over 12* shall be instituted against the husband." The reason for this change is that some Honourable Members of this House whose opinion is certainly entitled to very great weight and respect pointed out that the effect of my motion as given notice of would be that every husband in every case of rape upon his wife, no matter what the age might be, even in the case of a child of eight or ten, would get the protection of this special provision which I am proposing; and they suggested that my provision ought to be confined to cases of rape upon wives over twelve. I accepted this suggestion and have therefore made the change and moved my amendment in the changed form. I am certainly of opinion that we ought not to show any consideration to a person who, being the husband, commits rape upon a child. We had a case like this, which led to a change in the law in 1891. That was reported in I. L. R. 17 or 18 Calcutta (*Colonel Sir Henry Stanyon*: "18"). I am glad to be corrected by my Honourable friend. A husband had intercourse with a girl aged 11 years and 2 months and she died as a result of that. He was prosecuted and he was convicted by the Calcutta High Court by a jury under section 383 of the Indian Penal Code for doing an act rashly and negligently so as to endanger human life. After that case there was an agitation, attention being drawn to this flaw in the law; and that was amended in 1891. I did not like that the provision which I am now making should extend to persons who being husbands cohabited with children under 12 and therefore I accepted the suggestion that was made to me; and the result would be that my amendment would only cover cases of rape where the wife was over 12 and of course below 14 as it would be no rape at all if the wife was 14. Now this is the amendment I propose and the reasons are these. I shall not elaborate the point. My Honourable friend Mr. Rangachariar has described in graphic language the results which will follow, especially in villages. Persons with private quarrels will start false cases and get hold of the police to persecute their enemies; so, with a view to avoid this, to prevent attempts at blackmail and harassment, to prevent abuse of the processes of law, I wish to limit the class of persons who can institute cases of rape against husbands.

Now, Sir, what is the procedure at present? What are the conditions on which criminal proceedings can be started against any man? Section 190 of the Criminal Procedure Code lays down the conditions. They are (1) upon receiving a complaint, (2) upon receiving a police report and (3) upon information received by the magistrate from any person other than a police officer or upon his own knowledge or suspicion that such offence

has been committed. These are the three conditions in which a magistrate can take cognisance. Now, what is a complaint? That is defined in section 4 (h) of the Criminal Procedure Code as an allegation made orally or in writing to a magistrate with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence, but it does not include the report of a police officer. Now, the result of this definition would be that any one would be at liberty to bring in a case against any one; A may complain that B, who is unknown to him, was injured or assaulted or hurt by C. That is a perfectly good complaint. But in the chapter of the Criminal Procedure Code to which I have referred in my amendment, in sections 196 to 199, there are certain classes of cases in which the complainants must be persons aggrieved or concerned. Under section 198 of the Indian Penal Code, prosecution for breach of contract in cases of defamation and offences against marriage, the complaint must be from some person aggrieved. Section 199 says:

"No court shall take cognisance of an offence under section 497 (i.e., adultery) or section 498 (i.e., enticing away a married woman), except upon a complaint made by the husband of the woman, or in his absence, by some person who had care of such woman on his behalf at the time when such offence was committed."

These are the classes of cases in which only specified persons can bring in complaints. But there is no limit to any complainant about cases of rape under this Code. That is one thing to remember. A magistrate can take cognisance of cases of rape on receiving a police report; the police we know very well have got very extensive powers of arrest; they can arrest any man; they arrest men in lots of cases. These are enumerated in section 154 of the Criminal Procedure Code. But in regard to this case of rape by a husband upon his wife, an exception was made in 1891. It was laid down there that the police would have no power of arresting a husband charged with rape upon his wife except on an order of the magistrate. This is laid down in Schedule II to which my Honourable friend Sir Hari Singh Gour referred. In Schedule II against section 376, it is laid down that in cases of rape, if the sexual intercourse was by a man with his own wife, the police shall not arrest without warrant. Therefore there is one safeguard already provided against such cases. The police cannot harass people under this section. There is another safeguard in the same section, namely, that where the charge is against the husband for rape on his own wife, summons will issue, not a warrant. There is thus some safeguard against the police in these cases. The third case is somewhat wide. A magistrate can take cognisance of offence upon any information he receives or upon his own knowledge and suspicion. It has been held that he would be entitled to take action even on receipt of an anonymous letter. So we are concerned . . .

Sir Hari Singh Gour: Is my Honourable friend aware of the fact that this offence is non-cognisable under the Code of Criminal Procedure and my friend is dealing with cognisable cases?

Mr. Kamini Kumar Chanda: I have read out to you that under the law as amended in 1891 cases of rape by husbands on their wives are protected from police harassment. The cases are non-cognisable. I have stated that already. All that the police can do is to report to the magistrate saying that a report had been received from a spy or some reliable source that A is cohabiting with his young wife who is less than fourteen years of age . . . (Sir Hari Singh Gour: "That they may do

[Mr. K. K. Chanda.]

