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(Official Report)

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(7th September to 17th September, 1925)

THIRD SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1925.

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Legislative Assembly.

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LEGISLATIVE ASSEMBLY.

Monday, 7th September, 1925.

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

MEMBER SWORN.

Mr. Rama Shankar Bajpai, O.B.E., M.L.A. (Officiating Director of Public Information).

QUESTIONS AND ANSWERS.

DISCONTINUANCE OF THE RECRUITMENT OF BURMANS FOR THE INFANTRY.

667. ***Maung Tok Kyi** : 1. (*a*) Is it a fact that the Government of India have recently passed orders to the effect that in future all Burman units are to be removed from the various Burma battalions ?

(*b*) Is it also a fact that in future only Karens, Kachins and Chins will be recruited for those battalions ?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Government be pleased to state the reasons which have led them to pass such orders ?

2. (*a*) Will the Government be pleased to state whether or not they had consulted the Government of Burma before they took this step ?

(*b*) If the answer to 2 (*a*) be in the affirmative, will the Government be pleased to lay on the table the report of the Government of Burma on the subject ?

Mr. E. Burdon : 1. (*a*) The recruitment of Burmans has been discontinued so far as regular infantry battalions only are concerned, and all Burman soldiers already serving in these battalions have been permitted to take their discharge, if they wish to do so. The Burma Sappers and Miners and the Territorial Force Battalion of the Burma Rifles are unaffected by this decision.

(*b*) The answer is in the affirmative, as regards regular infantry battalions.

(*c*) The reasons were that the class of Burmans recruited has been found in various respects unsuitable. They display an obvious distaste for service in the infantry in peace time, and their discipline is not up to standard. They suffer from a relatively high sick rate, and finally, they do not get on well with the other classes which together form the great majority in these battalions.

2. (*a*) The answer is in the negative ; but the Burma Government have since been informed fully of the reasons for the step.

(*b*) Does not arise.

COMPOSITION OF THE THREE BATTALIONS OF THE BURMA RIFLES.

668. *Maung Tok Kyi : (a) Will the Government be pleased to state the number of battalions that are stationed at present in Burma, showing the strength of (i) Burman units, (ii) Karen units, (iii) Kachin units and (iv) Chin units in each battalion ?

(b) Will the Government be also pleased to state the probable date on which all the Burman units will have been completely removed from these battalions ?

Mr. E. Burdon : (a) I presume the Honourable Member is referring to the Burma battalions only. There are three such infantry battalions in Burma at present—the 1|20th, 3|20th and the 10|20th Burma Rifles. Their composition at the moment is as follows :

1|20th Burma Rifles—	
Karens	51
Kachins	189
Chins	184
Burmans	48
3|20th Burma Rifles—	
Karens	125
Kachins	332
Chins	120
Burmans	None.
10|20th Burma Rifles—	
Karens	282
Kachins	472
Chins	233
Burmans	18

The Honourable Member will notice that there are thus only 66 Burmans left in the whole of the infantry battalions stationed in Burma.

The Burma Sappers and Miners are a class unit of Burmans, and their strength is 296 men. I may mention that there is no difficulty in recruiting Burmans for this unit. Service in the Sappers and Miners presumably because of its technical character appears to be more congenial to Burmans than service in the infantry ; a good stamp of Burmans is readily obtained for the Sappers and Miners, and those recruited are reported to be doing well.

(b) It is impossible to give a definite date, as Burman soldiers who are already serving are not being compulsorily discharged. But it is clear from the figures, which I have cited, that they are eagerly accepting the opportunity offered to them to retire voluntarily.

ENLISTMENT OF BURMANS IN THE ARMY.

669. *Maung Tok Kyi : (a) Are the Government aware that competent authorities, like Major Ensiques and others have praised the qualities of the Burman as a soldier ?

(*b*) Are the Government aware that during the war a District Magistrate in Burma convicted an old Burman under the Defence of India Act and sentenced him to imprisonment for preventing his son from enlisting in the Army ?

Mr. E. Burdon : (*a*) Yes, but this, I may state, is a matter of individual opinion.

(*b*) The Government of India have no information of the incident.

Mr. E. G. Fleming : Is it a fact, Sir, that Hindustani has been fixed as the official language to be used in the training of Burmese units, and that officers transferred to Burmese units from other Indian Army units are not required to learn the vernacular languages in which their recruits are usually conversant ?

Mr. E. Burdon : The answer to the first part of the question is in the affirmative. Hindustani has been adopted as the *lingua franca* of the whole Indian Army, with the object of enabling men of all units to converse and co-operate with one another. It is already, of course, the language in use in the majority of units.

As regards the second part, officers of the Indian Army are not compelled to learn the vernacular languages peculiar to the classes enlisted in their units, but they are encouraged to do so, both by the offer of language rewards and otherwise.

Mr. E. G. Fleming : Do the Government not consider that a knowledge of the vernacular languages should be made compulsory for the troops ?

Mr. E. Burdon : The matter has been very carefully considered, but the Government of India on the advice of the military authorities have come to the conclusion that it would not be practicable to do so.

Mr. E. G. Fleming : With regard to the reply to question No. 668, will Government be pleased to state if the Burmese have proved themselves efficient in any other technical branch of the Army besides the Sappers and Miners ?

Mr. E. Burdon : I am afraid I cannot give a definite answer off hand. I should be obliged if the Honourable Member will put down a question on that.

Mr. K. Ahmed : Are the Government aware that Burmese people coming to Bengal, and specially to Calcutta speak the Hindustani and Urdu languages ? (Laughter.)

Mr. E. Burdon : I am afraid I have not understood the purport of the question.

ENLISTMENT OF BURMANS IN THE ARMY.

670. ***Maung Tok Kyi :** Has the present policy of Government in regard to "Burmans and the Army" any connection whatever with the alleged success of the reforms in Burma ?

Mr. E. Burdon : There is no connection between this change in the system of recruitment for the Burma Rifles and recent developments in the civil administration of Burma. As I have sufficiently indicated, the

decision does not represent any general policy of Government in regard to Burmans and the Army, but is merely the outcome of the reluctance among Burmans of the best type to serve in regular infantry battalions.

ABOLITION OF THE LOWER DIVISION IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, CALCUTTA.

†671. *Mr. Amar Nath Dutt : (a) Is it a fact that the institution of a separate sorters' grade and the introduction of the new comptometers to do the more mechanical portion of the work have in the opinion of the several Deputy Accountants General in their letter No. Calcutta-1279-A. G. G., dated the 21st January 1920, Delhi-E.-84, dated the 24th January 1920, Nagpur-G.-1377, dated the 17th January 1920, and Madras-G. M.-3708, dated the 17th February 1920 as well as the All-India Civil and Postal Accounts Offices Conference held at Lahore in 1925 considerably eliminated the difference between Upper and Lower Division work in the office of the Accountant General, Posts and Telegraphs, Calcutta ?

(b) If so, are the Government prepared to consider the question of abolishing the Lower Division ?

(c) Is it a fact that the examination for the recruitment of candidates for the Lower Division was stopped with the introduction of " C " Cadre ?

(d) If so, why ?

WORK OF UPPER AND LOWER DIVISION CLERKS IN THE TELEGRAPH CHECK OFFICE.

†672. *Mr. Amar Nath Dutt : (a) Is it a fact that some of the clerks in the Lower Division of the Telegraph Check Office are still performing the work classed for Upper Division and drawing Lower Division pay and some of the Upper Division Clerks are doing Lower Division work and getting pay at Upper Division rate ?

(b) If so, will the Government be pleased to state reasons for the same ?

DISTRIBUTION OF UPPER DIVISION POSTS IN THE TELEGRAPH CHECK OFFICE.

†673. *Mr. Amar Nath Dutt : (a) Will the Government be pleased to state whether the distribution of Upper Division posts in the Telegraph Check Office was conducted on the basis of efficiency in the actual work performed as in other sister Accounts Offices or by a Departmental Examination ?

(b) If so, what is the reason for this differential treatment ?

APPOINTMENT OF SENIOR CLERKS OF THE TELEGRAPH CHECK OFFICE TO THE UPPER DIVISION.

†674. *Mr. Amar Nath Dutt : (a) Is it a fact that some of the senior clerks of the Telegraph Check Office even over 40 years of age and exempt from the Departmental Examination were not appointed to Upper Division posts on the ground of inefficiency ?

(b) Were they given any fair opportunity to prove their merit by being entrusted with Upper Division work, and found unfit ? If not, were any other steps taken to determine their inefficiency ?

† For answer to this question, *see* answer to question No. 675.

(c) If the answer to (b) be in the negative, are the Government prepared to give them a fair opportunity of proving their efficiency and promote them to the Upper Division, if successful ?

(d) Is it a fact that "Completing" work in the paring section of the Telegraph Check Office has been considered as Upper Division work while "Tracing" in the Message Room Section, which is of the same nature, has been classed as Lower Division work ?

(e) If so, why has "Tracing" not been classed as Upper Division work ?

UPPER AND LOWER DIVISION WORK IN THE TELEGRAPH CHECK OFFICE.

675. ***Mr. Amar Nath Dutt** : (a) Is it a fact that "Checking" in the Inland Section of the Telegraph Check Office has been considered as Upper Division work while "Weeks Count" in the Message Room Section which is exactly of the same nature has been classed as Lower Division work ?

(b) If so, why has "Weeks Count" not been classed as Upper Division work ?

The Honourable Sir Basil Blackett : I propose to answer questions Nos. 671 to 675 together. The Government have not the information, and they do not propose to call for it.

MEMORIAL FROM THE LOWER DIVISION CLERKS OF THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, CALCUTTA.

† 676. ***Mr. Amar Nath Dutt** : (a) Have the Government received a memorial addressed to the Viceroy from the Lower Division clerks of the office of the Accountant General, Posts and Telegraphs, Calcutta ?

(b) If so, what action has been taken or what steps do Government propose to take in the matter of the grievance laid down therein ?

TIME-SCALE OF PAY OF THE LOWER DIVISION CLEKRS OF THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, CALCUTTA.

†677. ***Mr. Amar Nath Dutt** : (a) Is it a fact that the revision of the time-scale of pay for the Upper Division clerks of the office of the Accountant General, Posts and Telegraphs, was settled in 1924 on a local basis :

Madras, Rs. 60 to Rs. 175 ; Nagpur, Rs. 60 to Rs. 175 ; Delhi, Rs. 60 to Rs. 200 ; Calcutta, Rs. 60 to Rs. 230 ;

while the Lower Division clerks were not given such consideration and placed in the time-scale of pay Rs. 40 to Rs. 80 in the same year without any distinction of provinces ?

(b) If so, why has the time-scale of pay for the Lower Division also not been settled on a local basis so far as the maximum is concerned in Calcutta ?

GRIEVANCES OF LOWER DIVISION CLERKS OF THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, CALCUTTA.

†678.* **Mr. Amar Nath Dutt** : (a) Is it a fact that the Upper and Lower Division Clerks of the office of the Accountant General, Posts and Tele-

† For answer to this question, *see* answer to question No. 679.

graphs, are recruits from the same examination following the same curriculum ? If so, why should there be any difference as to their appointment to Upper and Lower Division posts so entirely different from each other in respect of pay ?

(*b*) Is it a fact that of all the successful candidates for the recruitment examination in 1920 some were placed in the Upper Division, some in the Lower Division according to their order of merit, while in subsequent years this rule was not followed and all the successful candidates in 1921 were placed in the Upper Division ?

(*c*) If so, why was the differential treatment accorded to the 1920 candidates and what steps do the Government propose to take to rectify the irregularity in the case of such candidates ?

(*d*) What steps are the Government going to take to remedy the grievance of the Lower Division clerks who are recruits from the same examination as the Upper Division men are ?

TIME-SCALE OF PAY OF THE LOWER DIVISION CLERKS OF THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, CALCUTTA.

679. ***Mr. Amar Nath Dutt** : (*a*) Are the Government aware that the time-scale of pay for the Lower Division of the office of the Accountant General, Posts and Telegraphs, as at present constituted is inadequate even for a living wage ?

(*b*) Is it a fact that the Lower Division clerks get an increment of Rs. 3 and Rs. 2 successively for 5 years each and Re. 1 for 10 years and go on absolutely without any increment to reach the Lower Division maximum of Rs. 80 during the whole period of their service while the Upper Division clerks get an increment of Rs. 8 and Rs. 6 throughout the whole period of their service ? If so, are the Government prepared to improve the miserable state of affairs so far as the Lower Division clerks are concerned ?

The Honourable Sir Basil Blackett : I propose to answer questions Nos. 676 to 679 together. The Government are inquiring into the points raised and a reply will be sent to the Honourable Member in due course.

ACCESS OF MEMBERS OF THE DEPRESSED CLASSES TO POST OFFICES IN SOME DISTRICTS OF THE MADRAS PRESIDENCY.

680. ***Mr. K. Venkataramana Reddi** : (*a*) Will Government be pleased to state how many Post Offices are located in rented buildings situate in Agraharams in Madras Presidency ?

(*b*) Are Government aware that 'Untouchables' who have to buy stamps or post letters have to request a casteman to help them, as they are not allowed free access into such Post Offices ?

(*c*) If the answer to (*b*) is in the negative, will Government be pleased to make an inquiry at once and place a copy of the result of such inquiry on the table of this House ?

(*d*) If the above allegations are substantially true, are Government prepared to undertake the construction of small buildings outside the Agraharams to locate such Post Offices ? What other measures do Government propose to remedy the invidious distinctions ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The required information is not readily available ; but only buildings situated in localities accessible to all classes are rented for head, sub and departmental branch offices.

(*b*), (*c*) and (*d*). The trouble to which members of the depressed classes are occasionally put in obtaining access to post offices in some districts of the Madras Presidency came to notice in 1916. It arises chiefly in respect of village extra-departmental branch offices for which no rent is paid, the agents being required to make their own arrangements for office accommodation. The Postmaster General then took steps to remove such offices to localities accessible to all classes, and as a result 103 post offices were so moved in 1916 and 1917.

The question has continued to receive attention, and since 1917 eighteen complaints of the inaccessibility of extra-departmental offices, and two of the inaccessibility of departmental offices, have been received. Of these complaints 8 proved groundless ; 9 post offices have been removed to accessible localities ; and the 3 remaining cases are still under inquiry. All complaints are inquired into as soon as they are received, and in the circumstances Government do not consider it necessary to make a general inquiry, or to take the other specific step suggested by the Honourable Member.

DEPRESSION IN THE INDIGO TRADE.

681. ***Mr. K. Venkataramana Reddi :** (*a*) Is it a fact that there is great depression in the indigo trade ?

(*b*) Will Government be pleased to state (*i*) the names of countries in which the bulk of artificial dyes are manufactured, (*ii*) the quantity that India imports, (*iii*) under what category in the Customs Tariff they come, (*iv*) the import duty that is at present levied on them ?

(*c*) If the answer to (*a*) is in the affirmative, what measures, if any, do Government propose to take to remove the present depression in this respect ?

The Honourable Sir Charles Innes : (*a*) Yes.

(*b*) (*i*). Germany chiefly.

(*ii*) The Honourable Member is referred to the annual and monthly returns of Sea-borne trade of British India, copies of which are in the Assembly Library.

(*iii*) Item 92 of the Import Tariff Schedule.

(*iv*) 15 per cent. *ad valorem.*

(*c*) In 1918 an indigo cess under the Indigo Cess Act (since repealed) was imposed to obtain funds for carrying on research work in respect of botanical, chemical and bacteriological problems connected with the manufacture of natural indigo. Important and valuable results have been obtained and these have been made available to the industry. A brief summary of them will be found on page 58 of the Review of Agricultural Operations in India, 1922-23. Government do not think that they can usefully take, at present, any further action in the matter.

MEMORANDUM SUBMITTED BY THE INDIAN REPRESENTATIVE TO THE INTERNATIONAL PRISON CONGRESS.

682. ***Mr. K. Venkataramana Reddi** : Will Government be pleased to lay on the table a copy of the memorandum, if any, submitted by India's representative to the International Prison Congress and also that of his speeches, if any, made by him there ? What action do Government propose to take on the final recommendations of the Congress ?

The Honourable Sir Alexander Muddiman : As the International Prison Congress was only held in London in the first week of August copies of its proceedings will not be available here for some little time yet. Until they have been received and the Government of India have had an opportunity of examining the recommendations made I am not in a position to say what action, if any, will be taken.

REPORT OF THE COLONIES COMMITTEE.

683. ***Mr. K. Venkataramana Reddi** : Will Government be pleased to state whether any report was submitted by the Colonial Committee appointed by the Government of India to confer with His Majesty's Secretary of State for the Colonies on the position of Indians overseas ? If so, will Government be pleased to lay a copy of such report on the table ?

Mr. J. W. Bhore : The Honourable Member's attention is invited to the reply given by me on the 23rd January 1925 to Khan Bahadur Sarfaraz Hussain Khan's question No. 157 on the same subject.

EXTENSION OF THE ACTIVITIES OF THE ARMY CANTEEN BOARD (INDIA).

684. ***Khan Bahadur W. M. Hussanally** : (*a*) With reference to answer to my question No. 1150, dated 6th March, will the Government please state at what stations in India did the Army Canteen Board commence operations in the first instance ?

(*b*) When and to what stations were the operations extended ?

(*c*) Was any inquiry held as to the success of the operations at the first named stations ? If so, will the Government please lay on the table the result of such inquiry ? If not, why not ?

Mr. E. Burdon : (*a*) and (*b*). The Army Canteen Board (India) first commenced operations at Rawalpindi. It subsequently extended its activities to all the other stations in the Northern and Western Commands where British units were stationed, with the exception of Nasirabad, in the years stated against the following districts :

Murree	April 1922.
Waziristan	August 1922.
Peshawar	November 1922.
Quetta	April 1923.
Sialkote	December 1923.
Sind-Rajputana District (less Nasirabad) ..	August 1924.
Remainder Lahore District	August and September 1924.

(c) No official inquiry was made by Government but the matter was discussed at a general meeting of the Corporation before the expansion was undertaken.

VALUE OF STORES PURCHASED IN INDIA BY THE ARMY CANTEEN BOARD.

†685. *Khan Bahadur W. M. Hussanally : (a) What has been the value of the stores hitherto purchased in India by the Army Canteen Board ?

(b) Were these stores got cheaper or dearer than those imported from abroad including freight and other charges ?

(c) Have all stores purchased, whether in India or elsewhere, been paid for by now ? If not, why not ? If only a portion has been paid for, what account still remains to be paid ?

PAYMENT FOR STORES PURCHASED FROM MERCHANTS IN INDIA BY THE ARMY CANTEEN BOARD (INDIA).

†686. *Khan Bahadur W. M. Hussanally : (a) Have any stores been purchased from abroad by the Army Canteen Board on credit ? If so, for how long ?

(b) If any were so purchased on credit, has any interest been paid or is payable on such purchases ? If so, how much ?

(c) What is the total amount of stores purchased in India on cash and what amount on credit ?

(d) What was the stipulated period of credit for goods purchased in India on credit ?

(e) Was the amount paid within the stipulated period ?

(f) If not, was any interest paid or is it payable for the excess period ? If not, why not ?

(g) Are Government aware that merchants from whom such goods have been purchased in India have been very seriously inconvenienced on account of non-payment of the sums due to them ? Do Government propose to compensate them for this inconvenience ? If not, why not ?

CAPITAL OF THE ARMY CANTEEN BOARD (INDIA).

687. *Khan Bahadur W. M. Hussanally : (a) What were the reasons which led the Government to require the Army Canteen Board to have an 'extended range of business' when the liquid capital at their disposal was not sufficient to finance the same ?

(b) In reply to my questions it was said :

"The Government of India trust that with this addition to the working capital and with the increased receipts from new business in the Lahore district the Army Canteen Board will no longer find it necessary to trade upon terms of credit extended beyond the usual commercial practice."

Will the Government please state if this expectation has been realized ? If so, how ? Please quote figures in support of the answer.

Mr. E. Burdon : Sir, with your permission I propose to reply to questions Nos. 685, 686 and 687 together by making the following state-

† For answer to this question, *see* answer to question No. 687.

ment. In view of the numerous complaints against the Army Canteen Board which appeared in the public press during the course of this summer and of complaints which have reached the Government of India from other sources also, it has been decided to institute a thorough expert inquiry into the affairs of the Board, their business methods and their financial position. A preliminary inquiry is being carried out at the moment by the Honourable Sir William Currie and the Honourable Mr. Phiroze C. Sethna who have kindly consented to help Government in this matter. They are themselves being assisted in a consultative capacity by Mr. H. G. Cocke, a Member of this Assembly, whose firm is at present engaged in the annual audit of the Board's accounts. The questions asked by the Honourable Member with which I am now dealing relate mainly to matters which formed the subject of the complaints to which I have made reference and in the circumstances, my Honourable friend will not expect me to reply to these questions categorically and in detail at present. I could not properly do so while the inquiry is proceeding. I will, however, undertake to forward the questions and my present reply to the gentlemen who are carrying out the inquiry.

RATES AT WHICH ARTICLES ARE SUPPLIED TO THE TROOPS BY THE ARMY CANTEEN BOARD.

688. ***Khan Bahadur W. M. Hussanally** : (*a*) In so far as the Government admit they have a monopoly in the business of the Army Canteen Board, will they state if articles are being supplied to the troops at the same rate as were supplied by contractors or cheaper or dearer ?

(*b*) Have the Government ascertained if the troops are satisfied with the supplies and the rates ?

Mr. E. Burdon : (*a*) With very few exceptions, the Board supplies troops at a lower rate than that at which contractors sold prior to the Board taking over management.

(*b*) In some cases the troops have expressed their satisfaction, in others not. Individual complaints are investigated in accordance with the "Rules for the Management of Garrison and Regimental Institutes" and it is hoped that in course of time greater satisfaction will be the result.

ENCOURAGEMENT OF INDIAN ART.