in any case.") Never mind other cases; they could do it; but in any case the magistrate would be bound to take notice of it; he might dismiss it or he might summon the husband to answer the charge. Therefore we are left with this thing: that anybody can institute a complaint against any man with the object either of attempting blackmail or harassing him, and what will happen? The magistrate would be bound either to summon the man—he cannot issue a warrant because an exception was made in 1891—he must either issue a summons to the husband to come and answer to the charge or order an inquiry so that evidence could be taken as to the truth of the complaint. In either case it would be serious. Just imagine what it means. If evidence is to be taken about the truth of the complaint, it means that the wife will have to be examined by the magistrate as to whether her husband had intercourse with her; it is humiliating in the extreme to the girl, to the family; it might be that the husband would be found not guilty and he would be discharged or acquitted; but that will be enough disgrace done to the family and it will add to the harassment and expenditure. If there is no limitation as regards the complainant, there will be no limit to the harassment of parties, especially in villages. If a man is at enmity with any other man what he usually does at present is that he goes to the police and says, "Look here, this man is Swadeshi; I purchased a *belati* cloth and he has snatched it away from me and burnt it." These are the usual cases with the police and another class of cases will now be added with the result that in the case of young men with young wives any amount of opportunities is created for bringing them into trouble. Therefore my submission is that if you set a limit to the class of persons who can institute cases of rape against a husband then there will be some protection.

4 P.M. That is all I have to submit in regard to this amendment. I do not see what objection there can possibly be to my amendment. If the person is guilty, by all means institute a prosecution against him, but it should be instituted not by enemies, it ought not to be taken up on private information or on anonymous petitions. Let the matter be brought before the court by persons who are most concerned. If there is occasion to do so, certainly the relations of the girl could easily look into the matter and bring the case before the court. But if you do not put a limit as proposed, I submit there is very great danger and persons will be harassed and prosecuted. Sir, I move my amendment.

Mr. H. Tonkinson: Sir, my Honourable friend Mr. Chanda has explained the motive of the amendment which he has moved, but I do not think that I can explain it better than by quoting from the words of the Marquess of Lansdowne. Speaking in the Legislative Council when the Age of Consent Bill was passed in 1891, he said:

"I will now pass for a moment to the third great objection which has been raised against this measure. It is the objection founded upon the anticipation that it will lead to inquisitorial action by the police, to prosecutions instituted from vindictive motives and to criminal investigations into family matters of the most domestic and private character."

Lord Lansdowne, Sir, then went on to say, and in this respect again I think he indicates what is our present position in regard to this point. He went on to say:

"Of this objection I will say that whatever may be our opinions with regard to some of the arguments which have been brought against the Bill, there can be no doubt about the perfect sincerity with which this argument has been urged upon us."

Sir, the proposed section will only deal with cases in which the husband is charged with committing a rape on his wife, and I think we must all agree that there are objections to inquisitorial investigations into what takes place in the privacy of family life. But I think my Honourable friend has greatly exaggerated the danger in question. It must be remembered that in this matter we have proceeded very cautiously. The Indian Law Commissioners, when it was decided to depart in the Indian Penal Code from the English common law principle, that no man may commit rape upon his wife, went into the question very carefully. The question was again considered in 1891 when at the instance of Government the age was increased from 10 to 12 years. At that time, Sir, provisions were inserted in the Code of Criminal Procedure with which, I am afraid, my Honourable friend Mr. Chanda is unacquainted. He has referred to the Second Schedule and has spoken of the safeguards which are contained in that Schedule. He seems, Sir, to have absolutely neglected to notice the very important provisions in section 561 of the Code of Criminal Procedure which deals with these cases. Those provisions were inserted in 1891 with the object of meeting any substance that there may be in the case which has been presented to us by Mr. Chanda. Section 561 reads:

"Notwithstanding anything contained in this Code, no Magistrate except a Chief Presidency Magistrate or District Magistrate shall take cognisance of the offence of rape where the sexual intercourse was by a man with his wife, or commit the man for trial for the offence."

My Honourable friend Mr. Chanda, Sir, spoke again and again of magistrates taking cognisance of such cases. He apparently imagined that any magistrate could take cognisance of these offences. It is only a District Magistrate or a Chief Presidency Magistrate who can take cognisance; it is only a District Magistrate or a Chief Presidency Magistrate who can commit such cases

Mr. Kamini Kumar Chanda: What I submitted was that any magistrate who could take cognisance could do so on the complaint of any one.

Mr. H. Tonkinson: The Honourable Member clearly does not appreciate the effect of section 561 which prevents any Magistrate taking cognisance. Under sub-section (2) also when the District Magistrate orders a police investigation, and such an investigation cannot take place without the orders of a magistrate, no police officer below the rank of an Inspector may make or take part in the investigation.

Well, Sir, the amendment which has been moved by my Honourable friend is not an original one. The proposal was made in 1891, and I will therefore quote to the House from the statement of the Honourable the Law Member at the time the reason why that proposal was rejected. Sir Andrew Scoble said:

"Another proposal has been made that no complaint shall be allowed except at the instance of the child-wife herself or her natural guardian or some blood relation. The adoption of this suggestion would undoubtedly reduce the law to a dead letter, and all the influence of the family will be used to screen the offender rather than to protect the victim."

Sir, it has been suggested that the present provisions in sections 375 and 376 are a dead letter. I think, Sir, if this proposal were accepted,

[Mr. H. Tonkinson.]

we should certainly kill the clause which was passed yesterday. I object, Sir, to the amendment *in toto*. But I might perhaps also refer to some details as to the drafting of the amendment. For example, the proposed clause sets out to provide that no complaint of rape shall be instituted. How, Sir, can you prevent a complaint being instituted? You might, if you like, provide that no court shall take cognisance, as you have done in other sections of the Code, but you cannot provide in these terms. Then again the amendment refers to "where the former is absent from the district". That is a very vague phrase. What does a district mean in the case of a Presidency town? I hope, Sir, that the House is not going to adopt this amendment. The proposal was rejected in 1891 for very adequate reasons, and I hope that the Assembly will reject it once again.