689. ***Mr. N. M. Joshi** : (1) Will Government be pleased to state whether there was any scheme submitted to them before the 30th of March, 1922, for the encouragement of Indian Art ? If so, who presented it, what was the scheme, why was it rejected ?

(2) Will Government be pleased to state whether the memorandum note on the scheme for the encouragement of Indian art was the work of the Architect of New Delhi alone ? Or, was it the joint result of others beside the Architect ?

(3) Will Government be pleased to state whether the subsequent scheme submitted by the Architect was the result of the joint deliberations of the Architects of New Delhi ? Or, was it the result of the deliberations of the Architect of New Delhi and the Engineer and Mr. Baker only appended his minute of dissent ?

The Honourable Sir Bhupendra Nath Mitra : (1) I am not aware of any such scheme having been submitted to the Government of India before the 30th March 1922.

(2) and (3). I have nothing to add to the reply given by me to the Honourable Member's question No. 1132 on the 6th March 1925.

ARBITRATION AND CONCILIATION BILL.

690. ***Mr. N. M. Joshi :** Will Government be pleased to state when they propose to introduce their Arbitration and Conciliation Bill ?

The Honourable Sir Bhupendra Nath Mitra : Government do not propose to introduce any Bill dealing with trade disputes this Session.

Mr. N. M. Joshi : Will Government introduce it next Session ?

The Honourable Sir Bhupendra Nath Mitra : I am not in a position to commit Government in the matter at present.

Mr. Chaman Lall : What is the reason for the delay, Sir ?

The Honourable Sir Bhupendra Nath Mitra : It is the time taken over the Indian Trade Unions Bill.

PROHIBITION OF THE EMPLOYMENT OF WOMEN UNDERGROUND IN MINES.

691. ***Mr. N. M. Joshi :** Will Government be pleased to state whether they have decided to introduce legislation prohibiting the employment of women in mines underground ? If so, when ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : No legislation is necessary to secure the prohibition of the employment of women underground in mines.

Mr. N. M. Joshi : Do Government propose to make any rules ?

The Honourable Sir Bhupendra Nath Mitra : My Honourable friend is fully aware of the position in that respect, having attended a meeting of the Advisory Committee attached to my Department only last Saturday.

Mr. Chaman Lall : May I ask, Sir, if there is any civilised country in the world that allows women to work underground ?

The Honourable Sir Bhupendra Nath Mitra : I am sorry I have no detailed information on the subject with me. If the Honourable Member will put down a question, I shall try my best to answer it. It is quite possible there may be other countries.

Mr. Devaki Prasad Sinha : Do Government propose to take any steps to prevent the employment of women underground in mines in this country ?

The Honourable Sir Bhupendra Nath Mitra : The policy of the Government in the matter, I think, was stated in this House some time ago and we were discussing the matter quite recently in the Advisory Committee attached to my Department, of which certainly two Members of this Assembly are Members.

Mr. W. M. Hussanally : Who are they ?

The Honourable Sir Bhupendra Nath Mitra : Am I to answer that question ?

Mr. Joshi and Mr. Chaman Lall. (Laughter.)

STRIKE ON THE NORTH WESTERN RAILWAY.

692. ***Mr. N. M. Joshi**: (1) Will Government be pleased to state the reasons which led to the North Western Railwaymen's strike in May last ?

(2) Will Government be pleased to state how long the strike lasted and how many men were involved in it ?

(3) Will Government be pleased to state whether they are aware of the grievances on account of which the men struck work ? If so, what were they ? If not, why did Government not ascertain the men's grievances ?

(4) Will Government be pleased to state what steps the Agent of the North Western Railway or the Railway Board took to avert the strike or end it as early as possible after it had been declared ? If not, why not ?

The Honourable Sir Charles Innes: The Honourable Member is referred to the statement issued to the Press on the 17th June 1925 and to the replies to Mr. Gaya Prasad Singh's question No. 36, part (*b*), and to Diwan Bahadur M. Ramachandra Rao's question No. 133.

STRIKE ON THE NORTH WESTERN RAILWAY.

693. ***Mr. N. M. Joshi**: (1) Will Government be pleased to state whether it is a fact that the Assistant Secretary of the All-India Trade Union Congress had offered, on behalf of the Trade Union Congress, co-operation to Government in the matter of settling the North Western Railway strike as early as possible ? If so, did Government accept it ? If so, how did they utilise the offer of the Trade Union Congress in ending the strike ? If not, why not ?

(2) (*a*) Will Government be pleased to state whether they are aware that the Executive Council of the All-India Trade Union Congress had deputed their President, Mr. C. F. Andrews, to the Punjab to take steps to end the strike as early as possible ?

(*b*) If the answer to (*a*) be in the affirmative, will they be further pleased to state whether they gave Mr. Andrews any facilities in his mission ? If so, what were they ? If not, why not ?

(3) (*a*) Will Government be pleased to state whether Mr. Andrews saw in connection with the strike any of the high officials of the Government of India and the Agent of the North Western Railway ? If so, who were they ?

(*b*) If the answer to (*a*) be in the affirmative, will they be further pleased to state whether they agreed to any of the suggestions made by Mr. Andrews with a view to end the strike ? If so, what were the proposals to which they agreed ? If not, why not ?

The Honourable Sir Charles Innes: The Honourable Member is referred to the reply to Diwan Bahadur M. Ramachandra Rao's question No. 133 and also to paragraph 4 of the Government of India Press Communiqué on the subject, dated the 17th June last.

RE-EMPLOYMENT OF STRIKERS ON THE NORTH WESTERN RAILWAY.

694. ***Mr. N. M. Joshi**: (1) Will Government be pleased to state whether the men of their own accord joined their duties after North

Western Railway strike or whether the Agent agreed to take them back upon certain terms ? If the latter, what were those terms and were they accepted by the men ?

(2) Will Government be pleased to state how many of the men that had gone on strike were taken back again and how many were rejected and why ?

(3) Will Government be pleased to state the number of new men that were employed by the Agent of the North Western Railway to the posts of those who had gone on strike ?

(4) Will Government be pleased to state whether they are prepared to take steps to reinstate the old men who are still out of employment ? If so, when ? If not, why not ?

The Honourable Sir Charles Innes : (1) No pressure was brought to bear upon the men to join their duties. The terms granted to such men were stated in Agent's notifications issued from time to time.

(2), (3) and (4). The Honourable Member is referred to the replies to Mr. Abdul Haye's questions Nos. 493 and 499. The Agent, in filling up vacancies, gives every consideration to men who lost their jobs owing to the strike.

Mr. Chaman Lall : May I ask, Sir, the total amount of money out of the funds which has been confiscated by the Government as a result of this strike ?

The Honourable Sir Charles Innes : None, Sir.

Mr. Chaman Lall : May I put another question, Sir ?

Has the gratuity due to these men been confiscated or not ?

The Honourable Sir Charles Innes : I refer the Honourable Member to the rule on the subject which says that absence on strike does not constitute a break in service for the purposes of the gratuity rules.

REMODELLING OF THE VICTORIA TERMINUS AND OF THE REVERSING STATION ON THE GREAT INDIAN PENINSULA RAILWAY.

695. ***Mr. D. V. Belvi :** (*a*) Is it a fact that the Secretary of State for India has been pleased to sanction an expenditure of Rs. 88,00,000 on the remodelling of the Victoria Terminus Station at Bombay and of Rs. 66,00,000 or so on the reversing station on the Great Indian Peninsula Railway on the recommendation of the Railway Board ?

(*b*) If so, will Government be pleased to lay on the table of the Assembly a copy of the said recommendation ?

(*c*) When is the execution of these projects expected actually to commence ?

Mr. G. G. Sim : (*a*) Yes.

(*b*) The recommendations of the Railway Board in regard to the schemes referred to are contained in memoranda which are being placed before the Standing Finance Committee for Railways and which will be printed in the proceedings of the Committee.

(*c*) As the execution of both the schemes is a matter of urgency it is proposed to start work on them very shortly. Those portions of the

Victoria Terminus remodelling work which are for the use of the Bombay, Baroda and Central India Railway will not be taken in hand unless and until further investigations, which are now being made, prove their necessity.

GRIEVANCES OF BENGAL FISHERMEN.

696. *Mr. D. V. Belvi : (a) Has the attention of Government been drawn to the printed matter under the caption of Bengal Fishermen's grievance published in column 5 on page 8 of the issue of the *Bombay Chronicle,* dated the 21st August 1925 ?

(b) If so, are the alleged grievances true ?

The Honourable Sir Charles Innes : (a) Yes.

(b) The Government of India have no information.

REPRESENTATION OF MUHAMMADANS IN THE INCOME-TAX DEPARTMENT, BOMBAY.

697. *Mr. M. E. Makan : (a) What is the number of Musalmans and non-Muslims in the (1) higher, and the (2) lower grades of the Income-tax Department in the Bombay Presidency ?

(b) Do the Government propose to issue orders for the increased representations of Musalmans in the Income-tax Department of the above-mentioned Presidency if efficient candidates are available ?

The Honourable Sir Basil Blackett : (a) The information is being obtained and will be furnished to the Honourable Member.

(b) General instructions as to the representation of different communities in the public service have been issued to the Commissioners of Income-tax.

RETURN TICKETS ON THE BOMBAY, BARODA AND CENTRAL INDIA AND THE OUDH AND ROHILKHAND RAILWAYS.

698. *Mr. M. E. Makan : (a) What is the reason for stopping the issue of return tickets on the Bombay, Baroda and Central India and the Oudh and Rohilkhand Railways ?

(b) Taking into consideration the convenience of the passengers, do the Government propose to order the issue of return tickets on the Railways mentioned above ?

Mr. G. G. Sim : A reference has been made to the Railway Administrations concerned and the result will be communicated to the Honourable Member in due course.

Dr. K. G. Lohokare : Will these replies be included in the proceedings of the day ?

Mr. G. G. Sim : No, Sir.

Dr. K. G. Lohokare : If they are not to be included, how is the information to be made available to other Members ?

Mr. G. G. Sim : Any Honourable Member who desires may get a copy of the information.

Mr. Gaya Prasad Singh : All of us will desire a copy, Sir.

Dr. K. G. Lohokare : Is it not a fact, Sir, that these questions are more for the sake of public information than for the information of individual Members ?

Mr. G. G. Sim : No, Sir.

Dr. K. G. Lohokare : I would request the Chair to give attention to this matter.

CONSTRUCTION OF WAITING ROOMS AND GOODS SHEDS AT IMPORTANT STATIONS ON THE BAROOCH-JAMBOOSAR BRANCH OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

699. ***Mr. M. E. Makan :** (*a*) Are the Government aware of the inconvenience and the loss caused to the public on account of there being no waiting rooms and goods sheds on the Barooch-Jamboosar Branch of the Bombay, Baroda and Central India Railway ?

(*b*) Do the Government propose to issue orders for the building of waiting rooms and goods sheds at important stations of the above-mentioned railway line ?

Mr. G. G. Sim : (*a*) and (*b*). Government are not aware of the inconvenience and loss complained of. A copy of the question and the answer will be sent to the Agent for such action as he may consider necessary.

EXEMPTIONS UNDER SCHEDULE I OF THE INDIAN ARMS RULES OF 1924.

700. ***Baba Ujagar Singh Bedi :** (*a*) Will Government be pleased to state some canon for the persons and the classes of persons, who are exempted under Schedule (1) of the Indian Arms Rules of 1924, for taking licenses for arms ?

(*b*) If any of the persons, mentioned in Schedule (1) in its clauses 1 up to 7, desires to purchase a new weapon, is he entitled to do so ?

Mr. H. Tonkinson : (*a*) and (*b*). I am not sure whether I have understood the Honourable Member's question correctly, but the position of exemptees in the matter of the purchase of new weapons is as follows :

> Exempted persons (other than those included in entry 1 of Schedule I to the Arms Rules) are exempt only in respect of arms and ammunition up to the limits prescribed by the various Local Governments under the powers conferred on them in column III of the Schedule. Their right to purchase a new weapon depends therefore in the first instance on whether they are already in possession of the full number of weapons covered by their exemptions, and, if they are already in such possession, then on the grant of a licence for the weapon which they desire to purchase.

Baba Ujagar Singh Bedi : Supposing an exemptee disposes of any of his arms, is he entitled again to purchase straight off, without a licence, the weapons ?

Mr. H. Tonkinson : Yes.

SUPERSESSION OF BABU NANAK CHAND, A STATION MASTER ON THE NORTH-WESTERN RAILWAY.

701. ***Baba Ujagar Singh Bedi :** (*a*) Is it a fact that one Babu Nanak Chand, the present station master at Chhanga Manga, Lahore Division, North Western Railway, was promoted to the Special Class in November 1922, and was posted to Kolpur and was again reverted to "C" class, in May 1923, for no fault of his but on account of economy, and was again given promotion to the Special Class and was ordered to be posted to Peshawar City Station ; but the vacancy was withdrawn and he could not be promoted then ?

(*b*) Is it a fact, that since then vacancies occurred at Montgomery, Gujranwala and Campbellpur and were filled up by the juniors of the said Babu Nanak Chand, namely, S. Sampuran Singh, B. Kirpa Ram and B. Hari Chand respectively, in spite of the fact that they had not worked before as special class station masters, while Babu Nanak Chand is senior to them in grade and pay and has also worked for six months as special class station master ?

(*c*) If so, what are the reasons for his non-promotion and his supersession by his juniors ?

(*d*) Do Government propose to consider his case ? If not, why not ?

Mr. G. G. Sim : Government have no information.

ALLOTMENT OF QUARTERS TO MEMBERS OF THE INDIAN LEGISLATURE AT DELHI AND SIMLA.

702. ***Baba Ujagar Singh Bedi :** (*a*) Will Government be pleased to explain the criterion or the canon, by which the allotment of cottages and quarters for the residence of Members of the Legislature takes place both at Delhi and at Simla ?

(*b*) Is it that those whose applications are received first get precedence, or is it through the ballot, or is it at the sweet will of the officer in charge of the said accommodation ? If the last mentioned is the case, why is this autocratic principle in force ?

(*c*) Do Government propose to hold the allotment in future by ballot according to the applications for the grant of such quarters, bungalows, houses, rooms, etc., for the Members of the Legislature ?

Mr. L. Graham : (*a*) and (*b*). Members are informed by circular of the accommodation available and are requested to state their requirements by a certain date. All applications received by that date are considered together and the principle which directs the officer making the allotment is the desirability of securing the greatest convenience of the greatest number.

(*c*) Government do not consider the ballot to be a suitable method for governing the distribution of quarters, but if it is the general wish of Honourable Members of both Houses of the Legislature that this method should be followed Government have no objection.

Baba Ujagar Singh Bedi : Is it a fact, Sir, that there has been a general complaint with regard to the allotment of quarters both at Simla as well as at Delhi ? Will it not be possible to make allotments by having a Joint Committee of both of the Houses, namely, the Council

of State and the Legislative Assembly, or to make allotments of quarters the subject of ballot ?

Mr. L. Graham : In the first place, I do not agree with the Honourable Member that there is general dissatisfaction. As regards the second point raised by the Honourable Member, I would like to refer him to a separate question which has been put down by him.

Khan Bahadur W. M. Hussanally : May I inquire, Sir, whether the Government are aware that it is impossible to satisfy every one ?

Baba Ujagar Singh Bedi : That is why I suggest a ballot.

THE LOCAL CLEARING OFFICE (ENEMY DEBTS).

703. ***Maulvi Muhammad Yakub** : (*a*) Will the Government be pleased to state when the " Enemy Debt Clearing Office " was established ?

(*b*) Although the war came to an end in 1918 what is the reason that the Department has not yet been able to wind up its work ?

(*c*) What is the supervision which the Government of India exercise over this Department and what is the amount of annual expenditure incurred in maintaining the Department ?

Mr. L. Graham : I apologise for the length of this answer, Sir.

The reply is as follows :

(*a*) Local Clearing Offices for the settlement of enemy debts were established :

for Germany on the 12th July 1920 ;

for Austria on the 23rd April 1921 ; and

for Hungary on the 26th July 1923.

(*b*) These offices were created by the various India Treaty of Peace Orders, which were issued by His Majesty's Privy Council on 2nd July 1920, 15th February 1921 and 1st June 1923 respectively.

Besides the settlement of debts arising out of pre-war transactions between British nationals in India and subjects of Germany, Austria and Hungary, the Local Clearing Office is entrusted with the disposal under the terms of the Treaties of the proceeds of liquidation of ex-enemy property in India and also deals with all other matters relating to the Treaties, for example, reparation claims.

The date finally settled for the receipt of enemy debt claims was 1st May 1924, but, under the terms of agreements concluded between the respective Powers, in certain special cases claims are still admitted and are still being received.

The files of the office comprise some 10,000 cases, many of them of great complexity.

In the matter of enemy debt claims progress is entirely dependent on the expedition with which the opposite Clearing Offices reply to references made to them, a matter over which the Local Clearing Office has no control.

As far as the Government of India are aware, none of the Clearing Offices established in allied countries or the British Dominions have yet concluded their labours. The Local Clearing Office in India is at present sanctioned up to 31st March 1927.

(c) The Local Clearing Office works in conjunction with the Central Clearing Office in London through which office alone it can communicate with the opposite Clearing Office. In purely Clearing Office matters the work is supervised and assisted by the Central Clearing Office.

All matters of importance affecting India not expressly provided for in the Peace Treaties are referred by the Controller to the Government of India for orders. The Clearing Office accounts are audited half-yearly by the Accountant General, Central Revenues.

The annual expenditure incurred in maintaining the office is Rs. 85,900 but in this connection it may be stated that the Local Clearing Office holds, until the conclusion of its labours, a sum of over three crores representing the proceeds of liquidation of ex-enemy property the use of which the Government of India are enjoying. This may be taken as equivalent to an income of 15 lakhs per annum calculating interest at 5 per cent. Under the terms of the India Treaty of Peace Orders the balance of this sum will have to be made over to the Central Clearing Office when all India's claims against it have been met.

Mr. B. Das : Have Government made any allotments out of the Rs. 25 lakhs that were granted by this Assembly in 1923-24 and again in 1924-25 to those Indian subjects that suffered through enemy action ?

Mr. L. Graham : I submit, Sir, that that does not arise out of the question.

Mr. B. Das : Did not the Honourable Member refer to the Reparation Committee ?

Mr. Chaman Lall : May I ask your ruling on this question, Sir ? Is it competent for a Member to get up and say that a question does not arise ? That is really a matter for the Chair.

Mr. President : Any Member is at liberty to submit whether a particular question does or does not arise out of the original question.

Diwan Chaman Lall : Does the Chair accept the suggestion. ?

Mr. President : Maulvi Muhammad Yakub.

APPOINTMENT OF INDIANS AS DEPUTY SECRETARIES IN THE COMMERCE AND FINANCE DEPARTMENTS.

704. ***Maulvi Muhammad Yakub** : In view of a Resolution passed by the Council of State about the increased appointment of Indians in the Imperial Secretariat, did the Government of India definitely consider the possibility of appointing Indians to fill up the vacancies in the posts of the Deputy Secretaries of the Commerce and the Finance Departments ? If so, why were Indians not appointed ?

The Honourable Sir Basil Blackett : The reply to the first part of the question is in the affirmative. The officers with the most suitable experience were selected.

ADEQUATE REPRESENTATION OF MUHAMMADANS IN GOVERNMENT POSTS AND ON ELECTED BODIES IN AJMER.

705. ***Maulvi Muhammad Yakub** : (*a*) Has the attention of the Government been drawn to an article published in the *Muslim Outlook*, dated the 16th August 1925, under the heading " Hindu Raj at Ajmer " ?

(*b*) Is it a fact that in the Province of Ajmer the population of the Musalmans is about one-half in the urban and about one-fourth in the rural areas ?

(*c*) Is it really a fact that out of 46 important Government posts, enumerated in the article mentioned above, only one is held by a Muslim, two by Christians, one by a Parsi and the remaining 42 by the Hindus ?

(*d*) Is it also a fact that although the number of the Muslim members of the Ajmer Municipality is only 4, there has never been a Musalman nominated member in the Municipality ?

(*e*) Is it true that ever since the time the district of Ajmer has come into the hands of the British Government, the posts of the Registrar of the Honourable the Chief Commissioner and the Commissioner's Superintendent have never been filled by a Musalman ?

(*f*) Is it also true that nearly one-fourth of the house-property in the city of Ajmer, which once belonged to the Musalmans, has changed hands and now belongs to the Hindus ?

(*g*) Taking the above facts into consideration do the Government propose to take early steps in order to remove the grievances of the Musalmans of the Province of Ajmer and ensure their adequate representation in all the Government posts as well as on elected bodies ?

(*h*) If qualified Musalmans are not available in the Province of Ajmer, do the Government propose to import capable and qualified Musalmans from outside in the best interests of administration ?

(*i*) Are the Government prepared so to amend the rules that the representative of that Province in the Legislative Assembly should alternately be a Hindu and a Musalman ?

Sir Denys Bray : The information is being collected and will be furnished to the Honourable Member in due course.

NUMBER OF POSTS IN WIRELESS STATIONS THROUGHOUT INDIA AND BURMA HELD BY INDIANS.

706. ***Mr. Karchandrai Vishindas** : Will the Government be pleased to state :

(*a*) the number of posts in wireless stations throughout India and Burma ?

(*b*) how many such posts are held by Indians ?

(c) whether Government has given effect to the Lee Commission's recommendations regarding the percentage of Indians to be employed in this department ?

The Honourable Sir Bhupendra Nath Mitra : (a) 167.

(b) 65.

(c) Government are giving effect to the recommendations of the Lee Commission regarding the percentage of Indians to be employed in this department as vacancies arise.

NUMBER OF INDIANS APPOINTED TO THE WIRELESS DEPARTMENT.

707. ***Mr. Harchandrai Vishindas :** Will the Government be pleased to state :

(a) the number of applications received since January 1925 for posts in the Wireless Department ?

(b) how many applicants were given such posts ; and what was the number of Indians amongst them ?