Several Honourable Members: I move that the question may now be put, Sir.

Diwan Bahadur T. Rangachariar: Sir, my Honourable friend Mr. Chanda having helped in the creation of a monster is himself afraid of the monster, for in the very next breath he wants to undo the law which he wanted to create. That is the only observation that I want to make on his amendment.

Sir Hari Singh Gour: I only wish to add, Sir, that in addition to the objection taken by Mr. Tonkinson there are other objections to the clause, and these objections are that my friend, Mr. Chanda, refers to the natural guardian; but he forgets, as a lawyer, that there may be a testamentary guardian, there may be a certificated guardian. What becomes therefore if a person has no natural guardian but has a testamentary or a certificated guardian? Then, further, Sir, what becomes of a person if she has no guardian at all or having a guardian, wishes to complain herself? To cover some of these cases the phrase used in the Code of Criminal Procedure is "a person who has the care of the child." I therefore submit, Sir, that in addition to the grounds taken by Mr. Tonkinson, the clause is open to these further objections.

Some Honourable Members: I move that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. President: The question is that:

"After clause 3 of the Bill the following new clause be inserted, namely:

'After section 199-A of the Code of Criminal Procedure, 1898, the following

Insertion of a new section 199-B section shall be inserted, namely:
in Act V of 1898.

'199-B.—No complaint of rape upon a wife who is over 12 shall be instituted against the husband except on the complaint of a person who would be the natural guardian of the girl if she remained unmarried at the time or of any one duly authorised by him in writing, or where the former is absent from the district, on the complaint of such other person who would be the guardian in the absence of the first named person.'

THE INDIAN PENAL CODE (AMENDMENT) BILL.

The Assembly divided:

AYES—32.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Ahmed, Mr. K.
 Aijangar, Mr. K. Rama.
 Aney, Mr. M. S.
 Arifi, Mr. Yacoob C.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Ghazanfar Ali Khan, Raja.
 Ghose, Mr. S. C.
 Hari Prasad Lal, Rai.
 Ismail Khan, Mr.
 Kelkar, Mr. N. C.

Lohokare, Dr. K. G.
 Malaviya, Pandit Krishna Kant.
 Mehta, Mr. Jannadas M.
 Misra, Pandit Harkaran Nath.
 Mutalik, Sardar V. N.
 Narain Dass, Mr.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Piyare Lal, Lala.
 Ray, Mr. Kumar Sankar.
 Sadiq Hasan, Mr. S.
 Samiullah Khan, Mr. M.
 Singh, Raja Raghunandan Prasad.
 Sinha, Mr. Ambika Prasad.
 Syamacharan, Mr.
 Yusuf Imam, Mr. M.

NOES—56.

Abul Kasem, Maulvi.
 Ajab Khan, Captain.
 Ashworth, Mr. E. H.
 Bhore, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Chetty, Mr. R. K. Shanmukham
 Clow, Mr. A. G.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Das, Mr. B.
 Datta, Dr. S. K.
 Fleming, Mr. E. G.
 Ghulam Bari, Khan Bahadur.
 Goswami, Mr. T. C.
 Gour, Sir Hari Singh.
 Graham, Mr. L.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hira Singh Brar, Sardar Bahadur Captain.
 Hudson, Mr. W. F.
 Innes, The Honourable Sir Charles.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kasterbhai Lalbhai, Mr.
 Lloyd, Mr. A. H.
 Mahmood Schamnad Sahib Bahadur, Mr.

Marr, Mr. A.
 McCallum, Mr. J. L.
 Milne, Mr. R. B.
 Mitra, The Honourable Sir Bhupendra Nath.
 Moir, Mr. T. E.
 Muddiman, The Honourable Sir Alexander.
 Muhammad Ismail, Khan Bahadur Saiyid.
 Pal, Mr. Bipin Chandra.
 Purshotamdas Thakurdas, Sir.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Reddi, Mr. K. Venkataramana.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sarda, Rai Sahib M. Harbilas.
 Sarfaraz Hussain Khan, Khan Bahadur.
 Sastri, Diwan Bahadur C. V. Visvanatha.
 Sim, Mr. G. G.
 Singh, Rai Bahadur S. N.
 Sinha, Mr. Devaki Prasad.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.
 Yakub, Maulvi Muhammad.

The motion was negatived.

Mr. President: The decision just taken by the Assembly covers the principle of the next amendment standing in Mr. Amar Nath Dutt's name. I cannot allow debate to arise on it; but if the Honourable Member wishes the decision of the House, he can take a division. The principle of it has already been decided.

Mr. Amar Nath Dutt: Sir, (*Cries of "Withdraw, withdraw."*)—there is no need of withdrawing. If Honourable Members will look carefully into my amendment and the amendment of my Honourable friend Mr. Chanda they will find that there is some difference.

Whether you will be able to appreciate it or not is for you to decide. I will only read to you the amendment that stands in my name and then offer only one or two observations in support of it for your acceptance. Sir, I move this amendment:

"After clause 3 of the Bill the following clause be inserted, namely:

'After section 199A of the Code of Criminal Procedure, 1898, the following section shall be inserted, namely:

'199-B. No Court shall take cognisance of an offence under section 376 of the Indian Penal Code except upon a complaint made by a person who would be the legal guardian of the girl if she was unmarried"

—not the natural guardian, and I draw Sir Hari Singh Gour's attention to it,—

" . . . who would be the legal guardian of the girl if she was unmarried or the woman herself and in case of offenders other than the husband, by the husband also in addition to the persons named before."

Now, Sir, the reason for my moving this amendment is this. We know the character of the Indian police. We know the situation. (*Khan Bahadur Muhammad Abdul Mumin: "And the Executive."*) A member of the subordinate magistracy comes in with the addition of "and the Executive" and I quite endorse it, and the 4-anna barrister also endorses it. Now, Sir, I do not want to take up the time of the House with wrangling with my friends here who are out to disturb. (*Mr. K. Ahmed: "Withdraw."*) Certainly not; for if I do so because my friend Mr. Kabeerud-Din Ahmed wants it, I think I would not be able to show my face before decent people. If the suggestion had come from any other Member of the House I might have considered it. We know the character of the police, the character of the Indian police. We also know that there are village feuds everywhere and people will take this opportunity, whenever a girl of 12 or 13 has been married, to harass and tyrannise their enemies. So it will be better that men who are really interested in the welfare of the girl, namely, her parents or her legal guardians, should only be allowed to make a complaint in the case of an offence of this nature. With these few words, Sir, I move my amendment and request the House to accept it.

Mr. President: Amendment moved:

"After clause 3 of the Bill the following clause be inserted, namely:

'After section 199A of the Code of Criminal Procedure, 1898, the following section shall be inserted, namely:

'199-B. No Court shall take cognisance of an offence under section 376 of the Indian Penal Code except upon a complaint made by a person who would be the legal guardian of the girl if she was unmarried or the woman herself, and in case of offenders other than the husband, by the husband also in addition to the persons named before"

The question is that that amendment be made.

The Assembly divided:

AYES—24.

Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Aiyangar, Mr. K. Rama.
Aney, Mr. M. S.
Bhat, Mr. K. Sadasiva.
Chanda, Mr. Kamini Kumar.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Hari Prasad Lal, Rai.
Kolkar, Mr. N. C.
Lohokare, Dr. K. G.

Malaviya, Pandit Krishna Kant.
Misra, Pandit Harkaran Nath.
Mutalik, Sardar V. N.
Narain Dass, Mr.
Neogy, Mr. K. C.
Piyare Lal, Lala.
Ray, Mr. Kumar Sankar.
Samiullah Khan, Mr. M.
Singh, Raja Raghunandan Prasad.
Sinha, Mr. Ambika Prasad.
Syamacharan, Mr.
Yusuf Imam, Mr. M.

NOES—53.

Abdul Mumin, Khan Bahadur
Muhammad.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmed, Mr. K.
Ajab Khan, Captain.
Ashworth, Mr. E. H.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Chetty, Mr. R. K. Shanmukham.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Das, Mr. B.
Datta, Dr. S. K.
Fleming, Mr. E. G.
Ghulam Bari, Khan Bahadur.
Gour, Sir Hari Singh.
Graham, Mr. L.
Gulab Singh, Sardar.
Hans Raj, Lala.
Hira Singh Brar, Sardar Bahadur
Captain.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Joshi, Mr. N. M.
Kasturbhai Lalbhai, Mr.

Lindsay, Mr. Darcy.
Lloyd, Mr. A. H.
Mahmood Schamnad Sahib Bahadur,
Mr.
McCallum, Mr. J. L.
Milne, Mr. R. B.
Mitra, The Honourable Sir Bhupendra
Nath.
Moir, Mr. T. E.
Muddiman, The Honourable Sir
Alexander.
Muhammad Ismail, Khan Bahadur
Saiyid.
Pal, Mr. Bipin Chandra.
Ramachandra Rao, Diwan Bahadur M.
Reddi, Mr. K. Venkataramana.
Rhodes, Sir Campbell.
Rushbrook-Williams, Prof. T. F.
Sadiq Hasan, Mr. S.
Sarfaraz Hussain Khan, Khan
Bahadur.
Sastri, Diwan Bahadur C. V.
Viswanatha.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Sinha, Mr. Devaki Prasad.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Yakub, Maulvi Muhammad.

The motion was negatived.

Mr. President: The remaining amendments to clause 4 (17 to 21) fall to the ground, and the only amendment now outstanding is Mr. Tonkinson's.

Mr. H. Tonkinson: Sir, I move:

"That in clause 4 of the Bill in the first entry in the last column of the Schedule, for the words 'Court of Session, Presidency Magistrate or Magistrate of the first class' the words 'Court of Session, Chief Presidency Magistrate or District Magistrate' be substituted."

At the present time, Sir, under the Schedule as it stands in the Bill it is provided that the case of a man who is charged with the offence of committing rape on his girl-wife between the ages of 12 and 14 years shall be triable by a Court of Session, a Presidency Magistrate or a Magistrate of the first class. While speaking on one of the earlier amendments, I read out to the House the provisions of sub-section (1) of section

[Mr. H. Tonkinson.]