The Honourable Sir Bhupendra Nath Mitra : (a) 20 ; of which three were from qualified persons.

(b) None.

RECRUITMENT OF PERSONNEL FOR WIRELESS STATIONS.

708. ***Mr. Harchandrai Vishindas :** Will Government be pleased to state :

(a) Whether it is a fact that Indians qualified in Europe for Wireless have been refused posts in spite of vacancies ?

(b) Whether it is a fact that all wireless stations in India are under military authorities ?

(c) Whether there are any controlled by the Posts and Telegraphs Department ?

(d) What is the method of recruitment of candidates for stations mentioned in questions (b) and (c) ?

Mr. G. P. Roy : (a) and (b). No.

(c) Civil wireless stations are controlled by the Post and Telegraphs Department.

(d) Personnel for the wireless stations are recruited principally from the Traffic Branch of the Department. They are trained in Wireless under departmental arrangements. A certain number of men who had been trained in wireless and employed as wireless operators in the Royal Navy, Army and Royal Air Force were recruited for service as operators after passing a test.

Mr. B. Das : Am I to understand that Government have received no application from Indian engineers qualified in wireless engineering ?

Mr. G. P. Roy : They have, Sir.

Mr. B. Das : Were their applications considered ?

Mr. G. P. Roy : Fully considered.

REVISION OF THE PAY OF ACCOUNTANTS OF THE PUBLIC WORKS DEPARTMENT.

709. *Mr. Harchandrai Vishindas : Will Government be pleased to state :

(a) When they intend to revise the pay of the Accountants of the Public Works Department ?

(b) What will be the scale of pay at such revision ?

(c) Whether the revised pays will have retrospective effect and to what extent ?

The Honourable Sir Basil Blackett : The question of revising the rates of pay of Divisional Accountants is at present under consideration, in consultation with Local Governments ; and it is not at present possible to say what the decision will be or when it will be arrived at.

PROMOTION OF TICKET COLLECTORS ON THE NORTH WESTERN RAILWAY.

710. *Mr. Harchandrai Vishindas : (a) Is it a fact that in the North Western Railway a ticket collector's chances of promotion are blocked as soon as he attains to Class B and it is very rarely that he is promoted to Class C ?

(b) Are ticket collectors promoted to the rank of travelling ticket examiners ?

(c) If not, why not ?

Mr. G. G. Sim : Government have no recent information but an inquiry will be made.

GRIEVANCES OF INDIAN GUARDS ON THE EAST INDIAN RAILWAY.

711. *Mr. Amar Nath Dutt : (a) Has the attention of the Government been drawn to a letter published in the *Forward* of the 11th August about the East Indian Railway Indian guards regarding their grievances about running rooms and the dismissal of an Indian guard ? If so, will the Government be pleased to state whether they propose to provide Indian guards with running rooms ?

(b) Will the Government be pleased to state whether the station master of Burdwan acted as complained of in the letter ? If so, do the Government propose to take steps to prevent the recurrence of such incidents in future ?

(c) Will the Government be pleased to state whether the Indian guard has been dismissed under circumstances mentioned in the letter ? If so, are the Government prepared to reconsider the case after taking the explanation of the guard ?

Mr. G. G. Sim : (a), (b) and (c). The Honourable Member is referred to the answers given to questions Nos. 304 and 631 on this subject by Mr. S. C. Ghose and Khan Bahadur Sarfaraz Hussain Khan.

TREATMENT OF EX-QUEEN THEBAW.

712. *Maung Tok Kyi : 1. Has the attention of the Government been drawn to the wide-spread dissatisfaction felt in Burma over the kind of treatment that is being meted out to the ex-Queen Thebaw in Rangoon ?

2. (*a*) Are the Government aware that the Burma Nationalist Party made representations to the Government of Burma to accord the ex-Queen such treatment as is befitting her position as the Chief Queen of Burma ?

(*b*) Will the Government be pleased to state whether the Government of Burma have forwarded these representations to the Government of India ?

(*c*) If the answer to (*b*) be in the affirmative, will the Government be pleased to state what steps the Government have taken in the matter ?

Sir Denys Bray : 1 and 2 (*a*) and (*b*). No, Sir. Thus 2 (*c*) does not arise.

UNIFORMITY IN THE RULES AND CONDITIONS FOR THE ENROLMENT OF VAKILS AND ADVOCATES IN THE DIFFERENT HIGH COURTS.

713. ***Mr. Devaki Prasad Sinha** : (*a*) Will Government be pleased to state when they propose to take steps on the recommendations of the Indian Bar Committee ?

(*b*) Will Government be pleased to make a statement showing the steps so far taken on the recommendations of the Indian Bar Committee by the different High Courts and the steps proposed to be taken in future by the Government of India ?

(*c*) Are Government aware that the rules framed by the different High Courts in pursuance of the recommendations of the Indian Bar Committee are not uniform in their effect and that as a consequence of this the status and rights of High Courts Vakils differ from one High Court to another ?

(*d*) Do Government propose to take steps for bringing about a uniformity in the rules and conditions for the enrolment of Vakils and Advocates and also in the matter of robes prescribed for Advocates of all classes ?

(*e*) Are Government aware that the Patna High Court does not allow the Vakil Advocates to put on Advocate's bands while the High Courts of Calcutta and Allahabad allow them to do so ?

(*f*) Will Government be pleased to state whether or not they propose to take steps with a view to remove all distinctions between Vakils and Barristers appearing on the Appellate Side of all High Courts ?

Mr. H. Tonkinson : (*a*), (*b*), (*d*) and (*f*). The Honourable Member is referred to the answer to Seth Govind Das's question No. 539 on the 2nd September 1925 as regards the action to be taken on the recommendations of the Indian Bar Committee and to the statement of the Honourable the Leader of the House on the 1st September during the discussion of the Legal Practitioners (Amendment) Bill. Government hope to move for leave to introduce a Bill on the subject shortly. In regard to the rules framed by the High Courts, he is referred to the answer to Mr. Gaya Prasad Singh's question No. 32 on the 25th August 1925, and to the reply to his own question on the 18th March 1925 on the same subject. I may add that the Calcutta High Court have since issued revised rules which were published in the Home Department notification No. F.-412|25-Judl., dated the 11th June 1925.

(*c*) Yes.

(*e*) The Government of India have no information.

Mr. Devaki Prasad Sinha : Do the Government of India propose to collect the information referred to in (*e*) ?

Mr. H. Tonkinson : No, Sir.

ABOLITION OF THE ARMY CANTEEN BOARD (INDIA).

714. ***Khan Bahadur W. M. Hussanally** : With reference to question No. 2312, Part " D " replied to on 22nd September 1924, will the Government be pleased to state whether, in view of the general complaints of British troops, the Government proposes to take any steps to abolish this system ? (The Army Canteen Board) ?

Mr. E. Burdon : Sir, with your permission I propose to answer questions Nos. 714,716 and 722 together.

My reply to these questions must be the same as that which I gave to-day to starred questions Nos. 685—687, asked by the same Honourable Member.

DEFALCATIONS COMMITTED BY EMPLOYEES OF THE ARMY CANTEEN BOARD (INDIA) FROM THE 1ST AUGUST, 1924, TO THE 31ST JULY 1925.

715. ***Khan Bahadur W. M. Hussanally** : Will the Government be pleased to state the details of the defalcations and misappropriations which have been made by the servants of the Army Canteen Board in the whole area in which they are operating from 1st August, 1924, to 31st July, 1925 ?

Mr. E. Burdon : It is not possible at present to give accurate details for the period mentioned as the accounts for the month of July have not yet been completely audited, but I lay on the table a statement giving details of the defalcations that have come to light during the period August 1924 to June 1925 and showing the action taken in each case.

Statement giving details of defalcations during the period August 1924—June 1925 and showing the action taken in each case.

1. *Manager, Institute No. 401, Razmak Hut, Waziristan.*—

	Rs.	A.	P.
Embezzlement in August 1924	480	7	0
Embezzlement in September 1924	3,711	6	6

The man was prosecuted and on the 5th June 1925 in the Court of Additional Magistrate, Bannu, was convicted and sentenced to :

1 year's rigorous imprisonment on first count and 4 years' rigorous imprisonment on second count.

Each sentence to run consecutively.

2. *Manager, Institute No. 402, Razmak, Manager, Mineral Water Factory and Cinema, Razmak.*—

Institute Assistant, Institute 402, Razmak, Waziristan.—

Theft of money of the Army Canteen

	Rs.	A.	P.
Board (India) to the extent of	2,960	2	0
Less recoveries on conviction ..	2,441	10	6
	518	7	6

The men were prosecuted and on the 20th May 1925 were convicted in the Court of the 1st Class Magistrate at Bannu and sentenced to 6 months' rigorous imprisonment each.

3. *Manager, Institute No. 606, Lahore Cantonment.*—

	Rs. A. P.	
This man absconded on the 21st June 1925 with	1,200 6 8	
Less pay due	130 12 0	
		1,069 10 8

The police are endeavouring to trace the man but up to date nothing has been heard of him.

Total ..	5,779 15 8

UNSATISFACTORY WORKING OF THE ARMY CANTEEN BOARD (INDIA).

†716. ***Khan Bahadur W. M. Hussanally** : Will the Government be pleased to lay on the table the various complaints and suggestions the Army Headquarters have received from Commanding Officers Units, Brigade and District Commanders, regarding the unsatisfactory working and delay in the payment of rebates by the Army Canteen Board and to state what action has been taken thereon?

OBJECTS OF ORGANISING THE ARMY CANTEEN BOARD.

717. ***Khan Bahadur W. M. Hussanally** : Is it not a fact that the object of the Government in organizing the Army Canteen Board was two-fold, namely :

(*a*) That the troops would get efficient and organised service during war.

(*b*) That the troops should get all foodstuffs and other requirements of superior quality at most reasonable prices (no way higher than bazar rates) and that whatever profit this organization will earn will go to further the comforts and benefits of troops ?

Mr. E. Burdon : (*a*). Yes.

(*b*) This is not quite correct. The object was, and is, to supply only good quality foodstuffs for the supplementary rationing of the Army and their extra luxuries and necessaries at the lowest possible rates. There was never any intention of comparing the bazar rates for old and deteriorated commodities with those supplied by the Army Canteen Board (India). With regard to the latter part of this question, the profits will be placed at the disposal of His Excellency the Commander-in-Chief.

REPORTS MADE ON ARMY CONTRACTORS BY ARMY OFFICERS DURING FRONTIER EXPEDITIONS OR THE AFGHAN WAR.

718. ***Khan Bahadur W. M. Hussanally** : With reference to the reply given to question No. 62 (*e*) by Sir Godfrey Fell on 26th September 1921, will the Government be pleased to lay on the table any reports made by the Commanding Officers or Brigade Commanders during Indian

† For answer to this question, *see* answer to question No. 714.

Frontier expeditions or the Afghan War for or against the Army Contractors ?

Mr. E. Burdon : At this interval of time I have been unable to trace any such reports.

CATERING FOR THE ARMY BY MESSRS. MADAN AND CO., OF CALCUTTA DURING THE AFGHAN WAR.

719. ***Khan Bahadur W. M. Hussanally** : (*a*) Is it not a fact that Army Headquarters appointed one Messrs. Madan and Co., of Calcutta to cater for the whole Army engaged in the Afghan War in the North West Frontier and that they failed ?

(*b*) Will the Government be pleased to state whether Messrs. Madan and Co., had any previous practical experience in catering for the British troops and also if Government invited applications from other experienced and well known firms of Army Institute Contractors before engaging Messrs. Madan and Co., for the Afghan War ?

Mr. E. Burdon : (*a*). Messrs. Madan and Company ran canteens on the North West Frontier during the Afghan War but not in Baluchistan. I am not prepared to say that this firm failed in the task required of them. They continued to carry on their contract until it could be taken over by canteen sections opened by Government though they had asked to be relieved of it before.

(*b*) The answers to both parts of the question are in the affirmative.

TRANSFER OF THE FURNITURE OF THE ARMY INSTITUTE FUND TO THE ARMY CANTEEN BOARD (INDIA).

720. ***Khan Bahadur W. M. Hussanally** : Will the Government be pleased to give a detailed statement for all Army Institute Fund furniture handed over to the Army Canteen Board in the area operated by them, showing prices charged and also what amount has been paid and how the balance is to be realised, and what amount of hire per man quarterly is charged by the Army Canteen Board to the regiments in their area.

Mr. E. Burdon : The Army Canteen Board (India) are trustees for the Army Institute Fund in Northern and Western Commands (excepting Nasirabad) and the property of the Army Institute Fund did not pass to the Board nor is it shown as an asset in the Board's accounts. No amount, therefore, has been paid and no balance remains to be paid.

One rupee per man per quarter is charged throughout India to all British troops below the rank of Sergeant and this amount is credited to the separate Army Institute Funds concerned.

NET LOSS INCURRED BY THE ARMY CANTEEN BOARD (INDIA) SINCE ITS ESTABLISHMENT.

721. ***Khan Bahadur W. M. Hussanally** : With reference to the question asked by Major C. R. Attlee in the House of Commons and the reply given by Earl Winterton that " His information was that the operations of the Board now gave general satisfaction ", have the Government sent to the Secretary of State for India, for his information, the copies

of all reports received by Army Headquarters from the Commanding Officers Units, Brigade and District Commanders regarding the working of the Army Canteen Board together with its balance sheet up to 31st July 1925, showing the net loss incurred by the Army Canteen Board since its establishment after deducting the profit accrued ?

Mr. E. Burdon : So far as the first part of the question is concerned, the answer is in the negative. With regard to the second part, the balance sheet for the year ending the 31st July 1925 will be sent when ready. I may, however, inform the Honourable Member that the Secretary of State has received the last published balance sheet and generally speaking has been kept informed regarding the affairs of the Board. A further report will be sent to the Secretary of State when the inquiry now in progress has been completed.

TOTAL AMOUNT OF DEBTS OF THE ARMY CANTEEN BOARD (INDIA).

†722. ***Khan Bahadur W. M. Hussanally** : Is it a fact that the total amount of debts the Army Canteen Board owes to its creditors other than the Imperial Bank of India is over Rs. 30 lacs ; if not will the Government be pleased to state the exact amount of this debt ?

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS IN THE UNITED PROVINCES.

723. ***Mr. C. S. Ranga Iyer** : Will the Government be pleased to state what action they have taken on the Resolution which was adopted by the United Provinces Council in October 1923 on the separation of judicial and executive functions ?

Mr. H. Tonkinson : I would refer the Honourable Member to the replies already given by the Honourable the Leader of the House on this subject this Session.

Mr. C. S. Ranga Iyer : Do Government propose to separate judicial from executive functions at all ? Are Government aware that agitation in that direction has been carried on in this country for the last 40 years ? (*An Honourable Member* : "More than that.")

Mr. H. Tonkinson : I think it has been carried on for a good deal longer.

APPOINTMENT OF THE PUBLIC SERVICES COMMISSION.

724. ***Mr. K. C. Neogy** : (*a*) With effect from what date approximately will the Public Services Commission begin to work ?

(*b*) What arrangements are being made for the organisation of an office for the Public Services Commission, and when is it likely to begin spade work for the Commission ?

(*c*) Will the said office have the status of a Secretariat Department ? If not, why not ?

Mr. H. Tonkinson : (*a*) I would refer the Honourable Member to the answer given by the Leader of the House to Diwan Bahadur Ramachandra Rao on the 26th August. (*b*) and (*c*) The strength and status of the office for the Public Services Commission are under consideration and I am not in a position at present to make any definite statement on the subject.

† For answer to this question, *see* answer to question No. 714.

Mr. B. Das : Is it not a fact that the Home Department has appointed a special officer to go into the question of the Public Services Commission ?

Mr. H. Tonkinson : No.

SALARIES OF EUROPEAN AND INDIAN DRIVERS ON THE EASTERN BENGAL AND OUDH AND ROHILKHAND RAILWAYS.

725. ***Mr. Amar Nath Dutt** : With reference to the Government reply to starred question No. 1214 asked by Mr. W. M. Hussanally in the Assembly on 4th June 1924 regarding the salaries of European and Indian drivers, that steps were being taken to try and remove the difficulties and apply the same principle on the Eastern Bengal Railway as exists on the North Western Railway and the Oudh and Rohilkhand Railway, that the matter, however, was under inquiry and that Government would see what could be done about it, will the Government now be pleased to state what has since been done ?

Mr. G. G. Sim : There is now no distinction with respect to nationality.

GRANT OF HOUSE ALLOWANCE TO EMPLOYEES OF THE EASTERN BENGAL RAILWAY.

726. ***Mr. Amar Nath Dutt** : (*a*) With reference to the reply by Mr. Hindley to starred question No. 1216 asked by Mr. W. M. Hussanally on 4th June 1924, will the Government be pleased to state if the rate of Rs. 10 per mensem as house allowance to employees whose pay is Rs. 60 or upwards is correct ?

(*b*) If so, will the Government be pleased to state why the Eastern Bengal Railway authorities have refused to grant house allowance to their staff on the aforesaid scale ?

Mr. G. G. Sim : (*a*) Yes. The grant of this allowance in lieu of free quarters is under the rules left to the discretion of the Agent.

(*b*) The Government have no information on the matter.

LIMITATION OF THE HOURS OF WORK OF EMPLOYEES OF THE EASTERN BENGAL RAILWAY.

727. ***Mr. Amar Nath Dutt** : With reference to the reply by Mr. Hindley to starred question No. 1241 asked by Mr. K. G. Lohokare on 4th June 1924, will the Government be pleased to state if the Eastern Bengal Railway Administration has limited the working hours of its employees to 60 hours per week as laid down in article 10 of the Draft Convention of the Washington Conference and, if not, why not ?

Mr. G. G. Sim : As stated by Mr. Hindley in reply to question No. 1241 in this Assembly on the 4th June 1924, Government issued orders to State lines limiting the working hours to 60 hours per week for staff other than that employed in connection with the working of trains, and they have no reason to believe that those orders are not given effect to by the Eastern Bengal Railway Administration.

PROCEDURE WITH REGARD TO THE GRANT OF LEAVE ON MEDICAL CERTIFICATES ON THE EASTERN BENGAL RAILWAY.

728. *Mr. Amar Nath Dutt : Is it a fact that the Eastern Bengal Railway authorities do not consider applications for long leave on medical grounds when recommended by their own railway doctor or medical officer unless the employee is examined either by the District or Chief Medical Officer ? If so, will the Government be pleased to state reasons for it ?

Mr. G. G. Sim : The Government do not know the exact procedure followed. But if it is as the Honourable Member says the Government see no objection to it. The Honourable Member may compare the provisions of Rule 228 of the Supplementary Rules.

PROVISION OF TROLLIES FOR RAILWAY MEDICAL OFFICERS.

729. * Mr. Amar Nath Dutt : (a) Will the Government be pleased to state if it is a fact that the travelling railway doctors are not provided with trollies to attend patients outside their headquarters and that they cannot attend all calls for want of trollies or timely trains ?

(b) If so, are the Government prepared to reduce the numbers of trollies allotted to every officer and allot some of them to travelling railway doctors to facilitate their work ?

Mr. G. G. Sim : Government are aware that it is not usual to allow railway medical officers the use of trollies which are not required for the performance of their duties. If the Honourable Member will specify which railway he refers to, a copy of his question will be sent to the Agent.

INADEQUACY OF THE HOUSE ALLOWANCE OF EMPLOYEES OF THE EASTERN BENGAL RAILWAY.

730. *Mr. Amar Nath Dutt : (a) Are the Government aware that many of the Eastern Bengal Railway staff are without quarters at Saidpur, Lalmanirhat, Dacca, Mymensingh, Calcutta, Chitpur, etc., and the house allowance allowed to them is in many cases inadequate in consideration of the rent they have to pay for occupying private quarters ?

(b) If so, will the Government be pleased to state if the Agent, Eastern Bengal Railway, has increased the rate of house allowance to such staff and if not, why not ?

Mr. G. G. Sim : The Government have no information. If the particular men whom the Honourable Member has in mind think that they have a grievance they should address the Agent.

RECRUITMENT OF ASSISTANT ENGINEERS AND ASSISTANT TRAFFIC SUPERINTENDENTS FOR STATE RAILWAYS.

731. *Mr. Amar Nath Dutt : Are the Government aware that the Railway Board has recently published advertisements in the local newspapers inviting applications for recruitment of covenanted Assistant Engineers for State Railways and recruitment of Assistant Traffic Superintendents ? If so, will the Government be pleased to state why the vacancies

have not been filled up by deserving men from the subordinate service of the Engineering and the Traffic Departments of State Railways ?

Mr. G. G. Sim : Government are aware of the advertisements referred to. The number of vacancies in the Transportation Department is in addition to those to be filled up by promotion of deserving subordinates. The engineers referred to are being recruited on short term contracts for the execution of special works and the promotion of men from the permanent subordinate service would not have met the case.

ALLEGED REFUSAL OF THE TRAFFIC MANAGER, EASTERN BENGAL RAILWAY, TO GRANT JOINING TIME TO EMPLOYEES TRANSFERRED FROM ONE STATION TO ANOTHER.

732. ***Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state if the State Railway employees are considered as Government servants and if the Civil Service Regulations are applicable to regulate their leave, etc. ?

(*b*) If so, will the Government be pleased to state if the Traffic Manager, Eastern Bengal Railway, Calcutta, has got any special power to make any addition and alteration to the existing rules of the Civil Service Regulations regulating the question of leave rules ?

(*c*) If not, will the Government be pleased to state if the Traffic Manager, Eastern Bengal Railway, issued orders that no one shall be allowed any preparatory leave on transfer from one station to another within the district, and are the Government aware that his action practically puts the employees to great difficulties ?

Mr. G. G. Sim : (*a*) They are Government servants, and for the present the Fundamental Leave Rules apply to them.

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

(*c*) The attention of the Agent, Eastern Bengal Railway, will be drawn to the Honourable Member's question and, if any irregular orders have been issued by the Traffic Manager, steps will be taken to revise them.