561 of the Code. Honourable Members will remember that under that subsection it is already provided that no Magistrate other than a Chief Presidency Magistrate or a District Magistrate may commit a man for trial. I submit, therefore, that if only a Chief Presidency Magistrate or a District Magistrate may commit for trial, it is quite obvious that no Magistrate of a lower class should be able to try this offence. Further, Sir, I would only remark that this provision was intended as a safeguard in 1891 for the cases in which the girl-wife was under 12 years of age. I think the safeguard is required even to a greater extent when we are increasing the age for the offence of sexual intercourse amounting to rape within the marital relationship. I move my amendment.

Mr. President: Amendment moved:

“That in clause 4 of the Bill, in the first entry in the last column of the Schedule, for the words ‘Court of Session, Presidency Magistrate or Magistrate of the first class’ the words ‘Court of Session, Chief Presidency Magistrate, or District Magistrate’ be substituted.”

The question I have to put is that that amendment be made.

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Sir Hari Singh Gour: Sir, I move that the Bill be passed.

Mr. President: The question is:

“That the Bill further to amend the Indian Penal Code (Amendment of section 375), as reported by the Select Committee, and as amended, be passed.”

The Honourable Sir Alexander Muddiman: Sir, this is a Bill which has been before the Legislature in one form or another for a great many years. The Bill, as my Honourable friend originally introduced it, sought to raise the age of consent in the rape section from 12 to 14 years, for cases falling both within and without the marital relations. The matter was referred to a Select Committee which recognised the subject to be of considerable importance and difficulty, and the Bill, as amended by them, was circulated for the opinions of Local Governments and public bodies. Those opinions were received and I made a short statement setting out their effect when I was discussing this Bill in an earlier stage to-day. Now, Sir, the Bill which has emerged from the consideration stage of this House is a very different Bill from the one that was first taken into consideration. The House has decided that the age of consent in cases outside the marital relationship be raised to 16 years and it has raised the age within that relationship to 14 years. Now, Sir, in a matter of this kind the question of age is the only question in the Bill. Age is not a mere incident as it is in so many other Bills. The whole thing is the age which has to be determined. Now, the first point that I wish to make is that this House has decided by its amendment to raise the age outside marital relations by 4 years at one stroke. That, Sir, is a very remarkable thing to do as it may affect the social life of this country very considerably. The House has increased the age to an extent regarding which the Local Governments

have not been consulted. When the Bill proposed to go up to 14, it was thought by all parties in the House that the matter was so important that a consultation with the Local Governments was essential. Moreover, the House has taken a further step, and a very big step, by raising the age to 14 within the marriage tie. Now, the last Select Committee, of which I was a member, reported in favour of raising the age outside the marriage tie to 14 years and within the marriage tie to 13 years. These recommendations which were made after long deliberation have been swept aside entirely by the amendments which have been made to the Bill at the consideration stage. I would point out to the House that in fixing the age of 16 they have selected the age for the English offence under the Criminal Law Amendment Act. There the age is 16. In England below 13 the offence is rape and a felony and from 13 to 16 it is a misdemeanour under the Statute. Now, by raising the age to 16 in this country, it appears to me that the House has decided on an age the same as that in England without taking into consideration the difference in physical and climatic conditions. These differences admittedly exist. That, Sir, is a very serious step to take. I feel myself confronted with great difficulty in dealing with the Bill as it now stands. On the one hand, I have already expressed the view that we are not opposed to moderate changes. I told the House that Government would support the raising of the age to 13 and would not oppose the raising of the age to 14 outside the marriage tie. I further said we would leave it to the House to decide whether the age of consent should be raised to 13 within the marriage tie. There are two courses open to me which I can possibly indicate to the House as a possible solution of the difficulty in which I find myself. I doubt very much if the House really is satisfied that in raising the age to 16 and 14, it has acted altogether with due circumspection. I have had doubts expressed to me by Honourable Members in that connection, and I think they are doubts which are extremely well justified by the facts.

Therefore one course that I might adopt would be to oppose, on behalf of Government, the passage of this Bill altogether. Now that would in a way be a step I should be loth to take, because I am in favour of some movement forward. I am not in favour of this great jump suggested by the Bill as it now stands, but I am in favour of some movement forward. Another possible course for me to take is to move the adjournment of the present discussion to the Simla Session, when I may be in a position possibly to make some statement on behalf of Government as to what I might be empowered to do in the matter of bringing in a Bill myself. The Assembly will easily understand it is not open to any single Member of the Government to pledge the Government in any way in that connection. I should have to take the usual procedure before I could make that statement to the House. I propose therefore, in the first place, to move that the further consideration of this measure be adjourned till the Simla Session. If that is objected to by the House, I am afraid I shall be left with no alternative but to oppose the measure. I move:

"That the further consideration of the motion now before the House be adjourned till the Simla Session."

***Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, I have not taken any part in the discussion of the various amendments which have been moved in this House. I had the honour to be on the Select Committee

* Speech not corrected by the Honourable Member.

[Mr. M. A. Jinnah.]

and I quite see the point of the Honourable the Home Member that this House has taken a somewhat radical view of the position, but I cannot agree that the consideration of this Bill should be adjourned, and for this reason. The House has had a full and careful discussion, and all the points of view have been placed before it. The whole issue is whether the age should be 13 within the marital relation and whether the age outside that relation should be 14 or 14 and 16. The House has, after careful consideration, decided in favour of 14 and 16. With regard to the rest of the Bill, it stands exactly in the same position as it was presented to this House. Every other amendment has been thrown out. Now, Sir, I ask this House, why should the consideration of this Bill be adjourned any more? The Honourable the Home Member says, so that this Bill may be withdrawn and he can bring in a Bill. What Bill? Suggesting 13 and 14 I take it, and this House should accept it. I think, Sir, that would be stultifying the decision of this House and I cannot agree to that course at all, and I hope the House will not agree to that course. But I do suggest this. It is open to the Honourable the Home Member to take this Bill to the other House and let the other House examine this Bill and come to their conclusions on it. In the meantime we shall have the opportunity of knowing whether public opinion resents this so much that we ought to reconsider our decision, and I believe that this Bill can only be placed before the other House probably in August. It cannot be placed earlier than that. Therefore between March and August there will be plenty of time for us to understand what the public opinion is and what the press of the country says, and we shall also have the advantage of our elder statesmen's judgment on this Bill. And I can assure the Home Member that if we find the public opinion is really strong against what he characterises as a radical change, then we shall certainly reconsider it. But I certainly oppose the adjournment of the consideration of this Bill. After all I do want the House to understand what we have done. By raising the age outside the marital relation we have done this. We have protected the girls of tender age. There may be differences of opinion amongst us; the opinion may be that a girl of 14 only should be protected. It may be that another opinion may be that a girl requires protection till she is 16. But after all that is not against any sentiment of any community or the religion of any community. Then who will be the person or persons who will be injured by this? Which section of public opinion will resent this?

Pandit Shamlal Nehru: The rogues, the blackguards.

Mr. M. A. Jinnah: Therefore I cannot see why the Honourable the Home Member is so much disturbed or perturbed so far as regards the age being raised from 14 to 16 outside the marital relation.

The Honourable Sir Alexander Muddiman: What about raising it inside it?

Mr. M. A. Jinnah: That is a point which gave us a lot of trouble and in Select Committee we gave our best and most anxious consideration to the question of raising the age within the marital relation. That is the point. That I can see is a very important point, but there again, as I said before, one school of thought may say 13, another school of thought says 14. Well, I say take this Bill if you like to the other House, and it must go to the

either House, and let us consider what they say. In the meantime we shall have opportunities of understanding and knowing the opinion of the press and the public in the country, and if we find with regard to that part of the Bill there is really a strong public opinion; then I am sure that this House, which after all wishes to give effect to public opinion, will be only too glad to consider and meet that public opinion.

The Honourable Sir Alexander Muddiman: Sir, after what has fallen from Mr. Jinnah, I would ask your leave to withdraw the motion I made for the adjournment of the debate.

The motion was, by leave of the Assembly, withdrawn.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, is it open to anybody else to propose an adjournment of this debate? No! It then remains for me only to oppose the motion that the Bill be passed; and I do it as a duty I owe to myself and to my country. I desire on three main grounds, Sir, to oppose the passing into law of this very pernicious Bill. Firstly, on the ground of the very many evil and pernicious consequences which this Bill, if passed into law, is sure to breed, as sure to breed as it is sure I am living and talking here to-day. There can be no question of it. Statistics and reports of officers who are not acquainted with the lives of the Hindus and particularly of the Brahmin Hindu, statistics and opinions even of doctors cannot affect the main question whether or not the Hindu home, and especially the Brahmin home, will be adversely affected whenever the husband of a girl of less than 14 happens to be prosecuted and to be sentenced for the so-called offence of having cohabited with the girl. I should have thought that the chivalry of the Members would have induced them not to take upon themselves the responsibility of pronouncing upon matters by which they are not themselves affected. Social reformers, Brahmos, Christians, I have respect for them in many ways; but these are not the persons who will be primarily and in the first instance affected by such a legislation. They are already accustomed to post-puberty marriages. It is only one community, the Brahmin community in India, and specially in South India, which is mainly concerned. I am not ashamed of them, whatever my Honourable friend from Bengal (Mr. Pal) might say and however much he might sneer at them. I wish he would find for his eloquence a better theme than he has found this evening. Whatever he might say and however funnily he might try to turn the tables on me by referring to the divinity in woman no less than in man, all that is entirely beside the mark. I repeat, Sir, that the ordinary chivalry of Honourable Members of this House must induce them not to pronounce judgment on a subject which does not primarily concern them, but which vitally concerns a large number of their countrymen to whose fold they do not happen to belong. After all, there have been only eight or ten cases of rape brought to the courts during the last 7 years under the old law, it has been said. That is because the age limit was 12. I think there can be no doubt, and not even my most ardent social reformer friends from Madras can deny the fact that we are making rapid progress and that the marriageable age of the girl is rising. It is between 11 and 12 nowadays; and the nuptials take place between 12 and 13 or 13 and 14. Yesterday the age limit of 14 was passed by a snap division, by two or three votes only, simply because some of us were away. That is what happened yesterday. You have raised the age from 12 to 14 in the case of rape within marital relations. That

[Mr. M. K. Acharya.]

is a very serious matter; for the vast bulk of young husbands in Southern India who belong to my community will perhaps come under this section. In the vast majority of cases we send our girls between the ages of 13 and 14 to their husbands. We would like to keep them longer with us; but not under a penal law. I do not see how you can compel us by this piece of legislation to keep our girls away from their husbands until after 14 years of age.