REFUSAL OF THE EAST INDIAN RAILWAY TO LEASE A PLOT OF LAND TO MESSRS. HARNARAIN SHYAMSUNDER, COAL MERCHANTS OF AGRA.

†733. ***Pandit Harkaran Nath Misra** : Will the Government kindly state if it is a fact :

(*a*) that one Messrs. Harnarain Shyamsunder, coal merchants of Agra, applied for the lease of a plot of land to them, from the East Indian Railway Company at Hathras Killah, District Aligarh, on 1st August 1922, and the Acting District Superintendent informed them from Tundla that no plot was available there ?

(*b*) that on 19th September 1922 the said merchants informed the District Superintendent that in fact a plot had been allotted to one firm even after their last letter of 24th August 1922 that some plots were still vacant, and they were told, after repeated reminders on 22nd February 1923, that no plot was available then ?

† For answer to this question, *see* answer to question No. 735.

(c) that on 9th May 1923 the said merchants again informed the District Superintendent that three plots were still available there, but received no reply, and that as a result of their complaint to the General Traffic Manager at Calcutta sent by them on 1st June 1923 and lastly to the Agent on 21st December 1923, they got the amazing reply from the Coal Manager on 8th May 1924, that as they had received no consignment of coal during the last six months, so no plot could be allotted to them ?

(d) that in December 1924 or early January 1925 a plot of land was allotted to the Graphite Coal Company at Agra City station although not a single consignment was received by them up to that date at Agra City while Messrs. Harnarain Shyamsunder did actually receive some consignments of coal at Hathras Killah the place where they wanted the plot of land and that they brought these facts to the notice of the railway authorities ?

If the reply to the above points be in the affirmative, do the Government propose to take any steps to do justice to the said firm of coal merchants and to take disciplinary action against the railway employees concerned ?

ENHANCEMENT OF RENT FOR A PLOT OF LAND LEASED BY MESSRS. SHYAMSUNDER, COAL MERCHANTS OF AGRA, FROM THE EAST INDIAN RAILWAY.

†734. ***Pandit Harkaran Nath Misra** : Are the Government aware :

(i) (a) that one Messrs. Shyamsunder Coal Merchants of Agra are holding a plot of East Indian Railway land at Agra City Station at Rs. 12 per year on an agreement executed on 22nd August 1922, and that they have paid the rent of this plot up to 31st August 1925, holding a receipt for the same ?

(b) that all of a sudden on 8th November 1922 they were asked by the railway authorities to pay Rs. 4 a month for these plots ?

(c) that on 8th April 1924, the District Superintendent of Tundla wanted Rs. 5 a month from them payable from 1st January 1925 ?

(d) that on 24th February 1925 the Divisional Superintendent of Allahabad asked them to pay Rs. 6 a month ?

(ii) If the replies to the above be in the affirmative, will the Government state :

(a) if there are any rules guiding the settlement of these rents, and if so, what ?

(b) if they are prepared to inquire into this matter and remove the grievance ?

DESPATCH BY THE RAILWAY DIVISIONAL SUPERINTENDENT, ALLAHABAD, OF AN INSULTING LETTER TO MESSRS. HARNARAIN SHYAMSUNDER.

735. ***Pandit Harkaran Nath Misra** : Are the Government aware that on 23rd May 1925, the Railway Divisional Superintendent, Allahabad,

† For answer to this question, *see* answer to question No. 735.

sent a very insulting letter to Messrs. Harnarain Shyamsunder ? If the reply to the above be in the affirmative, will the Government kindly :

(a) Lay a copy of that letter on the table of the Assembly ;

(b) Do the Government propose to take any steps in the matter ?

Mr. G. G. Sim : With your permission I propose to answer questions, Nos. 733—35 together.

The Honourable Member is referred to the reply given on 25th August 1925 to unstarred questions Nos. 57 and 58 on the same subject.

INSUFFICIENCY OF ACCOMMODATION FOR MEMBERS OF THE INDIAN LEGISLATURE AT SIMLA.

736. ***Baba Ujagar Singh Bedi :** Having regard to the fact that the Members of the Indian Legislature come up to Simla with their families and that the accommodation reserved for them is not sufficient to meet the demand, do Government propose for the future not to allot the main building of the Longwood to any other person than the Members of the Indian Legislature ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : It was decided in December last, after careful consideration, that the accommodation at Longwood, Simla, should be divided between the Members of the Indian Legislature and Government officials as follows :

Members of the Legislature.	1. The new block ; 2. The Range quarters ; and 3. The cottages.
Government officials.	The old block.

In addition to the accommodation referred to above, there are quarters at Summer Hill for Members who live in European style.

In view of the facts that in previous years the accommodation reserved for Members was not fully occupied and that quarters both in the new block at Longwood and at Summer Hill are lying vacant this year, Government do not consider that the accommodation provided for Members is insufficient to meet the demand, and do not accordingly propose to make any change in the existing arrangements at present.

Baba Ujagar Singh Bedi : Is it not a fact that certain applications for Cottages at Longwood from Members coming up with their families to Simla have not been acceded to only on the ground that there is a paucity of accommodation in Longwood ? If so, seeing that Longwood Hotel was purchased exclusively for the Members of the Imperial Legislature, will Government agree not to allot the main building or the other buildings to outsiders till the whole of the requirements of the Members of the Legislature have been fully satisfied ?

The Honourable Sir Bhupendra Nath Mitra : I am sorry the Honourable Member's question is so long that I have lost the hang of it. I shall be obliged if he will put a question on the agenda paper.

Baba Ujagar Singh Bedi : Will the Honourable Member take this as a notice ? I am sure the Government Reporter will hand him a copy of my question.

The Honourable Sir Bhupendra Nath Mitra : I shall be obliged if due notice is given.

Mr. T. C. Goswami : Are Government aware that the reason why some of these quarters are not occupied is that they are not fit for decent habitation and that you cannot expect people to live in the Assembly slums erected by Government on the Cart Road ?

The Honourable Sir Bhupendra Nath Mitra : This question has no reference to the Cart Road quarters. It refers to the quarters at Longwood and in Summer Hill.

Mr. T. C. Goswami : Some of these are sufficiently bad.

Khan Bahadur W. M. Hussanally : Are Government aware that the quarters in Summer Hill are very distant and not suited to the requirements of the Members of the Legislature, and therefore they are not in demand ?

The Honourable Sir Bhupendra Nath Mitra : Government have no information on that point.

Khan Bahadur W. M. Hussanally : Will Government be pleased to inquire into the matter ?

The Honourable Sir Bhupendra Nath Mitra : I would suggest that the proper course would be for the Members aggrieved to make complaints to Government.

Mr. K. Ahmed : In view of the fact that there is a great demand for the quarters in the Longwood Hotel do Government propose to give facilities to Members to occupy these quarters rather than those which are not liked by them ?

The Honourable Sir Bhupendra Nath Mitra : As I said, I am not aware of the demand. In fact, my information is that the quarters which are reserved for Members of the Legislature at Longwood and in Summer Hill are not fully occupied.

Baba Ujagar Singh Bedi : May I suggest that the Honourable Member should ask the Secretary of the Legislative Department to furnish him with information on this particular point, namely, how many applications for Cottages in Longwood have not been acceded to on account of lack of accommodation ?

GRIEVANCES OF THE EMPLOYEES OF THE GREAT INDIAN PENINSULA RAILWAY.

737. ***Maulvi Muhamad Yakub :** (*a*) Has the attention of the Government been drawn to a printed circular letter issued by Mr. S. H. Jhabvala, Honorary General Secretary, Great Indian Peninsula Railway Workmen's Union ?

(*b*) Do the Government propose to consider the grievances of the Great Indian Peninsula Railway employees with regard to their gratuity, reduction, holidays, equal pay for equal work, sickness, leave, railway passes, promotion and the recognition of their union, and remove the grievances in an effective manner ?

The Honourable Sir Charles Innes : (*a*) Yes.

(*b*) The Honourable Member's attention is invited to the latter

part of the answer given to a similar question No. 336 asked on 1st September 1925.

†738.

†739.

†740.

†741.

†742.

†743.

EMPLOYMENT OF INDIANS IN BURMA.

744. ***Mr. E. G. Fleming** : With reference to my starred question No. 814 of the 9th February last, regarding the employment of Indians in Burma, and the reply of the Honourable the Home Member that the subject was under correspondence with the Local Government, will the Government be pleased to state whether they are now in a position to make any further pronouncement on the subject ?

Mr. H. Tonkinson : The views of the Government of Burma on the subject have been communicated to the Secretary of State and are under his consideration.

CREATION OF A NEW APPOINTMENT OF DEPUTY SUPERINTENDENT, EAST INDIAN RAILWAY.

745. ***Mr. M. K. Acharya** : Will the Government be pleased to state :

(*a*) whether on the amalgamation of the Oudh and Rohilkhand with the East Indian Railway the Railway Board have abolished the place of Superintendent of Watch and Ward, Oudh and Rohilkhand Railway on Rs. 600—50—1,000 and created the appointment of a Deputy Superintendent, East Indian Railway on Rs. 1,000—50—1,750 ?

(*b*) whether the said appointment of Deputy Superintendent was included in the Budget sanctioned for 1925-26 ; and if not so included, whether the sanction of the Railway Standing Finance Committee was obtained before making the appointment ?

(*c*) what the grounds were for creating this new appointment, whether it was done on the recommendation of the outgoing Agent of the Oudh and Rohilkhand Railway or on the requisition of the Agent of the East Indian Railway ?

(*d*) whether the sanction of the Secretary of State had been obtained before creating the appointment in question as required by section 75 of the Civil Service Regulations ?

Mr. G. G. Sim : (*a*) Yes. The pay of the Deputy Superintendent is Rs. 1,500—50—1,750.

(*b*) The reply to both parts of the question is in the negative. It is not the practice to refer separately to the Standing Finance Com-

† Will be answered on Tuesday, the 8th September, 1925.

mittee for Railways unimportant changes in the scales of pay of individual appointments.

(c) The Watch and Ward Department was for some time in charge of a subordinate officer of the Police Department. After a period of trial this arrangement was found unsatisfactory and it was decided by the Railway Board to put the Department under the charge of a superior officer.

(d) No : the creation of the appointment was within the powers of the Government of India.

Mr. M. K. Acharya : Does the Honourable Member consider that the new appointment that has been created is an unimportant thing ?

Mr. G. G. Sim : Yes.

Mr. A. Rangaswamy Iyengar : May I know whether for the creation of these posts, carrying a salary of over Rs. 1,000, the sanction of the Secretary of State is necessary ?

Mr. G. G. Sim : I have already said, Sir, that it does not require the sanction of the Secretary of State.

QUALIFICATIONS OF THE DEPUTY SUPERINTENDENT, WATCH AND WARD AT LUCKNOW.

746. ***Mr. M. K. Acharya :** Will the Government be pleased to state :

(a) whether the old Superintendent of Watch and Ward at Lucknow was a statutory Indian, and the new Deputy Superintendent of Watch and Ward at Lucknow is a European ?

(b) what the qualifications including past service are of the officer now appointed as Deputy Superintendent of Watch and Ward at Lucknow ?

Mr. G. G. Sim : (a) Government have no information.

(b) He is a Superintendent in the Indian Police Service and has put in about 18½ years service in the Police Department.

Mr. M. K. Acharya : Will the Honourable Member kindly answer how this new officer is an officer senior to the one whom he replaced ?

Mr. G. G. Sim : The officer who has been returned to the Police Department was a police subordinate and I have already explained that the new officer is a Superintendent of Police in the Indian Police Service and has put in 18½ years in that service.

Mr. M. K. Acharya : Is seniority determined only by the amount of pay that is being drawn ?

Mr. G. G. Sim : I wish to make this point perfectly clear. One reason for the change in the appointment was due to the action taken by the Police Department itself in the United Provinces. The Inspector General of Police himself explained that the arrangements made by the Railway Department were inadequate and in the annual report he stated that :

"on the Oudh and Rohilkhand Railway a new Watch and Ward Department has been started under a Deputy Superintendent of this Province. It has yet to prove its utility but, in the meantime, I regret to report that the relations between this

Department and the Government Railway Police are anything but satisfactory. I am not in a position to say who is responsible for this unfortunate state of things but I cannot help thinking that the Railway would have been wiser had they appointed, as their Watch and Ward Superintendent, an officer of higher status and one with a wider knowledge of administrative affairs."

DISCUSSION IN THE LEGISLATIVE ASSEMLBY OF THE NEED FOR THE CREATION OF THE NEW APPOINTMENT OF DEPUTY SUPERINTENDENT, EAST INDIAN RAILWAY.

747. ***Mr. M. K. Acharya** : Will the Government be pleased to state whether Government will afford sufficient opportunity to the Legislative Assembly for discussing the need for the creation of an appointment of Deputy Superintendent on the East Indian Railway involving very large additional expenditure not included in the Budget for 1925-26 ?

Mr. G. G. Sim : The Honourable Member's attention is invited to the answer to part (*b*) of his question No. 745. Government do not consider the question of sufficient importance for discussion in the Legislative Assembly.

Diwan Bahadur M. Ramachandra Rao : May I know whether the necessity for the creation of this new appointment was discussed in the Finance Committee ?

Mr. G. G. Sim : There is no new appointment. One officer has been returned to the Police Department and another senior officer has been taken in his place.

Mr. A. Rangaswamy Iyengar : Is it a fact that the man who has been reverted to the Police Department is a statutory native of India, an Anglo-Indian, and that he has been sent away to provide for a European on a higher salary ?

Mr. G. G. Sim : I have already said that I have no information on this. Both these officers were borrowed from the Police Department. There is no question of a statutory Indian losing a post to provide for a European, because the gentleman who has been replaced has simply been reverted to his department.

Mr. A. Rangaswamy Iyengar : Is it a fact that a higher post carrying a higher salary has been created to provide for a European ?

Mr. G. G. Sim : We have not created a higher post. The Police Department said that it was necessary that we should have an officer of higher status.

Mr. A. Rangaswamy Iyengar : Does higher status imply the appointment of a European ?

Mr. G. G. Sim : No.

GRANT OF OUT-STATION ALLOWANCES TO SORTERS OF THE FOREIGN MAILS DIVISION.

748. ***Mr. B. Das** : (1) Will Government be pleased to state if it is a fact that sorters of the Foreign Mails Division are required :

(*a*) to work continuously in the train for 28 hours or more ?

(*b*) that they are required to work for 6 hours at the sorting station before starting on their journey ?

(c) that the 30 hours spent by them on their return journey are not considered part of their duty ?

(d) that they are continuously away from their homes for 84 hours ?

(e) that they are required to travel third class because intermediate class accommodation is not available on certain railways ?

(f) that they get neither daily allowance nor any other compensation for expenses incurred on their journey ?

(2) If the answers to the above be in the affirmative, are Government prepared to consider the necessity of sanctioning some out-station allowance in the case of these sorters ?

The Honourable Sir Bhupendra Nath Mitra : The information is being collected and will be supplied to the Honourable Member.

ENCOURAGEMENT OF INDIAN ART.

749. ***Mr. B. Das :** (a) Will Government be pleased to state whether their attention has been drawn to the scheme for the encouragement of Indian Art published by the Prize of Delhi Committee ?

(b) Do they propose to take any action in the matter ?

The Honourable Sir Bhupendra Nath Mitra : (a) No copy of the scheme has been received officially by Government.

(b) Certain suggestions for the establishment of a Central Art School at Delhi are being considered by Government.

ESTABLISHMENT OF A CENTRAL MUSEUM AT DELHI.

750. ***Mr. B. Das :** (a) Will Government be pleased to state whether any proposals have been submitted for a Central Museum at Delhi ? If so, what are they ?

(b) Do they propose to take any action in the matter ?

Mr. J. W. Bhore : (a) Yes. Proposals have been submitted to Government for the construction of a permanent museum at Delhi, for the housing especially of Central Asian and Indo-Sumerian antiquities. The total cost of the building, exclusive of furniture, is estimated at Rs. 25 lakhs. But for the present it is proposed to construct only a portion of it, namely, one complete wing and portions of the two adjoining ones, at a cost of 11 lakhs of rupees.

(b) The matter is now under consideration.

Mr. B. Das : Have Government considered the advisability of utilising the Viceregal Lodge at Delhi or the New Secretariat for this Museum ?

Mr. J. W. Bhore : If the Honourable Member is making a suggestion I can assure him that it will be considered.

Mr. B. Das : I convey my suggestion to the Honourable Member.

Kumar Ganganand Sinha : Has any site been fixed for this ?

Mr. J. W. Bhore : I am not sure but I think a site has been provisionally fixed in the New Capital at Raisina.

NUMBER OF MEETINGS HELD BY THE EXTERNAL CAPITAL COMMITTEE.

751. *Mr. B. Das : (a) Will Government be pleased to state the number of sittings that the External Capital Committee have held so far ?

(b) When will they be in a position to place the report of this Committee before the House ?

The Honourable Sir Basil Blackett : (a) Three.

(b) It is hoped that the Committee will be able to conclude its deliberations and to present its report before the end of the current Session.

ESTABLISHMENT OF A RATES TRIBUNAL.

752. *Mr. B. Das : (a) Will Government be pleased to state if the Central Advisory Board for the Railways held a discussion on the Rates Tribunal ?

(b) If the answer be in the affirmative will Government be pleased to inform the House of the decision of that body on the appointment of Rates Tribunal ?

(c) Have the Government addressed any further communication to the Secretary of State on this subject ?

The Honourable Sir Charles Innes : The matter was discussed with the Central Advisory Committee and a further reference on the subject has been addressed to the Secretary of State.

Mr. B. Das : Will the Honourable Member let us know what was the advice of the Central Advisory Board on this matter ?

The Honourable Sir Charles Innes : Not at this stage.

TRAINING OF INDIANS AS WIRELESS OPERATORS, ETC.

753. *Mr. N. M. Joshi : With reference to the remarks about the Wireless Section made in the Ryan Committee's Report, will Government please state :

(a) What is the total number of permanent operators in India and how many of those posts are held by :

(i) Indians,

(ii) Anglo-Indians, and

(iii) Europeans ?

(b) What is the number of (i) Indians, (ii) Anglo-Indians, and (iii) Europeans, holding posts carrying a pay of over Rs. 400 a month ?

(c) What steps, if any, are being taken to increase the percentage of Indians in the posts referred to in (a) and (b) ?

(d) What percentage of the total number of operators and mechanics is held by European *ex*-military service men, and whether any special privileges as regards initial pay and increments are given to them ? If so, what ?

(e) At what places in India are wireless stores stocked ?

(*f*) Are any sets of apparatus, engines, spare parts, etc., lying idle? If so, what steps, if any, are being taken to bring them into use and prevent waste?

The Honourable Sir Bhupendra Nath Mitra : (*a*) 86.

(*i*) 12.

(*ii*) 21.

(*iii*) 51.

(*b*) (*i*) *Nil.*

(*ii*) Two in the Upper Subordinate Engineering grades.

(*iii*) Twenty.

(*c*) A scheme is under consideration for the recruitment and training of a number of Indians.

(*d*) 35 per cent.

They were recruited on an initial consolidated pay of Rs. 250. No special privileges as regards increments were given to them.

(*e*) Principally in the Telegraph Storeyard at Calcutta. A small quantity is kept in the Telegraph Store Depôts at Karachi and Bombay for convenience.

(*f*) Yes, but most of them are obsolete. Arrangements are however being made to utilize them as far as possible.

PROVISION OF A MOTOR SIDING AND WATER TAPS AT PAKPATTAN STATION ON THE NORTH WESTERN RAILWAY.

754. ***Baba Ujagar Singh Bedi :** Will Government be pleased to state what action, if any, the Agent of the North-Western Railway has taken with reference to my question No. 978, dated 23rd Feb. 1925 with regard to providing motor siding at Pakpattan station and question No. 979, dated 23rd Feb. 1925, with regard to water taps at the same station which were forwarded by the Government to the said Agent for consideration?

Mr. G. G. Sim : The Government understand that the motor siding is being provided by the Agent of the North Western Railway. They have no information with regard to water taps at this station and do not propose to call for it.

PAY OF TYPISTS IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, CALCUTTA.

†755. ***Mr. Amar Nath Dutt :** Is it a fact that typists doing mere copying work under the Accountant General, Posts and Telegraphs, Calcutta, have been granted a higher scale of pay than that of the Lower Division men performing audit work? If so, why?

PAY OF RAILWAY MAIL SERVICE SORTERS.

†756. ***Mr. Amar Nath Dutt :** Is it a fact that R. M. S. sorters doing mere sorting work of a purely mechanical nature have been granted a higher time-scale of pay than that of the lower division men, doing audit work in P. A., M. O. and S. B. Departments? If so, why?

† For answer to this question, *see* answer below question No. 775.

PAY OF LOWER DIVISION CLERKS IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

†757. *Mr. Amar Nath Dutt : Will the Government be pleased to state :

(a) Why the higher scale of pay, namely, Rs. 60—6—210 in case the classification be maintained, has not been sanctioned during the recent revision in 1924 for the Lower Division under the A. G. P. and T., in spite of the fact that in reply to the memorial submitted by the Lower Division men, the Auditor-General in India assured them in his letter No. 91-E. K.W.-1228-31, dated the 15th January 1923, that he "will see to this in time of revision" ?

(b) When they propose to sanction the said higher scale of pay for the Lower Division ?

SAVINGS EFFECTED BY THE INTRODUCTION OF THE COMPTOMETER MACHINE IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

†758. *Mr. Amar Nath Dutt : Will the Government be pleased to state what saving is made every year by the introduction of the comptometer machine, and the appointment of "C" class men on a lower scale of Rs. 30—50 for M. O. sorting work in the office of the D. A. G. Postal branch, Calcutta ?

PROMOTION OF MR. HIRALAL MULLICK TO THE UPPER DIVISION IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

†759. *Mr. Amar Nath Dutt : Is it a fact that experienced hands were placed in the Upper Division, on the basis of the recommendations by their Superintendents ? If so, (a) why was Mr. Hiralal Mullick not placed in the Upper Division though highly recommended by the Superintendent Mr. Lalit Mohan Mustaphi as fit for the Upper Division, on the strength of the former's considerable experience which has been admitted by the Honourable the Finance Member as per his reply to question No. 755 (*vide* letter No. D.|151|F.E., Finance Department, dated 20th February 1925) to be the basis of distribution of the Upper Division ?

(b) Do Government propose to promote him immediately to the Upper Division ? (c) If not, why not ?

SCALES OF PAY IN THE UPPER AND LOWER DIVISIONS OF THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

†760. *Mr. Amar Nath Dutt : Is it a fact that over 50 per cent. of pay of the Upper Division has been increased during the recent revision in 1924, while below 20 per cent. of pay has been increased in the case of the Lower Division, under the A. G. P. T. ? If so, why this difference ?

CASE OF BABU ASWINI KUMAR BHADRA OF THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

†761. *Mr. Amar Nath Dutt : Is it a fact that Babu Aswini Kumar Bhadra securing more marks than Babu Sourindra Mohan Bose in the recruitment examination in 1920, was placed in the Lower Division, while the latter was placed in the Upper Division ? If so, why ?

† For answer to this question, *see* answer below question No. 775.

REVISION OF THE PAY OF LOWER DIVISION CLERKS IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

†762. ***Mr. Amar Nath Dutt** : Is it a fact that the minimum of the Lower Division was raised in 1922 from Rs. 30 to Rs. 40 only and in consequence the maximum in 1924 from Rs. 70 to 80 ? If so, (*a*) where is the revision of the Lower Division scale under the A. G. P. and T. ? (*b*) Do Government propose to revise the Lower Division scale without delay and to grant an *ad-interim* relief till it is done ? (*c*) If not, why not ?

PAY OF REFERENCE CLERKS IN POSTAL ACCOUNTS OFFICES.

†763. ***Mr. Amar Nath Dutt** : Is it a fact that the duties of the reference clerks are of the same nature in all Account Offices ? If so, (*a*) why did Government fix one scale for the reference clerks of the Account Offices and another higher scale for those of the other Civil Account Offices ? (*b*) Do Government propose to fix the same scale for the reference clerks of the Postal Accounts Office and fix the efficiency bar at Rs. 124, 110 and 100 like the other Account Offices ? (*c*) If not, why not ?

PROMOTIONS TO THE UPPER DIVISION IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

†764. ***Mr. Amar Nath Dutt** : Are Government aware that in the office of the A. G. P. and T., some grave injustice has been done by some Superintendents in not recommending some competent assistants as fit for the Upper Division ? If so, are Government prepared to make an early inquiry into the matter ?

EXAMINATIONS FOR MEN IN THE LOWER DIVISION OF THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

†765. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that in the office of the A. G. P. and T., most of the Lower Division men have been attached to one department only for years ? If so, why are the candidates sitting for the departmental examination for promotion to the Upper Division examined in two departments instead of in one only ? (*b*) Do Government propose to have them examined henceforth in one department only instead of in two ? (*c*) If not, will the Government please state reasons ?

ADOPTION OF A UNIFORM SCALE FOR THE CLERICAL ESTABLISHMENT EMPLOYED UNDER THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

†766. ***Mr. Amar Nath Dutt** : Are the Government now considering the advisability of adopting a single uniform scale for the clerical establishment under the A. G. P. T., Calcutta, on the basis of the strong recommendations by the Deputy Accountants General in their letters quoted in my question No. 599 (*b*) of the last Session ? If not, why not ?

EFFICIENCY BAR FOR LOWER DIVISION CLERKS IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

†767. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that there is an efficiency bar at Rs. 124 in the case of the Upper Division men under the A. G. P. and T. ?

† For answer to this question, *see* answer below question No. 775.

(*b*) If the reply be in the affirmative, do the Government propose to adopt a single uniform scale by abolishing the Lower Division and fix the bar at Rs. 124 ? If not, will the Government please state reasons ?

TRANSFER OF LOWER DIVISION CLERKS TO DEPARTMENTS DOING UPPER DIVISION WORK IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

†768. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that in an office order in 1924, it has been announced by the A. G. P. and T. that " as a rule " Lower Division men should not be transferred to the Departments, doing upper grade work ?

(*b*) If so, where is the ample opportunity of passing the recruitment examination, as stated in the Government reply to my starred question No. 600 (*c*) asked in the winter Session of the Assembly ?

PROMOTION TO THE UPPER DIVISION OF MR. SATI BHUSAN CHAKRAVARTY.

†769. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that Mr. Sati Bhusan Chakravarty performed Upper Division (S. B.) work for several years under the D. A. G. Postal Branch, Calcutta ?

(*b*) If so, why has his claim for the Upper Division been overlooked ?

(*c*) Do Government now propose to promote him to the Upper Division ? If not, why not ?

PAYMENT TO LOWER DIVISION CLERKS OF THE UPPER DIVISION RATE WHILE DOING UPPER DIVISION WORK.

†770. ***Mr. Amar Nath Dutt** : With reference to Government's reply to question No. 599 (*c*) of the last Session (*vide* Government's letter No. D.|151|F.E., Finance Department, dated 20th February 1925), will the Government be pleased to state :

(*a*) The names of the two clerks who are in such a position that they are compelled to do Upper Division work for Lower Division clerks' pay ?

(*b*) Why they should not be paid at the Upper Division rate, while smoothly discharging Upper Division work ?

PROMOTION OF CERTAIN CLERKS TO THE UPPER DIVISION IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

†771. ***Mr. Amar Nath Dutt** : With reference to Government's reply to my question No. 600 (*c*) of the last Session (*vide* Government's letter No. D.|151|F.E., Finance Department, dated 20th February 1925), will the Government be pleased to state whether they propose at an early date to promote Babu Debendranath Ghose, Harendranath Ganguly, Jatish Chandra Banerjee, W. A. Ramey, Manmathanath Mitra, Ramesh Chandra Roy and others who have gained considerable experience by performing Upper Division work for a long time ? If not, will the Government please state reasons ?

† For answer to this question, *see* answer below question No. 775.

SUSPENSION OF MR. GANESH CHANDRA MITTRA OF THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, TELEGRAPH BRANCH, CALCUTTA.

†772. *Mr. Amar Nath Dutt : Are Government aware that one Mr. Ganesh Chandra Mittra of the office of the D. A. G., Telegraph Branch, Calcutta, has been suspended on some allegations, though there are no tangible proofs against him ? If so, why should he not be immediately allowed to join his post ?

SENIOR COMPTOMETER OPERATOR IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTAL BRANCH, CALCUTTA.

†773. *Mr. Amar Nath Dutt : Is it a fact that an outsider has been given his first appointment on Rs. 84 as senior comptometer operator in the office of the D. A. G., Postal Branch, Calcutta, while, in the Department there are many comptometer men with University qualifications and with considerable speed in the comptometer ? If so, why ?

STOPPAGE OF INCREMENTS OF CLERKS IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTAL BRANCH, CALCUTTA.

†774. *Mr. Amar Nath Dutt : Are Government aware that Mr. Joygopal Bhandari, M.A., D. A. G., Postal Branch, Calcutta, stopped the increments of a good many clerks simply for their late attendance not exceeding even 18 days a year ? If so :

(a) Under what authority of the Government has he done so ?

(b) Do Government propose to take any steps in the matter ?

(c) Will Government please also state what is the limit of late attendance excusable per month, as laid down in the Postal Account Codes ?

GRANT OF LEAVE TO SUBORDINATES IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTAL BRANCH, CALCUTTA.

775. *Mr. Amar Nath Dutt : Is it a fact that higher officers in the office of the D. A. G., Postal Branch, Calcutta, often decide leave cases simply on the basis of their subordinate Superintendents' findings without using their own discretion ? If so, what steps do Government propose to take in the matter ?

The Honourable Sir Basil Blackett : I have every desire to furnish the Honourable Member and the House with any information that may reasonably be demanded for the purpose of assisting the House to discharge their public functions. But I do not think that the time and expense involved in preparing replies to these questions which cover in considerable minuteness most of the detailed arrangements in Postal Accounts Offices would be justified by the results.

APPOINTMENT OF MUHAMMADAN ENGINEERS BY THE RAILWAY BOARD.

776. *Maulvi Muhammad Yakub : Is it a fact that out of 13 engineers recently appointed by the Railway Board only one is a Musalman ? How many qualified Musalmans applied for the posts ?

† For answer to this question, *see* answer below question No. 775.

Mr. G. G. Sim : Applications were received from 24 Muslims, but of these only one was considered suitable and he has been offered an appointment.

APPOINTMENT OF MUHAMMADANS AS DEPUTY DIRECTORS, RAILWAY BOARD.

†777. ***Maulvi Muhammad Yakub** : What is the number of the Deputy Directors under the Railway Board and how many of them are Musalmans ? Are any Musalman Deputy Directors under orders for transfers ?

APPOINTMENT OF MUHAMMADANS AS DEPUTY SECRETARIES UNDER THE RAILWAY BOARD.

778. ***Maulvi Muhammad Yakub** : Were the claims of any Musalman considered for the appointment of a Deputy Secretary under the Railway Board ? If so, why was a non-Musalman appointed in preference to any Musalman whose claims were considered ?

Mr. G. G. Sim : I propose to reply to questions Nos. 777 and 778 together. There are at present 7 Deputy Directors in the Railway Board's office, of whom 2 are Muslims. Certain measures of retrenchment of expenditure in the cost of the Railway Board's establishment have been made owing to the reduction by the Assembly of the Demand for the Railway Board. One of these measures is to hold in abeyance 3 posts of Deputy Directors, two of which are held by Muslims, who will be retransferred to Railway Administrations.

It is proposed to create a temporary post of Deputy Secretary and to appoint an officer with the required qualifications and training.

Maulvi Muhammad Yakub : Is it not a fact that this post has not been abolished in reality, but has been given to another officer who will draw a big salary, one-third of which will be given by the Railway and two-thirds by the Railway Board ? Is it not a fact that this post has not really been abolished but has been changed into some other post, the functions being the same ?

Mr. G. G. Sim : May I inquire which particular post the Honourable Member is referring ?

Maulvi Muhammad Yakub : The post of the Deputy Director of Technical Work.

Mr. G. G. Sim : There is a proposal to provide for a portion of the cost by sharing it between the Railway Administration and the Railway Board but that has not yet been definitely settled.

NUMBER OF MUHAMMADAN ASSISTANTS IN THE OFFICE OF THE RAILWAY BOARD.

779 ***Maulvi Muhammad Yakub** : How many assistants are there under the Railway Board and how many of them are Musalmans ?

The Honourable Sir Charles Innes : There are 32 Assistants in Railway Board's office. Of these one is a Musalman.

NUMBER OF MUHAMMADANS IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

780. ***Maulvi Muhammad Yakub** : Is it a fact that out of 13 appointments made in the Education Department only two were given to

†For answer to this question, *see* answer to question No. 778.

Musalmans? Is it also a fact that two persons appointed in the Education Department have not passed the prescribed qualifying examination?

Mr. J. W. Bhore: Twelve men have been permanently appointed to posts in the Department of Education, Health and Lands during 1924 and 1925. Of these three are Muhammadans. All except one, namely the Assistant Librarian, are men approved by the Staff Selection Board. The post of the Assistant Librarian was with the consent of the Staff Selection Board filled by a man who has not passed the prescribed examination on account of his special training in library work. He was considered the best of the candidates offering themselves for appointment in response to an advertisement in the papers. A thirteenth man nominted by the Staff Selection Board, who is not yet fully qualified, has been employed as a provisional measure until the beginning of the next year.

PERCENTAGE OF MUHAMMADANS IN CENTRAL SERVICES.

781. ***Maulvi Muhammad Yakub**: (*a*) What efforts are being made to give effect to the assurance given by the Honourable the Home Member that one-third of appointments will be given to Musalmans? How many posts were given to Musalmans since this assurance was given?

(*b*) What is the proportion of Musalmans in the Central Services under the Government of India? What is the method proposed by the Government of India to raise the proportion of Musalmans to one-third?

Mr. H. Tonkinson: (*a*) I would refer the Honourable Member to the statement in another place by the Honourable the Leader of the House on the 2nd March 1925 and the reply given in this House on the 24th March 1925. I must explain however that no assurance was given that one-third of the appointments would be given to Musalmans but that one-third of appointments would be reserved to redress communal inequalities. The Honourable Member asks how many posts have been given to Musalmans since this assurance was given. If he will inform me of the services in regard to which he requires the information I shall be glad to supply it so far as services under the control of the Government of India are concerned.

(*b*) I am obtaining the information in regard to the proportion of Musalmans in the Central Services and shall supply it to the Honourable Member in due course.

RESOLUTION REGARDING GRIEVANCES OF RAILWAY EMPLOYEES.

782. ***Khan Bahadur W. M. Hussanally**: Will Government please state what action they have taken or propose to take upon the Resolution of the Assembly last Session recommending that a committee be appointed to make an inquiry into the grievances of railway employees?

The Honourable Sir Charles Innes: The Honourable Member's attention is invited to the answer given to a similar question No. 336 asked by Mr. M. K. Acharya in this Assembly on the 1st September 1925.

GRIEVANCES OF THE EMPLOYEES OF THE GREAT INDIAN PENINSULA RAILWAY.

783. ***Khan Bahadur W. M. Hussanally**: (*a*) Have the Government perused a printed letter issued by the Great Indian Peninsula Railway

Workmen's Union, dated 15th August 1925 ? If not, will Government receive a copy from me ?

(b) Are the grievances therein mentioned real or imaginary ? If they are real, what steps do Government propose to take to remove the same ?

The Honourable Sir Charles Innes : The Honourable Member is referred to the answer just given to a similar question asked by Maulvi Muhammad Yakub.

GRANT OF GRATUITIES TO RAILWAY EMPLOYEES.

784. ***Khan Bahadur W. M. Hussanally** : (a) Is there a rule that railway men receive gratuity after a service of 15 years ?

(b) If so, is it a fact that in actual working several obstacles are placed in the way of the workman which not in a few cases deprive him of his hard-earned reward ?

Mr. G. G. Sim : (a) Yes.

(b) The answer is in the negative.

GRANT OF GRATUITIES TO RAILWAY EMPLOYEES.

785. ***Khan Bahadur W. M. Hussanally** : Is it a fact that even after the completion of 15 years of service the railway workman does not acquire the right of claiming gratuity and that it is entirely left to the option of the company and in this case the company is represented by the foreman ?

Mr. G. G. Sim : Yes, gratuity cannot be claimed as a matter of right, and its grant lies entirely at the discretion of the railway company. But for this purpose, the company is not represented by the foreman.

GRANT OF GRATUITIES TO RAILWAY EMPLOYEES.

786. ***Khan Bahadur W. M. Hussanally** : (a) Is it correct or false to say that even if a railway man has put in 30 years' service he is liable to be dismissed by the foreman even for the slightest mistake and in some cases for no reason whatever, and that this makes him forfeit his right to gratuity ?

(b) Will Government place on the table a statement showing dismissals of men having a service of more than 5 years on all State Railways during the last 5 years with the reason in each case ? And also state whether in each case the gratuity was withheld or paid ?

Mr. G. G. Sim : (a) The statement is not correct.

(b) Government have not got the information nor are they prepared to call for it. The grant of a gratuity is contingent on continuous service for 15 years of a good, faithful and efficient character. When these conditions are present the gratuity is always given.

GRANT OF GRATUITIES TO RAILWAY EMPLOYEES.

787. ***Khan Bahadur W. M. Hussanally** : Is it true or false to say that the grant of the gratuity simply depends upon the whims of the fore-

man who is given very wide powers and that the dismissed railway man is not given even a chance of explaining his conduct and clearing his reputation ?

Mr. G. G. Sim : It is not true.

ALLEGED BRIBERY AND CORRUPTION AMONG FOREMAN, ETC., ON RAILWAYS.

788. ***Khan Bahadur W. M. Hussanally** : (*a*) Has it been represented to the Government that in the railways the *makadum*, the foreman and others of his kind either demand money from a new man admitted into the workshop or ask for small monthly gratifications ?

(*b*) Is that statement true or false ?

(*c*) If Government have no information upon the subject, will they make an inquiry and place the result on the table ?

Mr. G. G. Sim : (*a*) No.

(*b*) Does not arise.

(*c*) If the Honourable Member will produce any evidence of the existence of the alleged practice at any particular place, Government will make inquiries.

EUROPEAN, STATUTORY INDIAN AND INDIAN FOREMEN EMPLOYED ON STATE RAILWAYS.

789. ***Khan Bahadur W. M. Hussanally** : (*a*) Will the Government place on the table a statement showing the number of Europeans, statutory Indians and Indians employed as foremen on the State Railways in India ?

(*b*) Are Government prepared to employ more Indians as foremen ?

Mr. G. G. Sim : The Honourable Member's attention is drawn to a somewhat similar question No. 161 asked by Mr. D. V. Belvi on the 27th August, 1925, and the reply which was then given.

GRANT OF HOLIDAYS ON FULL PAY TO EMPLOYEES IN RAILWAY WORKSHOPS.

790. ***Khan Bahadur W. M. Hussanally** : Is it a fact that the men working in railway workshops are not given any holidays except holidays without pay or wages ? If so are Government prepared to consider a scheme of granting them a few holidays on full pay ?

Mr. G. G. Sim : The reply to the first part of the Honourable Member's question is in the negative ; the second part of the question therefore does not arise.

WAGES OF FOREIGN WORKMEN EMPLOYED ON INDIAN RAILWAYS.

791. ***Khan Bahadur W. M. Hussanally** : Is it a fact that foreign workmen on Indian Railways are given more wages than Indians for equal work ? If so, why ?

The Honourable Sir Charles Innes : If the Honourable Member refers to certain Chinese workmen employed on the Great Indian Peninsula Railway I would refer him to the reply given to part (2) of question

No. 257 asked by Mr. R. K. Shanmukham Chetty on the 31st August 1925.

INCREASE IN THE FREE ALLOWANCE OF LUGGAGE OF RAILWAY PASSENGERS.

792. ***Baba Ujagar Singh Bedi** : Do Government propose to increase the weight of the luggage now admissible to passengers to carry with them on their tickets, according to the ratio of the increase in the present fares ? If not, why not ?

Mr. G. G. Sim : The Honourable Member is referred to the discussion on the subject of overcrowding in third class carriages in this House on the 28th February last, when the subject of luggage allowances was brought up.

INCOME TAX OFFICERS IN THE PUNJAB.

793. ***Lala Duni Chand** : (*a*) What is the proportion of Hindu income-tax assessees to Muslim assessees in the Punjab and what is the proportion of income-tax derived from Hindus to that derived from Muslims ?

(*b*) Is it a fact that the bulk of assessees consists of Hindus and that Hindu merchants and shopkeepers generally keep their accounts in *Lunda* and *Mahajani* characters ?

(*c*) Is it a fact that one of the main qualifications and duties of all the Income-tax officers is to check the accounts of the assessees and that the men are required to read *Lunda* characters and to be efficient in vernacular system of accounts, in addition to other necessary qualifications ?

(*d*) What is the number of officials in the Income-tax Department, Punjab, who have not yet passed the prescribed examination in *Lunda* and vernacular accounts and when do the Government propose to replace them by more suitable men ?

(*e*) Do the Government propose to issue instructions to the Commissioners of Income-tax that proficiency in accounts and knowledge of *Lunda* should be considered essential qualifications for *admission* into the Department ?

The Honourable Sir Basil Blackett : (*a*) In 1923-24 the proportion of assessees was :

Muslims	1,945
Non-Muslims	21,418

The information for 1924-25 is not at present available.

(*b*) The answer to both the parts of the question is in the affirmative.

(*c*) The answer to both the parts of the question is in the affirmative.

(*d*) Six Inspectors in the Punjab have so far failed to pass the departmental examinations in all subjects, and have been warned that their services will be dispensed with if they fail to pass.

(*e*) No Income-tax Officer or Inspector is at present confirmed in the Department until he has passed the prescribed departmental examinations which include papers on book-keeping and the reading of *Lunda* accounts.

Lala Duni Chand : The Honourable Member has given the number of assessees, but he has not given the amount of taxes paid. Will he please do so ?

The Honourable Sir Basil Blackett : I answered the question which was put down, but I shall be quite prepared to answer any more if they are equally interesting.

Mr. K. Ahmed : Are the Government of India aware that the money-lenders, the Lalas and Banias and such people derive their income from Muhammadans who are their victims ?

The Honourable Sir Basil Blackett : I take that information from the Honourable Member.

EMPLOYMENT OF MUHAMMADANS IN THE INCOME-TAX DEPARTMENT, PUNJAB.

794. ***Lala Duni Chand** : (*a*) Is it a fact that some instructions have been issued or are about to be issued from the Government of India to the Commissioner of Income-tax, Punjab, to increase the number of Muslim officials in the Department ?

(*b*) Is it also fact that the Commissioner of Income-tax, Punjab, has not so far been able to get a sufficient number of Muslim candidates suitable for the Department in spite of his best efforts on account of the fact that Muslim candidates possessing the required qualifications are not forthcoming in sufficient numbers ?

(*c*) If the reply to (*a*) be in the affirmative, will the Government state if the Commissioner has also been informed that this proportion, if at all to be taken into consideration, should be based on the number of Hindu and Muslim assessees instead of the population of the province ?

The Honourable Sir Basil Blackett : (*a*) No special instructions had been issued by the Government of India to the Commissioner of Income-tax, Punjab and North-West Frontier Province.

(*b*) A sufficient number of Muslim candidates with the necessary qualifications is forthcoming but they find greater difficulty in qualifying in Lunda accounts than the Hindu candidates, especially those drawn from the trading classes.

(*c*) The answer is in the negative. The Government do not see the relevancy of the number of Hindu and Muslim assessees.