The House passed this measure yesterday by a very small majority. The result of the division did not show that any overwhelming measure of public opinion in the country or in this House is in favour of raising the age from 12 to 14 as against the husband. That is my contention. The evil consequences which may follow from this legislation are many and of a most glaring character. I shall not again refer to the higher standards of Indian womanhood which many of my Hindu friends even fail to see. The evil consequences even from a lower, worldly point of view are many. Whatever you may want, the effect of this legislation so far as marriage relations are concerned is not to protect but to do the utmost evil to girls who between the ages of 13 and 14 go to live with their husbands. You will be dishonouring and ruining those girls of my community. Your intentions make no difference. You remember the old adage which says that the way to a certain unenviable place is paved with good intentions. What do the good intentions of these social reformers matter? As a matter of fact these girls whose husbands get convicted of rape are going to be dishonoured, ruined; and that is a very serious matter. I wish somebody who possesses greater eloquence and commands greater influence in this House than my humble self would plead for the honour and protection of these innocent voiceless girls of my community whom you are doing worse than murdering. Sir, my blood boils when I think of the dreadful consequences of these attempted innovations. (*Pandit Shamlal Nehru*: "Does not your blood boil at Devadasis?" *Diwan Bahadur T. Rangachariar*: "What has that got to do with it?") Sir, my blood boils against Devadasis and many other things also. Because my blood boils at one evil, it does not mean that my blood does not boil at another and a worse evil. Devadasis are bad enough; but that is a different matter. And I repeat the proposal before us now is even worse, because of the evil consequences which we feel will surely follow, as has been shown by public opinion in this House and outside this House beyond any possibility of doubt. Therefore, Sir, I wish to oppose the motion that this Bill should be passed into law.

Lastly, I do not know why the Mover says it must be passed into law at once. The heavens have not tumbled down all these years during which the old law has been in existence. Will the heavens tumble down during the next 3 or 4 months if we postpone the further consideration of this measure till September? And yet the House did not agree to the reasonable proposal which emanated for once from the official side, namely, that this Bill might be taken up again in September. However, Sir, as the House is now determined to pass the Bill or reject it, I desire every Honourable Member kindly to take to heart what I say. I am not opposed, none of my orthodox friends is opposed, to seeing that this reform is put into effect, to seeing that as far as possible our girls are protected from the evils of premature wifhood. It is simply absurd to say that we do not care for our girls. We are doing our best to remove social abuses.

Meantime this legislation specially with regard to the husband is something which appears to us to be awful; and I for one sitting in this House cannot allow this motion to pass without going down on my knees if need be to every single Member of this House and saying "For God's sake do not ruin those helpless children who are now quite well off." That is my plea. You have in the course of these two days admittedly made very radical changes, changes which go far beyond the scope of the Bill as it first stood. Having made those changes I say, "Leave the Bill where it is; do not proceed further with it now. Bring it up, if necessary, some time later". . . . (*Loud and continuous cries of "Division, division."*) In the alternative I beg of you to reject this Bill.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): I beg to move, Sir, if I am within my right, in doing so, that the further consideration of this Bill be adjourned till September.

Mr. M. A. Jinnah: I rise to a point of order, Sir. That motion has already been made and negatived.

Mr. President: The motion was made and withdrawn, and cannot be made again.

Pandit Madan Mohan Malaviya: I wish, Sir, to point out to the House the injustice and the unwisdom of passing the Bill as it stands at present in this House. The rules of the Legislature provide certain procedure which has to be gone through when matters of legislation are laid before the House. Those rules provide that proposals for legislation should be published for public information, that opinions should be asked for and that those opinions should be circulated to members of the Select Committee, that the matter should be considered by the Select Committee, and when the Select Committee has reported, the proposals should come before this Assembly. The Bill which was introduced by Sir Hari Singh Gour was circulated for opinion. The opinions solicited opposed his proposals. The Honourable the Home Member has made it very clear that there was a large body of opinion in opposition to the proposals which the Bill contained. Those opinions were considered by the Select Committee. The Select Committee made some modifications. It rejected one of Dr. Gour's proposals, the proposal that the age of consent should be raised to 14 in the case of husbands. The Select Committee did not think that the Bill had been so materially altered that it should be circulated again for opinion. But now, Sir, in this House the Bill has been materially altered. The age proposed in cases within the marriage tie, has been changed from 12 to 14. The change proposed in the case of strangers has been from 12 to 16. Now, I submit, Sir, that the changes are of such importance that the Bill should be circulated again for opinion and an opportunity should be given to those who are vitally interested in this question to express their opinions. I think the proposals are of such far-reaching importance from every point of view that it would be only fair that the Bill in its present form should be circulated again for opinion; and I submit that that should be done so that the country may have an opportunity to express its opinion on it. If on recirculation of the Bill it is found that there is a large body of

[Pandit Madan Mohan Malaviya.]

opinion in favour of the age of consent being raised to 16 in the case of strangers as there undoubtedly is in this House, that provision should become law. If it is found also that there is a large body of opinion favourable to the age of consent being raised to 14 in the case of husbands, that should be incorporated into law. But at the present stage I submit that it will be wrong to pass the Bill before the Council into law, and I hope that the House will consider this matter calmly. It is not right for us Members who sit here to disregard the opinions of the people who are interested in this matter. I am not less keen about the social welfare of my young people than any other Member is. I only want that legislation should be passed with due regard to all the safeguards which the rules of the legislature provide. I fear that the public have not had an opportunity of considering these proposals in a fair manner. For these reasons, I submit, that the passing of the Bill to-day will be wrong, and that it should be adjourned till September. If this course is adopted, no great injury will be done to any interest. The matter will come up for discussion under much better conditions when everybody who may so desire will have had an opportunity to express his opinion on a matter which vitally concerns a large section of the people.