PUBLICATION OF THE REPORT OF THE FIJI DEPUTATION.

***Sardar V. N. Mutalik** : With your permission, Sir, I shall put a question of which I have given private notice.

Will the Government be pleased to state :

(*a*) Whether Earl Winterton stated in reply to Mr. Scurr in the House of Commons that definite proposals with regard to Indians in Fiji were now on their way to the Government of India and that therefore the publication of the report of the deputation to Fiji of 1922 might not be necessary ?

(*b*) What are the definite proposals and whether they would be placed on the table ?

(c) Why is the publication of the report of Fiji deputation unnecessary ?

(d) Why does the Home Government propose to interfere with the publication of the report of the deputation of the Government of India ?

(e) Do the Government propose to publish the report of the deputation without any further delay ?

Mr. J. W. Bhore : (a) The reply is in the affirmative.

(b) The proposals were the result of representations made by the Colonies Committee on the subject and since the Government of India did not regard them as entirely adequate and negotiations are still proceeding they are not yet in a position to make any announcement on the subject.

(c), (d) and (e). The Honourable Member's attention is invited to my reply to Mr. Gaya Prasad Singh's question No. 298 on the same subject on the 1st September 1925.

SPEECH OF THE CHANCELLOR OF THE EXCHEQUER REGARDING ADOPTION OF THE GOLD STANDARD.

12 NOON.

***Mr. C. B. Chartres** : Has the attention of the Government of India been drawn to the following passage in the Report in the London "Times" of August 6th, 1925, of the speech of the British Chancellor of the Exchequer on the gold standard in the House of Commons on August 5th :

"General money rates had eased since the gold standard was adopted. Equilibrium had been established with the Exchanges of Australia and South Africa. India had determined the rate at which she should stabilize the rupee."

Is this a correct report of what the Chancellor of the Exchequer said ?

The Honourable Sir Basil Blackett : No, Sir. The report in the London "Times" is a condensed summary and does not correctly represent what was actually said by the Chancellor of the Exchequer regarding India. The words actually used by him were :

"India has been considering at what sterling rate she can stabilise her rupee."

Mr. B. Das : Does our Chancellor of the Exchequer agree with the other Chancellor in this matter, Sir ?

The Honourable Sir Basil Blackett : Very probably, Sir.

UNSTARRED QUESTIONS AND ANSWERS.

CASE OF GHULAM NABI, INVESTIGATION OFFICER ATTACHED TO THE OFFICE OF THE POSTMASTER GENERAL, PUNJAB.

105. **Mr. S. Sadiq Hasan** : 1. (a) Are the Government aware that Ghulam Nabi, Investigating Inspector attached to the office of the Postmaster General, Lahore, in the Rs. 100—5—175 grade was in due course, offered promotion to the Rs. 175—10—225 grade in January 1921, and that the said Ghulam Nabi declined to avail himself of this promotion consequent upon a recommendation made by the Postmaster General to the Director General to the effect that "as a special case due to this officer's exceptional detective abilities he may be given a personal allowance (Rs. 150 per mensem), and that Ghulam Nabi's services would be thrown away if he were promoted and posted to a post office" ?

(*b*) Are the Government further aware that after Ghulam Nabi's refusing the promotion he was neither granted a personal allowance, as recommended by the Postmaster General, nor any other compensation, and that he was retained as Investigating Inspector on his own pay until 8th October when, as a last resort, he asked for promotion to the said grade of Rs. 175—10—225 which was granted ?

2. If the answer to 1 be in the affirmative, do the Government propose to reconsider Ghulam Nabi's case and see their way to make an adequate compensation for the loss of money as well as of position in the gradation list which he suffered during the 32 months—January 1921 to October 1923—the period for which he was retained as Investigating Inspector by the Postmaster General, after promotion was first offered to him ?

Mr. G. P. Roy : (*a*) Mr. Ghulam Nabi was Investigating Inspector attached to the office of the Postmaster General, Punjab and North West Frontier, in January 1921 when he was offered promotion to the grade of Rs. 175—225 in the general line. He however refused the promotion of his own accord and it is not a fact that the refusal was consequent upon any recommendation made for the grant of a personal allowance to him.

(*b*) Does not arise.

2. Does not arise.

PAY AND ALLOWANCES OF MEMBERS OF THE INDIAN TERRITORIAL FORCE.

106. **Mr. S. Sadiq Hasan** : Does Rule 17, Pay and Allowances, Part IV of the rules under the Indian Territorial Force Act, 1920 (XLVIII of 1920), provide that every person enrolled shall for any period during which he is called out or embodied for training be entitled to such allowances and pay as are for the time being admissible to corresponding ranks of His Majesty's Indian Forces ?

Mr. E. Burdon : Yes, except for persons enrolled in a University Corps.

OFFICERS OF THE INDIAN TERRITORIAL FORCE.

107. **Mr. S. Sadiq Hasan** : Does a Territorial officer hold an honorary King's commission by virtue of his having enlisted in the Indian Territorial Force and does his promotion as King's commissioned officer also depend on the length of service in the Indian Territorial Force ?

Mr. E. Burdon : An officer of the Indian Territorial Force holds his honorary King's commission by virtue of his having been enrolled and appointed an officer in that Force. He receives an honorary King's commission simultaneously with the grant of a Viceroy's commission. Promotion in the honorary King's commissioned rank follows the time scale of promotion in force in the regular Indian Army, and depends on an officer possessing the necessary qualifications for promotion one of which is the requisite length of service in the Territorial Force.

PAY OF AN HONORARY LIEUTENANT IN THE INDIAN TERRITORIAL FORCE.

108. **Mr. S. Sadiq Hasan** : (*a*) Does an honorary Lieutenant in His Majesty's Indian Forces receive the same pay as is admissible to a regular Lieutenant ?

(*b*) If so, will the Government be pleased to declare why an honorary Lieutenant in the Indian Territorial Force is not and has not so far been allowed the same pay as is drawn by his corresponding rank in His Majesty's Indian Forces in direct contravention of the provisions of Rule 17 under the Indian Territorial Force Act of 1920 ?

Mr. E. Burdon : (*a*) No. He receives pay based on his rank as a Viceroy's commissioned officer.

(*b*) This question does not arise, but I would explain that the term "corresponding ranks of His Majesty's Indian Forces" refers to substantive rank held by the officer and not to his honorary rank. Honorary rank, as the term implies, is in all cases unpaid.

EAST INDIAN RAILWAY COMPANY SCHOOLS.

109. **Haji Wajihuddin** : 1. Did the East Indian Railway Company when in existence maintain for the benefit of its employees any schools partly from its own revenues and partly from grants received from the various Provincial Governments in whose jurisdiction these schools were situated ?

2. Did not these schools automatically pass over to the Government of India together with the rest of the undertaking when the East Indian Railway was taken over by the State on the 1st of January 1925 ?

3. Are these schools still maintained ? If so, how many of them are for Europeans and Eurasians and how many for Indians ?

4. Are not these schools maintained entirely from Government revenues, partly from those of the Central Government received from the Railway Budget through the East Indian Railway administration and partly from provincial revenues received through the Educational Departments of Governments in whose jurisdiction the schools happen to be situated ?

5. Are not these schools, maintained as they are from Government revenues only, Government institutions ? If so :

(*i*) Are they Central Government institutions ? or

(*ii*) Are they Provincial Government institutions ?

If the former, are they managed and controlled by the Educational Department of the Government of India or any special Department of the Railway Board ? Are the employees of these institutions railway servants or Government of India servants ? Please state the rules governing the appointments, dismissals, discharges, leave, pay and allowances of the staff employed in these institutions and also to whom they have to appeal in cases of injustice ?

If the latter, are they treated just as other teachers in Provincial Government schools or differently, and if differently, please state the rules governing their appointment, discharge, leave, pay, increases and allowances, etc. ?

Mr. G. G. Sim : Government have not the information but will make inquiries.

EXTRA RATE CHARGED BY THE GREAT INDIAN PENINSULA RAILWAY ON GOODS BOOKED FROM OR TO KURDUWADI.

110. **Dr. K. G. Lohokare** : I. Will Government be pleased to say if the Great Indian Peninsula Railway has put on an extra rate at Kurduwadi station for goods booked from or to this station, and if the rates for corresponding classes of goods are more advantageous from the next stations up and down the Barsi Light line ?

II. If the replies to the above be in the affirmative, will Government kindly say what are the reasons for such an extra rate for booking goods at Kurduwadi and how long are the extra rates being charged ?

III. Will Government be pleased to say if they know that

(*a*) peasants and traders near Kurduwadi are thus made to take their goods to the next station on the Barsi Light Railway ;

(*b*) the Barsi Light Railway Company has been paying a dividend of over 9 per cent. to their shareholders ?

IV. Will Government kindly say if they are prepared to remove this extra rate ?

Mr. G. G. Sim : Inquiry has been made and the result will be communicated to the Honourable Member in due course.

PONTAGE CHARGES LEVIED BY THE BARSI LIGHT RAILWAY.

111. **Dr. K. G. Lohokare** : Will Government be pleased to state :

(*a*) If the Barsi Light Railway has been allowed pontage on any of the bridges on the line now being or about to be constructed by them.

(*b*) If so, (*i*) on what bridges, at what rate and for what traffic ; (*ii*) whether it affects the right of the Company to take the maximum rates for each class of traffic ?

(*c*) If the Railway Advisory bodies or the Legislature or the local bodies and revenue officials of the districts through which the line passes had been consulted before allowing such an extra charge ?

(*d*) If they are aware that the public and the Bombay Legislative Council have resented such a pontage charge over and above the maximum rates laid down—in the cases of pontage charge for Pandharpur bridge on the same line ?

(*e*) If they are prepared to dispense with the idea of such fresh pontage charges on the line ?

The Honourable Sir Charles Innes : The Barsi Light Railway was allowed a pontage charge over the Bhima River bridge but this was withdrawn in 1923 and no pontage charge is now levied on that railway.

PROTECTION OF THE INDIAN MATCH INDUSTRY.

112. **Haji S. A. K. Jeelani** : (*a*) Are the Government aware that large quantities of aspen wood suitable for the manufacture of matches are being

imported into India since the duty on undipped splints and veneers for match boxes was raised from 1st March 1924 ? Will the Government be pleased to state whether there were any imports of aspen wood for the purpose of match manufacture into India before 1st March 1924 and if so, what was the quantity imported as well as its price ?

(*b*) Will the Government state whether they have received any representation from Indian indigenous match industry pointing out the danger to its existence owing to the import of foreign wood and requesting the Government to tax the same heavily ?

(*c*) Have the Government made any investigations to ascertain whether the fall in the value of imports of matches from Rs. 1,45,91,813 during 1923-24 to Rs. 88,88,611 during 1924-25 is mostly due to the heavy imports of logs of wood for match manufacture in India ?

(*d*) Will the Government state whether they propose to consider the question of taxing adequately the import of foreign wood used for the manufacture of matches in India both to safeguard their revenue as well as to protect the interests of the indigenous Indian match industry ?

The Honourable Sir Charles Innes : (*a*) 8,487 cubic tons of logs have been imported during January to July 1925. The Government have no precise information how much of this quantity is aspen wood. Complete information regarding logs imported prior to January 1925 is not available.

(*b*) Yes.

(*c*) The differences to which the Honourable Member draws attention are also contributed to by a fall in the declared price of matches imported and by the import of splints and veneers.

(*d*) The Government are watching developments.

REFERENCE OF THE QUESTION OF THE PROTECTION OF THE MATCH INDUSTRY TO THE TARIFF BOARD.

113. **Haji S. A. K. Jeelani :** Will the Government state if they received any application from the Indian match factories to refer the subject of the match industry to the Tariff Board for investigation ? If so, do they intend directing the Tariff Board to take up this matter immediately after they complete their present inquiry ?

The Honourable Sir Charles Innes : The answer to the first part of the question is in the affirmative and to the second part in the negative.

LARGE IMPORTS OF MATCHES AT BEDI BUNDER IN KATHIAWAR.

114. **Haji S. A. K. Jeelani :** (*a*) Will the Government be pleased to state the number of cases of foreign matches transhipped from the ports of Karachi and Bombay to Bedi Bunder in Kathiawar every year separately from 1st April 1916 to 31st March 1920 when there was an import duty *ad valorem* and from 1st April 1921 to 31st March 1925 when the duty was raised ? Have Government inquired into the cause of such large imports of matches at Bedi Bunder ?

(*b*) Are Government aware that these matches are despatched in carts to places on or near the border of British India whence they are sold and

railed at prices much below the wholesale cost price of large importers of matches in Bombay ?

(c) If they are aware of this, what steps do the Government propose to take to safeguard their legitimate revenue from foreign matches ?

The Honourable Sir Basil Blackett: (a) The number of cases of foreign matches transhipped from Bombay and Karachi to Jamnagar and Bedi Bunder is as below :—

	1922-23.	1923-24.	1924-25.
Bombay ..	1,334	4,925	555
Karachi	Not available	..	1,750

The Government have no figures for earlier years. The figures given do not of course include transhipments from ports outside British India, such as Colombo. It is believed however that such traffic was relatively negligible in extent before the duties were raised, *i.e.*, in 1921 and 1922. The reply to the second part of the question is in the affirmative.

(b) The answer is in the negative. The Government are, however, aware that large consignments are despatched by rail direct from Bedi Bunder and other ports to destinations in British India.

(c) I cannot say more at present than that the matter is being very seriously considered by the Government of India.

APPEAL OF THE MADRAS PROVINCIAL POLICE OFFICERS.

115. **Haji S. A. K. Jeelani** : Will the Government be pleased to lay on the table a copy of the appeal preferred by the Madras Provincial Police officers to the Government of India, and the correspondence ending with the Government of Madras G. O. No. 816-Judicial, dated 30th June 1922 ?

The Honourable Sir Alexander Muddiman : The appeal has not yet reached the Government of India through the regular official channel and has therefore not been considered by them. I regret that I cannot lay a copy of it on the table.

APPOINTMENT OF THE PUBLIC SERVICE COMMISSION.

116. **Mr. N. C. Kelkar** : (a) Have Government formulated their proposals about the inauguration of a Public Service Commission for India ?

(b) Will Government place on the table all papers on the subject ?

(c) Will Government give the Assembly an opportunity to discuss and express its opinion upon the proposals, if any, before they are finally adopted ?

The Honourable Sir Alexander Muddiman : I would refer the Honourable Member to the answer given by me to Mr. B. Das and Diwan Bahadur Ramachandra Rao on the 25th August 1925, and to Mr. R. K. Shanmukham Chetty on the 31st August 1925.

RECRUITMENT PROPAGANDA CARRIED ON BY LORD MESTON IN ENGLAND.

117. **Mr. N. C. Kelkar** : (a) Will Government state whether they had supplied any definite instructions to Lord Meston for the speeches he made in England on the question of recruitment to the Services in India ?

(*b*) Will Government state if they accept responsibility for the facts and observations made by Lord Meston in his speeches ?

The Honourable Sir Alexander Muddiman : The answer to both parts is in the negative.

EXPENDITURE ON ART DECORATIONS OF THE IMPERIAL BUILDINGS IN THE NEW CAPITAL AT DELHI.

118. **Mr. N. C. Kelkar** : (*a*) What is approximately the amount of expenditure proposed on art decorations to the Imperial buildings in the new capital at Delhi ?

(*b*) Will Government state in what manner is the amount proposed to be spent and what is the scheme of decoration ?

The Honourable Sir Bhupendra Nath Mitra : The Chief Engineer, Delhi, will be glad to give any information regarding the decorations of the Imperial Buildings if the Honourable Member will apply to him stating exactly what class of decoration he wishes information about.

PURCHASE OF LOCOMOTIVES FOR STATE RAILWAYS.

119. **Mr. N. C. Kelkar** : (*a*) Are Government aware that English prices of locomotives and other material are much heavier than those in some other countries in Europe and America ?

(*b*) Will Government state the policy they have been pursuing in the matter of purchasing locomotives for State Railways ?

The Honourable Sir Charles Innes : (*a*) In all cases of locomotives and other materials required by Railways from abroad, the Director General, India Store Department, London, gives American and Continental manufacturers every opportunity of tendering for their supply. In many cases, the lowest satisfactory tender from American or Continental firms is lower than the lowest British tender, but the former is not invariably lower than the latter.

(*b*) The policy pursued by Government in purchasing locomotives for State Railways is to ensure that they are purchased in the best market. The Director General, India Store Department, London, in the case of State-worked Railways and the Government Director, on the Home Boards of Company-worked Railways, have instructions that the lowest satisfactory tender should be accepted in the case of railway requirements of all descriptions irrespective of the country of origin.

DEMANDS OF EUROPEAN OFFICERS OF NON-INDIAN DOMICILE.

120. **Mr. N. C. Kelkar** : Will Government lay on the table papers on the subject of the demands of the men of non-Indian domicile in the Provincial Services and the action which Government may be contemplating with regard to those demands ?

The Honourable Sir Alexander Muddiman : The Honourable Member will find an answer to this question in the correspondence published in the White Book entitled "East India (Lee Commission Complaints of British officers)", copies of which have been placed in the Library.

REFUSAL OF THE P. AND O. STEAM NAVIGATION COMPANY TO ACCEPT SOME BAGS OF BAR GOLD FOR SHIPMENT FROM MARSEILLES TO BOMBAY.

121. **Mr. N. C. Kelkar** : Will Government state the facts so far as they know about the reported refusal, a few months ago, of the shipping company at Marseilles of the gold on its way to India from America ?

The Honourable Sir Bhupendra Nath Mitra : In March last the Director General, Posts and Telegraphs, received intimation from the General Post Office, London, to the effect that the P. and O. Steam Navigation Company had rejected about 350 bags of bar gold from New York to Bombay which they had received on 27th February 1925 for embarkation on the S.S. *Nurkunda* at Marseilles.

The risk of carrying numerous mail bags packed with gold was so great that not only the P. and O. Company but every other Steamship Company to which they were offered at Marseilles refused to accept them with the result that after a few bags had been sent to India *via* Colombo by a Dutch steamer, 300 bags were returned to America by the French Post Office.

EXPENDITURE ON THE PARSIK TUNNEL BETWEEN KALYAN AND THANA.

122. **Mr. N. C. Kelkar** : Will Government state :

(1) What is the total amount spent up to date on the Parsik tunnel between Kalyan and Thana ?

(2) What were the benefits calculated at the time of sanctioning the tunnel to result from the work ?

(3) What is the average saving actually realised per year during the last three years owing to the tunnel in terms of the working charges on the section of the railway in question ?

Mr. G. G. Sim : The information asked for is being obtained from the Railway Administration concerned and will be furnished to the Honourable Member when received.

WORKING HOURS OF RAILWAY MAIL SERVICE SORTERS.

123. **Mr. N. C. Kelkar** : (*a*) Is it a fact that the R. M. S. workers have to spend about an hour in active duty and attendance before the starting of the train carrying mails under sorting and sometimes an hour or two after the train reaches its destination ? If not, then what is the departmental estimate of the time required for such duty and attendance ?

(*b*) Is this period of duty at either end included and given credit for in applying the time test to these workers ?

(*c*) Are they paid any extra allowance for this overtime duty ?

(*d*) Is it a fact that railway guards and drivers are paid *bhatta* for all overtime attendance and duty not actually covered by the running of trains or shunting duty in the yard ?

(*e*) Will Government state their reasons for discriminating between concessions so given to their railway servants and refusing the same to the R. M. S. workers ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No. The time required ranges from 15 to 30 minutes.

(*b*) The Honourable Member is referred to the reply to his starred question No. 4 given by me on the 22nd January 1925.

(*c*) No:

(*d*) The practice varies but ordinarily the time required for taking and making over a train is considered incidental to the running in charge thereof.

(*e*) The conditions of service and the nature of work of the two Departments are not analogous.

NUMBER OF PASSENGERS CARRIED BY THE POONA MAIL BETWEEN BOMBAY AND POONA DURING THE YEAR ENDED MAY 1925.

124. **Mr. N. C. Kelkar** : Will Government supply information on the following points :

(1) Total number of passengers first, second and third class (or servants) that travelled in one year (May 1924 to May 1925) by the Poona Mail up and down between Bombay and Poona ;

(2) Total approximate expenses for running the two trains in the period ; and

(3) Amount of contribution by the Postal Department paid for carrying the mails by these trains during the same period ?

Mr. G. G. Sim : (1) The number of passengers carried by the Poona Mail between Bombay and Poona during the year ended May 1925 was :

	Bombay to Poona.	Poona to Bombay.
First class	3,472	3,624
Second Class	5,460	9,704
Third (Servants)	2,782	3,545

(2) Total approximate expenses for running these two trains during this period was Rs. 2,98,833.

(3) The contribution paid by the Postal Department for the carriage of mails by these trains during this period was Rs. 12,923.

CASUAL LEAVE OF SORTERS IN THE RAILWAY MAIL SERVICE "B" DIVISION.

125. **Mr. N. C. Kelkar** : (*a*) Is it a fact that sorters in the Railway Mail Service "B" Division, availing themselves of casual leave, are required to pay the cost of the allowance payable on double duty arising out of the absence of such sorters on casual leave ?

(*b*) If so, will Government be pleased to define casual leave in the case of the sorters ? And will Government quote instances of any other Department of Government wherein officials have to pay for their leave ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) and (*b*) Casual leave is informal absence from duty for brief periods. The general rule in all departments of Government including the Posts and Telegraphs Department is that its grant should not occasion any extra cost to the State, and this rule applies to sorters in the Railway Mail Service "B" Division as to other employees of the Posts and Telegraphs Department. When reserve sorters are available to take the place of absentees on casual leave this condition is fulfilled, and the sorters mentioned by the Honourable Member can be granted casual leave without any payment being required from them. When, however, owing to the number of men already absent from duty from any cause, reserve sorters are not available, it would ordinarily be necessary to refuse the grant of casual leave ; but even then a sorter is permitted to take casual leave if he is prepared to bear the cost of the double duty allowance payable to the man who in his absence is called upon to do his work.

COMPENSATION TO OFFICIALS OF THE SELECTION GRADES IN THE POST OFFICE FOR THE HIGHER COST OF LIVING IN BOMBAY AND OTHER PLACES.

126. **Mr. N. C. Kelkar :** (*i*) Is it a fact that :

(*a*) Pays of the time-scale appointments in the Post Offices are different according to the cost of living in different localities ?

(*b*) The pays of the selection grade appointments are the same irrespective of the cost of living in the costlier localities ?

(*c*) The maximum pay of the time-scale is Rs. 150, while the starting pay of the first selection grade is Rs. 145 in Bombay ?

(*ii*) Has the Director General of Posts and Telegraphs received any representations in this connection ? If so, how does the Government propose to compensate the officials of the selection grades for the higher cost of living in Bombay and other places ?

The Honourable Sir Bhupendra Nath Mitra : (*i*) (*a*), (*b*) and (*c*). Yes.

(*ii*) Yes. The matter is under consideration.

ATTACHMENT OF ORDERLY PEONS TO INSPECTORS OF POST OFFICES.

127. **Mr. N. C. Kelkar :** Will Government be pleased to state whether it is a fact that a promise was given to the Inspectors of Post Offices that provision will be made in the Budget for 1925-26 to restore orderly peons to them ? If so, what steps have Government taken to fulfil the promise ? If not, will Government be pleased to state when they mean to restore orderly peons to Inspectors of Post Offices ?

The Honourable Sir Bhupendra Nath Mitra : The matter is under consideration of Government along with certain other grievances of postal subordinates. Provision for any action they may decide to take in regard to this particular item will be made in due course in the budget for 1926-27.

CONTINGENT ALLOWANCES FOR POST OFFICES.

128. **Mr. N. C. Kelkar :** (*a*) Will Government be pleased to state whether it is a fact that allowance for contingencies granted to all Post

Offices in India was reduced by 15 per cent. from March 1923 and a saving of Rs. 50,000 a year was effected thereby, because the Post Office was then said to be working at a loss ?

(*b*) Have the Postal Unions all over India protested against this cut and prayed for the allowance being restored to its former figure ?

(*c*) Will Government be pleased to state when they mean to restore the allowance for contingencies to its former figure ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No.

(*b*) No.

(*c*) The question of revising the allowances for contingencies is under consideration.

GRANT OF COMPENSATORY ALLOWANCE TO SELECTION GRADE OFFICERS OF THE POST OFFICE STATIONED AT BOMBAY, POONA, SALSETTE AND KARACHI.

129. **Mr. N. C. Kelkar :** (*a*) Will Government be pleased to state whether it is a fact that the scale of pay of selection grade appointments in the Post Office and the Railway Mail Service is the same all throughout India? If so, is any compensatory allowance sanctioned to selection grade officers of the Post Office and the Railway Mail Service stationed at Bombay, Poona, Salsette and Karachi in exercise of the power conferred by rules 44 and 93 of the Fundamental Rules ? Is it a fact that the pay was not fixed with special reference to the high cost of living at those places ?

(*b*) Are Government aware that such a compensatory allowance has been sanctioned by the Government of Bombay to officers under their control at those places with effect from the 1st March 1923 ?

(*c*) If so, will Government be pleased to state when they mean to sanction a similar compensatory allowance to their officers of the Post Office and the Railway Mail Service ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The scale of pay of selection grade appointments in the Post Office and the Railway Mail Service is the same throughout India. Selection grade officials get a compensatory allowance in Karachi, but not at present in Bombay, Poona and Salsette. The pay of selection grade officials was not fixed with special reference to the high cost of living at the most expensive places.

(*b*) Yes, to certain classes of officers.

(*c*) As the Honourable Member is aware from the reply given by me on the 22nd January 1925 to his starred question No. 10, gazetted officers of the Post Office and Railway Mail Service already get a special scale of local allowance in Bombay and Karachi. The question of granting such an allowance to selection grade officers in Bombay is under consideration. Government are not considering proposals for the grant of compensatory allowances in Poona and Salsette.

TRAINING OF RECRUITS FOR CLERICAL APPOINTMENTS IN THE POST OFFICE.

130. **Mr. N. C. Kelkar :** Will Government be pleased to state whether they have made any arrangements to give preliminary training to recruits for clerical appointments in the Post Office on the lines of the arrangement

made for training recruits for the Railway Mail Service and the Telegraph Department ? If not, are they prepared to consider the question of giving such training ?

The Honourable Sir Bhupendra Nath Mitra : At present there are no schools for training recruits for clerical appointments in the Post Office. Approved candidates are taught the work of the Post Office in a practical manner by being attached for thorough training to a head post office, and Government do not propose to change a system which has been found to be satisfactory.

GRANT OF THE CONCESSION OF COUNTING TEMPORARY SERVICE TOWARDS INCREMENTS TO OFFICIALS OF THE POSTAL DEPARTMENT CONFIRMED BETWEEN 20TH SEPTEMBER 1920 AND 31ST DECEMBER 1921.

131. **Mr. N. C. Kelkar** : Is it a fact that the officials who were confirmed in the Postal Department between 23rd September 1920 and 31st December 1921 are deprived of the concession of counting temporary or officiating service towards increments ? If the reply is in the affirmative, are Government prepared to extend the same concession which they have already granted to the officials who were confirmed before the 23rd September 1920 ?

The Honourable Sir Bhupendra Nath Mitra : Yes. The matter is under consideration of Government.

APPOINTMENT OF A PROPERLY QUALIFIED MAN TO BE PROFESSOR OF HISTORY IN THE GOVERNMENT COLLEGE, AJMER.

132. **Mr. B. Das** : (*a*) Is it a fact that the post of Professor of History in the Government College, Ajmer, having fallen vacant, a teacher in the Government High School who did not take History in his B.A. or M.A. course, but has taken his M.A. degree in Persian has been appointed to be such Professor ?

(*b*) Is it a fact that among the candidates there were several people who had taken their M.A. degree in History and some of them had taken a First Class ?

(*c*) Is it also a fact that the Principal of the Government College, Ajmer, recommended for the appointment a candidate who had taken his M.A. degree in History, but that the higher authority ignored this recommendation and selected a man who had never read History in his B.A. or M.A. course and has never served in a College ?

(*d*) Are Government aware that the appointment has caused great discontent in Ajmer-Merwara, and a feeling of alarm as to the future of the College amongst the students ?

(*e*) Do Government propose to direct the Honourable the Chief Commissioner to reconsider the matter and appoint a properly qualified man to be Professor of History in the Ajmer Government College ?

Mr. J. W. Bhore : (*a*) Yes.

(*b*) Yes. There were two applicants with 1st class M.A. degrees.

(c) Recommendations of Government officers regarding *personnel* are confidential. In this particular case the recommendation made by the Principal of the Government College, Ajmer, was duly considered.

(d) No.

(e) No.

ALLEGATIONS AGAINST THE SUPERINTENDENT OF POST OFFICES, LOWER RAJPUTANA DIVISION, AJMER.

133. **Mr. C. S. Ranga Iyer** : (a) Is it a fact that the Superintendent of the Post Offices of Lower Rajputana Division has transferred about 110 out of the total strength of 125 members of the supervisory and clerical staff ?

(b) Are the Government aware that this has caused much hardships and much discontent ?

(c) Are the Government aware that among the men thus transferred were included certain office-bearers of the Rajputana Postal Association in contravention of the orders of the Director General, Posts and Telegraphs, issued in his General Letter No. A.M.-2-T., dated 16th January 1923 ?

(d) If the answer to (c) is " No ", will Government be pleased to make inquiries ?

(e) Is it a fact that the Superintendent of Post Offices, Lower Rajputana Division, has recently entertained three new men in the clerical cadre ? Is it a fact that he rejected the applications of candidates with higher educational qualification ?

(f) Are Government aware that the Superintendent of Post Offices, Lower Rajputana Division, Ajmer, since the middle of March 1925, does not come to his office at all during the days he is at the headquarters except once a month on pay day ?

Mr. G. P. Roy : (a) No, since June 1924 only 20 transfers have been made by the Superintendent in the interests of the public service.

(b) No.

(c) and (d). Not a single office bearer of the Rajputana Postal Association has been transferred in contravention of the Director General's orders referred to.

(e) The reply to the first part is in the affirmative. The reply to the second part is in the negative.

(f) No, the Superintendent is reported to be regular in his attendance in office.

APPEAL OF MR. HAR NARAIN, A CLERK IN THE OFFICE OF THE DEPUTY POSTMASTER GENERAL, RAILWAY MAIL SERVICE, AMBALA.

134. **Mr. S. Sadiq Hasan** : 1. Is it a fact that the Member in charge of the Industries and Labour Department, in reply to question No. 806 asked by Diwan Chaman Lal in the Legislative Assembly on the 14th March 1924, promised that the appellants whose appeals are rejected would be given the reasons for the rejection whenever they inquire ?

2. Is it a fact that Mr. Har Narain, a clerk in the office of the Deputy Postmaster General, R. M. S., Ambala, asked for replies to certain points in connection with the rejection of his appeal, *vide* his petition, dated 10th October 1924, submitted to the Director General, Posts and Telegraphs, and that his request has not yet been complied with ?

3. Will the Government be pleased to intimate :

(*a*) How the applicant's appeal was considered to be too late, and

(*b*) Whence the occasion for the appeal arose ?

The Honourable Sir Bhupendra Nath Mitra : (1) What the Member in charge of the Department of Industries and Labour actually said was that an official is always at liberty to inquire the reasons for the rejection of his appeal if they should not be apparent.

(2) and (3). Government have no information.

RULES RELATING TO SENIORITY IN GOVERNMENT SERVICES.

135. **Mr. S. Sadiq Hasan** : (*a*) Will the Government be pleased to state the rules according to which seniority was determined, in Government services, as they stood on 30th November 1919 ?

(*b*) Is it a fact that the old principle of seniority according to the grade of pay was again introduced in December 1924, and if so, do the Government propose to compensate the officials who were adversely affected in the meantime by preserving the seniority of the 30th November 1919 ?

2. Is it a fact—

(*a*) That B. Ram Nandan Lal was never given any special promotion to entitle him to the benefits of the next below rule, that, while only a probationer in the Allahabad Post Office in 1903-04, he was promised to be appointed on Rs. 20 on the occurrence of a vacancy in that grade, but was not actually promoted to that grade in that office ?

(*b*) That in the office of the late Inspector-General, Allahabad, he was taken on the 1st March 1905 on Rs. 20 which was the minimum pay for a clerk in that office at that time ?

3. (*a*) Will the Government be pleased to intimate how the benefit of the next below rule was given to B. Ram Nandan Lal ? Were the conditions as laid down in the D. G.'s letter No. AX-1, dated 17th April 1922, fulfilled by him ? And were any benefits accruing in his favour annulled by the introduction of the time-scale ?

(*b*) Why was his pay raised, against the D. G.'s letter No. AX-1, dated 3rd March 1922, paragraph 2 to that of Mr. Har Naram who had been given special promotions, while in the office of the Postmaster-General, Punjab and N.-W. F., Lahore, *vide* enclosures to his petition submitted to the Director General, Posts and Telegraphs, with his application, dated 10th October 1924 ?

The Honourable Sir Bhupendra Nath Mitra : 1. (*a*) Seniority is ordinarily determined by date of entry in a grade or by date of passing an examination if an examination is prescribed.

(*b*) These principles are still in force in the Posts and Telegraphs Department and Government are not aware that they were again in-

troduced in December 1924. The second part of this question does not therefore arise.

2 and 3. Government have no information.

EXEMPTION FROM INCOME-TAX OF INCOME DEVOTED TO RELIGIOUS OR CHARITABLE PURPOSES.

136. **Lala Duni Chand** : (*a*) Is it true that under the existing law the income that is set apart for and actually devoted to religious or charitable purposes by firms or individuals is liable to income-tax assessment ?

(*b*) If the reply to (*a*) be in the affirmative, are the Government prepared to take steps to amend the income-tax law so as to exempt the said income from assessment ?

The Honourable Sir Basil Blackett : The answer to part (*a*) of the question is in the affirmative and to part (*b*) is in the negative.

CONSUMPTION OF ALCOHOL AND OPIUM.

137. **Lala Duni Chand** : (*a*) Has the attention of the Government been drawn to an article by Rev. C. F. Andrews headed as " Alcohol and Opium " that appeared in the issue of the 20th of August 1925 of *Young India* ?

(*b*) Are the figures quoted therein regarding the consumption of alcohol and opium and the revenue derived from them correct ?

(*c*) If the reply to (*b*) be in the affirmative, do Government propose to take any steps to minimise the appalling state of affairs brought to light by Rev. Mr. Andrews and the figures quoted by him ?

The Honourable Sir Basil Blackett : I am placing on the table a statement showing province by province the consumption of country liquor in 1912-13, 1922-23 and 1923-24, together with figures of excise revenue for the same years.

CONSUMPTION.

(Country Liquor).

Province.	1912-13.	1922-23.	1923-24.
Bengal	851,534	593,356	621,183
Madras	1,773,673	1,575,439	1,528,381
Bombay	2,630,869	1,770,715	1,697,408
Bihar and Orissa	1,157,636	1,241,280	1,179,565
United Provinces	1,689,932	473,077	430,104
Punjab	419,932	187,859	121,963
Central Provinces	1,201,346	518,607	451,719
Assam	247,363	178,966	194,351
Burma	57,391	151,689	132,445
Sind	228,204	137,290	129,131
Total	10,257,880	6,828,278	6,486,250

EXCISE REVENUE.

Province.	1912-13.	1922-23.	1923-24.
	Rs.	Rs.	Rs.
Bengal	1,37,59,045	2,01,09,747	2,09,85,372
Madras	1,65,93,416	4,90,14,302	5,18,87,475
Bombay	2,12,27,132	4,22,78,811	4,34,58,633
Bihar and Orissa	77,89,253	1,53,97,016	1,83,28,191
United Provinces	94,46,321	1,41,19,782	1,30,90,307
Punjab	35,05,931	1,02,83,276	1,04,18,267
Central Provinces	79,53,364	1,25,74,984	1,30,73,000
Assam	48,52,038	54,12,982	60,49,783
Burma	40,57,964	1,11,62,225	1,19,35,766
Sind	included	in	Bombay.
Total Provincial Excise Revenue ..	8,91,84,464	18,03,53,125	18,92,26,794
Total Central Excise Revenue ..	3,49,84,323	51,68,531	48,24,895

APPOINTMENT OF INDIANS AS TRAFFIC INSPECTORS ON THE NORTH WESTERN RAILWAY.

138. **Sardar Gulab Singh** : With reference to the reply given by the Honourable the Commerce Member to my question No. 65 on 2nd February 1925 during the Delhi Session which appears on page 579 of the Legislative Assembly Debates Vol. V., No. 8, will Government please state :

(*a*) the names of the twelve educated men referred to, and the date of their appointment ;

(*b*) their educational qualifications,

(*c*) on what pay they were taken on,

(*d*) what is the present salary of each,

(*e*) what training have they been given since their appointment to fit them to fill the higher ranks of the subordinate railway service ;

(*f*) what higher subordinate rank they are intended to fill ?

Mr. G. G. Sim : Government are not prepared to call for the information asked for as it does not appear to be of any public interest.

GRIEVANCES OF INDIAN GRADUATES EMPLOYED IN THE CLAIMS SECTION OF THE NORTH WESTERN RAILWAY.

139. **Sardar Gulab Singh** : (*a*) With reference to replies given to Mr. Chaman Lall, M.L.A., by the Honourable Sir Alexander Muddiman to his questions Nos. 1106 and 1107 on 6th March 1925, which appear on page 2023 of the Legislative Assembly Debates Vol. V, No. 30, will Government please state if any representation has been made by the men concerned to the Agent ?

(*b*) If the reply to (*a*) be in the affirmative, what action has been taken ?

Mr. G. G. Sim : Copies of the questions and the replies given were sent to the Agent as promised. Government have no further information.

DATE OF NEXT EXAMINATION FOR THE ARMY FACTORY ACCOUNTS.

140. **Sardar Gulab Singh** : Will the Government be pleased to state the dates of the next examination for the Army Factory Accounts ?

The Honourable Sir Basil Blackett : The exact dates of the next examinations for the Army Factory Accounts have not yet been settled.

HOLDING OF THE ARMY FACTORY ACCOUNTS EXAMINATION IN THE PUNJAB.

141. **Sardar Gulab Singh** : Will the Government be pleased to state if they intend to establish some centres of examination for the Army Factory Accounts in the Punjab ?

The Honourable Sir Basil Blackett : The Government do not consider it necessary to hold examinations in stations where Factory Accounts Branch Offices do not exist. There is no Branch Office in the Punjab.

DISMISSAL OF SUB-INSPECTORS OF POLICE IN THE NORTH WEST FRONTIER PROVINCE.

142. **Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : Will Government please state the number of Sub-Inspectors of Police dismissed in the North-West Frontier Province in 1923-24 and how many of them appealed to the Honourable the Chief Commissioner for being reinstated and with what result ?

The Honourable Sir Alexander Muddiman : In 1923 three Sub-Inspectors were dismissed. All of them appealed and their appeals were rejected. In 1924 six Sub-Inspectors were dismissed. They all appealed. One of them was reinstated as head constable : appeals of the others were rejected.

NUMBER OF MUHAMMADANS EMPLOYED UNDER THE GOVERNMENT OF INDIA.

143. **Khan Bahadur Makhdum Syed Rajan Bakhsh Shah** : (*a*) Will the Government kindly lay on the table the list of the number of Muslims and non-Muslims in the Indian Services in the higher and lower grades in all the Departments under the Government of India ?

(*b*) How many responsible posts are given to Muslims and non-Muslims ?

(*c*) What do Government propose to do to increase the number of Muhammadans in the Services ?

The Honourable Sir Alexander Muddiman : (*a*) This information is obtainable from the lists published by the different Departments of the Government of India and I would refer the Honourable Member to those lists.

(*b*) Responsibility is a relative term. All posts carry with them a certain amount of responsibility. I am afraid therefore it is impossible for me to answer this part of the Honourable Member's question with precision.

(c) I would refer the Honourable Member to my statement in another place on the 2nd March 1925 and the replies given to questions Nos. 1276, 315 and 781 on the 24th March, and 1st and 7th September 1925, respectively.

NUMBER OF MUHAMMADANS IN THE IMPERIAL SERVICES IN THE PUNJAB.

144 **Khan Bahadur Makhdum Syed Rajan Bakhsh Shah :** (a) What is the total number of Muslims and non-Muslims in the Imperial Services in the Punjab, respectively ?

(b) Do Government propose to take such steps as would give the Muslims a larger share of appointments ?

The Honourable Sir Alexander Muddiman : (a) I must refer the Honourable Member to the Punjab Civil List from which he can obtain the information which he desires.

(b) I would refer the Honourable Member to my statement in another place on the 2nd March 1925 and the replies given to questions Nos. 1276, 315 and 781 on the 24th March and 1st and 7th September 1925, respectively.

NUMBER OF THE SUPERIOR AND CLERICAL STAFF OF THE NORTH WESTERN RAILWAY SERVING AT MULTAN, ETC.

145. **Khan Bahadur Makhdum Syed Rajan Bakhsh Shah :** (a) Will the Government please lay on the table a statement showing the number of the superior and clerical staff of the North Western Railway serving at Multan.

(b) How many posts out of the superior and clerical staff have gone to the Muhammadans ? Have the Government noted the grievances of the Muslims in the *Muslim Outlook* which has produced so many articles about the matter ?

(c) If so, are Government prepared to remove the just grievances of the poorly represented community ?

(d) Are Government aware that at Multan Railway City Station there exists no gate for the passage of first and second class passengers ?

(e) If so, do the Government propose to instruct the local authorities to erect a new gate for the passage of the first and second class passengers ?

Mr. G. G. Sim : (a), (b) and (c). Government have no information and they do not consider that any useful purpose will be served in calling for it.

(d) and (e). This is a matter within the Agent's competence and Government do not propose to interfere.

INCOME-TAX ASSESSMENTS IN THE PUNJAB, ETC.

146. **Khan Bahadur Makhdum Syed Rajan Bakhsh Shah :** (a) Are Government aware of the complaints of those income-tax assessees in the Punjab who are either unjustly taxed or taxed heavily without full inquiry ?

(b) If so, are Government ready to send instructions to the authorities concerned to tax after full inquiry ?

(c) Will the Government please state how many posts of Assistant Commssioners of the Income-tax Department are held by Muslims, Hindus and Europeans respectively ?

The Honourable Sir Basil Blackett : (a) The Government are aware of the complaints referred to by the Honourable Member but there is absolutely no evidence either that assessees have been unjustly taxed or taxed heavily without enquiry or that the remedies provided by the law have not been adequate.

(b) In view of the answer to (a) the question does not arise.

(c) There are three Assistant Commissioners in the Punjab of whom one is a Hindu, one a European and the other an Indian Christian.

ELECTION OF TWO MEMBERS TO THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

The Honourable Sir Charles Innes (Commerce Member) : Sir, I beg to move :

"That the Assembly do proceed to elect two members to the Standing Finance Committee for Railways to fill the vacancy caused by the resignation of his membership of the Committee by the Honourable Mr. V. J. Patel and of his seat on the Assembly by Mr. W. S. J. Willson."

The motion was adopted.

Mr. President : I have to announce that nominations for the Standing Finance Committee for Railways signed by the proposer and seconder should be lodged in the Notice Office not later than 12 noon to-morrow, the 8th instant.

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 at a meeting of the Council of State held on the 3rd September, 1925, a motion that the Bill to repeal certain special enactments supplementing the ordinary criminal law, as passed by the Legislative Assembly, be taken into consideration, was rejected by the Council." (*Cries of* "Shame".)

APPOINTMENT OF THE PANEL OF CHAIRMEN.