Sir Campbell Rhodes (Bengal: European): Sir, I have not taken part in the discussion of this Bill but I have followed it with very great interest and in the disputes between the various legal Members of the House I have rather come to the conclusion that this Bill should go back again to the drafters for reconsideration of the phrasing of the clauses and of all the implications involved in those clauses. I should therefore have very strongly welcomed and personally would have supported the proposition of the Honourable Home Member had he not withdrawn it. In withdrawing it, he has put me and perhaps some other Members of the House in a somewhat awkward position. I welcomed his suggestion that he himself might be prepared to bring in a Bill carefully drafted during the leisure of the next few months. But I take it that offer has now lapsed. In any case, Sir, if this Bill is thrown out on a division now, I do not see how he can consistently bring in a Bill when a similar Bill has been turned down by this Legislature. I shall therefore now transfer my vote in favour of the Bill, but only because during the ensuing months the fact that this Bill has been passed by this House will give the country an opportunity and the country will see the urgent necessity of making up its mind before this matter is introduced in another place. It is in that sense that I shall support this Bill. I suggest, Sir, that the Honourable the Home Member has put us in a difficult position and if he does not withdraw his Party Whips, I submit most respectfully to him that he is not giving this Assembly quite a fair chance to decide on a matter which is surely within the competence of this House, representing as it does all classes of the community, all races and creeds, in close touch with their constituents; and I may say personally for my constituents that I have had more representations on this Bill than probably on all other matters that have come before this House put together. I therefore urgently appeal to the House to pass this Bill in the sense that it will give the country an opportunity to reconsider the matter and that when we meet again in Simla—I use the word “we” with some regret—we shall have the opinions of the country before us and can then proceed with the Bill in accordance with these opinions.

Mr. President: The question is:

"That the Bill further to amend the Indian Penal Code, as amended, be passed."

5 P.M. The Assembly divided:

AYES—36.

Ahmad Ali Khan, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Das, Mr. B.
Datta, Dr. S. K.
Fleming, Mr. E. G.
Ghulam Bari, Khan Bahadur.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Gulab Singh, Sardar.
Hans Raj, Lala.
Hira Singh Brar, Sardar Bahadur
Captain.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kasturbhai Lalbhai, Mr.
Lindsay, Mr. Darcy.

Mehta, Mr. Jamnadas M.
Misra, Pandit Harkaran Nath.
Nehru, Dr. Kishenlal.
Nehru, Pandit Shamlal.
Pal, Mr. Bipin Chandra.
Patel, Mr. V. J.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Ray, Mr. Kumar Sankar.
Reddi, Mr. K. Venkataramana.
Rhodes, Sir Campbell.
Sadiq Hasan, Mr. S.
Sarda, Rai Sahib M. Harbilas.
Sarfaraz Hussain Khan, Khan
Bahadur.
Sinha, Mr. Devaki Prasad.
Sykes, Mr. E. F.
Willson, Mr. W. S. J.
Yakub, Maulvi Muhammad.

NOES—54.

Abdul Karim, Khwaja.
Abdul Mumin, Khan Bahadur
Muhammad.
Abdul Qaiyum, Nawab Sir Salibzada
Abhyankar, Mr. M. V.
Abul Kasem, Maulvi.
Acharya, Mr. M. K.
Ahmed, Mr. K.
Aiyangar, Mr. K. Rama.
Ajab Khan, Captain.
Alimuzzaman Chowdhry, Mr.
Aney, Mr. M. S.
Ashworth, Mr. E. H.
Bhat, Mr. K. Sadasiva.
Bhore, Mr. J. W.
Blackett, The Honourable Sir
Basil.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Clow, Mr. A. G.
Cosgrave, Mr. W. A.
Dunj Chand, Lala.
Dutt, Mr. Amar Nath.
Ghose, Mr. S. C.
Hari Prasad Lal, Rai.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Kelkar, Mr. N. C.
Lloyd, Mr. A. H.
Lohokare, Dr. K. G.

Mahmood Schammad Sahib Bahadur,
Mr.
Malaviya, Pandit Madan Mohan.
Marr, Mr. A.
McCallum, Mr. J. L.
Milne, Mr. R. B.
Mitra, The Honourable Sir
Bhupendra Nath.
Moir, Mr. T. E.
Muddiman, The Honourable Sir
Alexander.
Muhammad Ismail, Khan Bahadur
Syed.
Mutalik, Sardar V. N.
Narain Dass, Mr.
Neogy, Mr. K. C.
Piyare Lal, Lala.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Rushbrook-Williams, Prof. L. F.
Sastri, Diwan Bahadur C. V.
Visvanatha.
Sim, Mr. G. G.
Singh, Mr. Gava Prasad.
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Stanyon, Colonel Sir Henry.
Syamacharan, Mr.
Tonkinson, Mr. H.
Wilson, Mr. R. A.

The motion was negatived.

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LEGISLATIVE ASSEMBLY.

[24TH MAR. 1925.]

Mr. President: I have been asked to acquaint the Members of the Central Advisory Council for Railways that the meeting summoned for this afternoon has been postponed and will be held to-morrow at 2-30 in the afternoon in Committee Room A.

The Assembly then adjourned *sine die*.

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