Mr. President : Under the Standing Order, I appoint the following Panel of Chairmen :

Mr. K. C. Neogy,

Sir Purshotamdas Thakurdas,

Sir Darcy Lindsay, and

Nawab Sir Sahibzada Abdul Qaiyum.

RESOLUTION *RE* RECOMMENDATIONS OF THE MAJORITY REPORT OF THE REFORMS INQUIRY COMMITTEE.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move the following Resolution :

"This Assembly recommends to the Governor General in Council that he do accept the principle underlying the majority report of the Reforms Inquiry Committee and that he do give early consideration to the detailed recommendations therein contained for improvements in the machinery of Government."

Sir, I put this Resolution on the paper in order to fulfil the pledge of Government that an opportunity should be given to this House to discuss the recommendations of the Reforms Inquiry Committee, and if I may judge from the amendments on the paper, the House intend to avail themselves of this opportunity in full measure. (Hear, hear.) I do not propose to detain the House with any long history of the genesis of this Committee. As a result of the debates in this House in the early part of last year, the Government of India decided to appoint a Committee, the terms of reference to which I will shortly read to the House. The Committee was composed of the following members :

Sir Muhammad Shafi, who was then Law Member of the Government of India,

Maharajadhiraja Sir Bijay Chand Mahtab, Bahadur, of Burdwan,

Sir Tej Bahadur Sapru, who had been the Law Member of the Government of India,

Sir Arthur Froom, a Member of the Council of State,

Sir Sivaswamy Aiyer, a Member of this House,

Sir Henry Moncrieff Smith, at that time a Member of this House and now presiding in another place,

Mr. Jinnah, a Member of this House, and

Dr. Paranjapye, and

I myself was the Chairman of the Committee.

I desire in the first place to remind the House of the actual terms of reference to the Committee. They were as follows :

"(1) To inquire into the difficulties arising from, or defects inherent in, the working of the Government of India Act and the rules thereunder in regard to the Central Government and the Governments of Governors' Provinces ; and

(2) To investigate the feasibility and desirability of securing remedies for such difficulties or defects, consistent with the structure, policy and purpose of the Act,

(a) by action taken under the Act and the rules, or

(b) by such amendments of the Act as appear necessary to rectify any administrative imperfections."

Now, obviously in one respect, the terms of this reference were very wide. They were unlimited as regards the first part of the inquiry into the difficulties arising from and defects inherent in the working of the Government of India Act. As to the second part, the remedial measures which the Committee might take, they were distinctly limited. They were limited to changes not affecting the structure of the Act. I mention this *in limine*, because the Committee has been much attacked in certain quarters for not doing what it was not authorised to do. It was not

authorised to consider remedies beyond the scope of that which I have told the House. It is idle to attack Committees for not doing what they are not entitled to do. I have read much unfair criticism on this point and I think it is only just for those who served with me on this Committee that I should make clear what exactly it was they were asked to do and to defend them for not doing what they were not asked to do. Another point I should like to make also at the commencement of my speech is the difficulty of such an inquiry in the circumstances of the case. Constitutional inquiries as a rule deal with events over a considerable period of years when many of the actors have passed from the stage. They are in fact frequently more of a *post mortem* nature. In this case, however, we were faced with this difficulty that many of those engaged in working the Act still occupied the offices to which they had been first appointed under the Act. I desire here to state publicly how greatly indebted I was to all members of the Committee, alike for the discretion they exercised and the assistance they gave me in conducting this very difficult and delicate inquiry.

Now, the Committee, as you know, brought their inquiry to a conclusion and unfortunately they were not unanimous in their conclusions. There were two reports—one which is referred to as the majority report and the other as the minority report. I think the signatories of these reports are so well known to the House that I will not take up its time by reading the names. I am moving that the House accept the principle of the majority report. (*Honourable Members*: "No, no.") I said I was moving that the House accept the principle of the minority report. (Laughter.) No, no, the majority report.

Now, Sir, that report made numerous recommendations and the real difference in a few words between the report of the majority and the report of the minority is that the majority say that the existing constitution is capable of amendment and should be amended in the way that the report suggests. The minority report, while not hostile to many of the recommendations and perhaps even favourable to a few, takes the line that the present constitutional machinery needs structural changes beyond the scope of any remedy within the terms of reference. I will later read to the House the most important passage in the minority report. I am therefore asking this House to say in general terms that the policy of improving the details of the existing constitution is one that should be pursued and that the recommendations of the majority report should receive due examination. Now, there are many, not unfriendly to the progress of reforms, who say: Why do you do this? What you are suggesting will satisfy no one. Why take the trouble of making amendments, some of which at least will require Parliamentary legislation, others will require legislation in this House and many will require extensive revision of the statutory rules? Many will tell you that the machine is a failure and will not work. You are merely wasting your labour. In any event, the days of the Statutory Commission are near and it is not worth the trouble to deal in a piecemeal way with a matter of this kind. Sir, I do not hold that opinion. That is not my view and it is not the view of the Government of India. They consider that the majority report recommendations should be examined with a favourable eye. I cannot commit the Government of India to any particular individual recommendations, but I do say and I do ask the House to agree

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with me that these are valuable recommendations which need consideration as likely to lead to improvements which practical men ought seriously to consider.

The machinery of the Government of India as constituted anew in 1921 is admittedly neither simple nor uncomplicated. In all constitutions it is only by trial that you can notice where the machinery runs wrong. It may be regarded as a small matter, although I do not regard it myself as a small matter, to make adjustments which diminish friction in the running of the constitutional machine. I should regard it as a considerable feat to screw up even one nut—to adjust one bearing—in the machinery of the Government of India. If I could leave this country knowing that I had in any way, in however small a degree, facilitated the working of this important Act, I should go satisfied that I had done something, at any rate, in the world.

Now, the important point, if I may say so with all deference of the minority report, is in the tail. It is in a few sentences at the end of their report. Those sentences are of so important a character that I will ask the courtesy of the House to permit me to read them out. They conclude their report as follows :

"We think that the Bihar Government has correctly summed up the position in the provinces by saying that dyarchy is working 'creakily' and 'minor remedies may cure a creak or two'. We have examined in detail the sections of the Government of India Act and the rules made thereunder with a view to see how far 'creaks' discovered can be 'cured'. We are satisfied that this process, though it may lead to some improvement of the administrative machinery in some respects, will not produce any substantial results. We do not think that the suggested amendments if effected will afford 'valuable training towards responsible Government' or will provide any solution of the difficulties which we have discussed in our Chapter on political conditions, or that they will strengthen the position of Provincial Governments, in relation to their Legislatures or that of the Central Government in relation to the Assembly. The majority of our colleagues say that no alternative transitional system has been placed before us. We think that no such alternative transitional system can be devised which can satisfactorily solve the administrative or political difficulties which have been brought to our notice. 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. We can only express the hope that a serious attempt may be made at an early date to solve the question. That this attempt should be made—whether by the appointment of a Royal Commission with freer terms of reference and larger scope of inquiry than ours or by any other agency—is a question which we earnestly commend to the notice of the Government."

Now, that is the pith of the minority report. In fact, as far as practical politics are concerned, it is a demand for a Royal Commission. On this point I cannot do better than repeat what His Excellency said in his speech on the 20th August :

"In effect, therefore, the recommendations of the minority amount to a demand for an early and authoritative inquiry with a view to a revision of the Constitution."

His Excellency went on to say that the issue was largely one of time. He pointed out that it has been laid down in the Government of India Act that in 1929, that is to say, four years from the present time, there must be a full inquiry. But the minority say they wish the inquiry to take place at an early date, if not at once. His Excellency went on to examine this position and finally gave his opinion in the following terms :

"If those are to be the principles to guide the Commission to its judgment, I cannot think, as a friend of India, that it should commence its inquiries immediately.

If the judgment of the British Parliament were to be pronounced upon the present evidence, I fear that it could but result in disappointment."

Sir, these words from one who has been the head of the Government of India for over four years must in any case command the careful and respectful consideration of the House. How much more so is this the case when the Viceroy who is speaking is His Excellency Lord Reading than whom probably in the British Empire there is none more wise and more skilled in arriving at a correct appreciation of the political position or in observing the portents of the political horizon. And yet one more point. What is the actual position? His Excellency had just returned from a visit to England where he met and got into touch with, as he told the House the other day, representatives of all the political parties. His Excellency is, therefore, in a peculiarly good position to estimate and judge current events and probabilities in the political world. I think the House would do well to ponder those words, not once, not twice, but many times.

Now, Sir, the question of the Commission or an authoritative inquiry which has been raised by the minority report requires some further examination. The general scheme of the Government of India Act, as it now exists, is contained in the Preamble. Now, that Preamble is well known to every one in this House, but I think I must read it to the House again. It runs as follows:

"Whereas it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration, and for the gradual development of Self-governing Institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the Empire:

And whereas progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken:

And whereas the time and manner of each advance can be determined only by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples:

And whereas the action of Parliament in such matters must be guided by the co-operation received from these on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility:

And whereas concurrently with the gradual development of self-governing institutions in the Provinces of India it is expedient to give to those Provinces in provincial matters the largest measure of independence of the Government of India which is compatible with the due discharge by the latter of its own responsibilities."

Now, Sir, we cannot get away from facts. We are practical men, at least I trust we are. That is the Preamble laid down after full consideration by the British Parliament. It does not envisage automatic progress; it envisages gradual progress.

Then another important part of the scheme of the Government of India Act is contained in section 84A, which deals with the Statutory Commission. This section lays down that there must be an inquiry after ten years, at any rate not later than ten years. In other words, that inquiry must take place in 1929. On that point I should like to read to the House one or two words from the speech of the Secretary of State in the House of Lords. He said:

"Even assuming co-operation, it was thought that a period of ten years would be required to afford the data for reliable conclusions and generalisations. But I do not hesitate to make clear my own view that it was not the intention of the Legislature to attempt to shackle succeeding Governments, if a spirit of cheerful and loyal co-

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operation was generally exhibited on the one hand, or if upon the other grave and glaring defects disclosed themselves. It would, indeed, have been an assumption of omniscience alien to the Anglo-Saxon tradition, for Parliament to assume so high a prophetic gift as to declare that in no circumstances should the date of the Commission be accelerated. In fact, the door was never closed. On the contrary it is open to-day. But the condition is clear."

And to that condition I shall refer later on in my speech. You have been told by the Secretary of State that the British Government are not slaves of dates. I will read to the House what the Secretary of State says on that point:

"The door of acceleration is not open to menace: still less will it be stormed by violence. But there never has been a moment since the Constitution was adopted in which the Government of India, acting in harmony with the Government at Home, has not been vigilant and attentively considering the spirit in which the present reforms have been received in India. It has indeed been an imperative and urgent duty so to consider them. Wise men are not the slaves of dates; rather are dates the servants of sagacious men."

The position, therefore, is that there must be a Statutory Commission in 1929. There might be a Royal Commission earlier on the condition referred to by the Secretary of State, which I will read later on in my speech. The minority report, I notice, recognises that before any changes such as those considered desirable by the advocates of reform are undertaken, some form of inquiry is necessary. Now, once you get to that point, you must recognise for practical purposes that the only form of inquiry possible is a Royal Commission. And what will that Commission do? What is its object? And here again I must ask the House to listen for a moment to the terms contained in section 84A (2). This runs as follows:

"The persons whose names are so submitted, if approved by His Majesty, shall be a Commission for the purpose of inquiring into the working of the system of Government, the growth of education, and the development of representative institutions in British India, and matters connected therewith, and the Commission shall report as to whether and to what extent it is desirable to establish the principle of responsible Government then existing therein, including the question whether the establishment of second chambers of the local legislatures is or is not desirable."

Now, when that Commission is appointed, as, unless the law is changed, it must be appointed, what will it have to consider? It will have to consider many things. But the first and primary thing it will have to consider is the past working of the Act as it now exists. It will be a great Assize where, on the one hand, the Government, and on the other hand, those who have worked these new institutions, and those who have not worked them, as the case may be, will have to render an account of the talent which was placed in their charge and to give a report of their stewardship. Now, those who ask for an early inquiry will do well to ponder as practical men what the result would be if that inquiry was made to-morrow. The new legislative bodies have been at work since 1921. That is, we are in the life of the second Assembly and the second Councils, and the life of the first Council of State has not expired. We have just passed a constitutional landmark definitely fixed in the Statute, as a result of which, you, Sir, sit in the Chair.

Now, the last thing that I should wish to do is to rake up past discords or to excite new ones. That is not, and never has been, my attitude. I do not desire to go back on the past to find circumstances of acerbation. I desire to look forward to the future. But I must briefly sum up the position. During the lifetime of the first Assembly and of the first

Council, a large and important portion of educated Indian opinion stood outside the legislative bodies. They entered the second Council and the Assembly. These bodies have now worked roughly for two years. Therefore, the system worked for its first period without the assistance of those who, I am glad to say, are now present to-day. Our experience of the second Assembly and the second Council is still developing. Now, what opinion will the Commission form on facts and events such as these? Would it form a favourable opinion or would it form an unfavourable opinion, or would it say that it can form no opinion? These are questions I would ask the House to consider. Sir, appeals to Cæsar are sometimes dangerous. Only those whose hearts are very clear can stand before the judgment seat with confidence. At the most only four short years remain before the Assize must be assembled and we and you alike will be submitted to its judgment. The question of the date of the appointment of the Commission has never seemed to me personally of great importance. I have always though that great and unnecessary attention has been directed to that point. What is really important is what you will lay before the Commission when it is appointed. You do not want a Commission to come out when you have nothing to lay before it. When the talents are demanded of you, what answer will you give? (*Mr. M. A. Jinnah* : "A very good answer".) I am glad to hear my Honourable friend say so. I am glad he is so confident.

Sir, in the short time admissible to me on a Resolution it is not possible to go into all the aspects which this great question raises at length. But I do beg the House to consider and weigh one point. Some years ago I was in a garden in the west of England and in that garden there was an old sun dial and on the sun dial were engraved these words : *Pereunt et imputantur, i.e.*, the hours fly by but the record remains, if I may paraphrase roughly. I have used these words before in addressing the House. But I should like to develop them a little further. Nearly six years have passed and our proceedings have been written down. Do we wish the next years to pass in the same way? Are we to remain estranged and attempt to deal with this problem—a problem the greatest which has ever presented itself to the human race, for you are building a constitution not for a nation but for a Continent—can we afford to stand aside, can we afford to remain, as I sometimes feel we are remaining, on the one hand a party trying to storm a fortress, on the other hand persons defending that fortress as if their lives depended upon it? Sir, that is not the way in which constitutional progress and constitutional reform can be effected. (*Mr. C. S. Ranga Iyer* : "What is the way?") His Excellency the Viceroy made an eloquent appeal for co-operation. Now co-operation is not a mere phrase. Co-operation is a course of deliberate conduct. (*Mr. R. K. Shanmukhan Chetty* : "On whose part?") On the part of all of us. (*Mr. Gaya Prasad Singh* : "It must be mutual.") As I have said, the Secretary of State in his speech indicated that constitutional progress might be accelerated on one condition and that condition I will now read to the House. He says :

"There will be, there can be no reconsideration till we see everywhere among responsible leaders of Indian thought evidence of a sincere and genuine desire to co-operate with us in making the best of the existing Constitution."

And that, Sir, is the essence of the Resolution I put before the House. I can only regret that I do not possess the eloquence of my predecessor and that I cannot move the House as that eloquence might have moved

[Sir Alexander Muddiman.]

it. I am pleading, in a rough and possibly uncouth manner for a great theme. I only trust the interests of that theme may not suffer at my hands.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, I beg to move an amendment to the Resolution which has just been proposed by the Honourable the Home Member. That amendment runs as follows :

"That for the original Resolution the following be substituted :

'This Assembly while confirming and reiterating the demand contained in the Resolution passed by it on the 18th February 1924, recommends to the Governor General in Council that he be pleased to take immediate steps to move His Majesty's Government to make a declaration in Parliament embodying the following fundamental changes in the present constitutional machinery and administration of India :

(a) The Revenues of India and all property vested in or arising or accruing from property or rights vested in His Majesty under the Government of India Act, 1858, or the present Act or received by the Secretary of State in Council under any of the said Acts shall hereafter vest in the Governor General in Council for the purposes of the Government of India.

(b) The Governor General in Council shall be responsible to the Indian Legislature and subject to such responsibility shall have the power to control the expenditure of the Revenues of India and make such grants and appropriations of any part of those Revenues or of any other property as is at present under the control or disposal of the Secretary of State for India in Council, save and except the following which shall for a fixed term of years remain under the control of the Secretary of State for India :

(i) Expenditure on the Military Services up to a fixed limit.

(ii) Expenditure classed as political and foreign.

(iii) The payment of all debts and liabilities hitherto lawfully contracted and incurred by the Secretary of State for India in Council on account of the Government of India.

(c) The Council of the Secretary of State for India shall be abolished and the position and functions of the Secretary of State for India shall be assimilated to those of the Secretary of State for the self-governing Dominions save as otherwise provided in clause (b).

(d) The Indian Army shall be nationalised within a reasonably short and definite period of time and Indians shall be admitted for service in all arms of defence and for that purpose, the Governor General and the Commander-in-Chief shall be assisted by a Minister responsible to the Assembly.

(e) The Central and Provincial Legislatures shall consist entirely of members elected by constituencies formed on as wide a franchise as possible.

(f) The principle of responsibility to the Legislature shall be introduced in all branches of the administration of the Central Government subject to transitional reservations and residuary powers in the Governor General in respect of the control of Military and Foreign and Political affairs for a fixed term of years :

Provided that during the said fixed term the proposals of the Governor General in Council for the appropriation of any revenue or moneys for military or other expenditure classified as 'Defence' shall be submitted to the vote of the Legislature ; but that the Governor General in Council shall have power, notwithstanding the vote of the Assembly, to appropriate up to a fixed maximum any sum he may consider necessary for such expenditure and in the event of a war to authorise such expenditure as may be considered necessary exceeding the maximum so fixed.

(g) The present system of Dyarchy in the Provinces shall be abolished and replaced by Unitary and Autonomous Responsible Governments subject to the general control and residuary powers of the Central Government in inter-provincial and all-India matters.

(*h*) The Indian Legislature shall, after the expiry of the fixed term of years referred to in clauses (*b*) and (*f*), have full powers to make such amendments in the constitution of India from time to time as may appear to it necessary or desirable.

This Assembly further recommends to the Governor General in Council that necessary steps be taken :

(*a*) to constitute in consultation with the Legislative Assembly a convention, round table conference or other suitable agency adequately representative of all Indian, European and Anglo-Indian interests to frame with due regard to the interests of minorities a detailed scheme based on the above principles, after making such inquiry as may be necessary in this behalf ;

(*b*) to place the said scheme for approval before the Legislative Assembly and submit the same to the British Parliament to be embodied in a Statute '."

Sir, I have read the amendment without any comment, but in the course of my speech I shall have occasion to explain the scheme and the scope of it.

I may at the very outset, say that in dealing with the Resolution and the amendment togethter I shall confine myself to a plain statement of the situation as I see it. Let us first be clear as to what is the real question before the House. The Resolution of the Honourable the Home Member is short and innocent looking, but involves the most controversial points that are agitating the country. It is divisible into two parts, first, the acceptance of the principle underlying the majority report of the Reforms Inquiry Committee, and second, the adoption of the detailed recommendations contained therein. So far as the latter are concerned, namely, the recommendations, let me at once tell my Honourable friend that we freely make a present of them to him. I shall not waste the time of the House by referring to the recommendations except to say that some of the things recommended are undoubtedly most useful in their own way but not exactly the kind of things we bargained for. What we are trying to do is to find a place in the Sun for ourselves. If we are to have it, we shall need no recommendation from you for the things which will be ours. If we are not to have it, your recommendations will not carry us far and we can do without them. The most important part is the principle. It is not stated in the Resolution and we are left to find it out for ourselves from the text of the report. I have read that report with all the care and attention due to the authors, but I am sorry to say that I have failed to discover any principle underlying it. We have been told in effect that the principle is that something could be done under the Government of India Act and the rules made thereunder as they now stand, and that that something is to be found in the recommendations made by the majority. There is no doubt that something can always be done with everything, but the question is whether that something will meet the requirements of the situation and is worth having. That is a matter which, according to the authors, was outside the scope of the reference, and they have, therefore, not troubled themselves about it, and to-day, my Honourable friend, in moving his Resolution, has said that the Committee did not do what they were not asked to do and what they could not do. My answer is that if they were asked to do what I shall show presently was an impossibility, it was up to them to say so, and not to make recommendations which satisfied nobody. If there is any principle to be inferred from the recommendations, it seems to me to be the principle which governs the whole system of Government, and that is, "Give as little as

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you can and make sure that in the little you give, the power and prestige of the bureaucracy is not in the least jeopardised." But there is one question of principle which the majority have approached, though they have left it undetermined. It is the question whether dyarchy in the provinces coupled with absence of responsibility in the Central Government can under any circumstances be a sound basis of administration. This and the cognate question whether dyarchy has in fact succeeded are the two vital problems which we must face in this debate. My answer to both, if I may for once borrow the phraseology of the Treasury Bench, is in the negative. I maintain that there never was any doubt in the minds of those who invented and introduced the system or of those who would like to work it at all costs that it was wholly unworkable as such. Let us begin with the inventors who secured their patent from Parliament in the form of the Government of India Act of 1919. In the concluding chapter of what is known as the Montagu-Chelmsford Report we have the following passage :

"'Hybrid executives, limited responsibility, Assemblies partly elected and partly nominated, divisions of functions, reservations general or particular, are devices that can have no permanent abiding place. They bear on their face their transitional character ; and they can be worked only if it is clearly recognised that that is their justification and their purpose. They cannot be so devised as to be logical. They must be charged with potentialities of friction. Hope of avoiding mischief lies in facing the fact that they are temporary expedients for training purposes, and in providing that the goal is not merely kept in sight but made attainable, not by agitation but by the operation of machinery inherent in the scheme itself."

Now, Sir, let us for a moment analyse this most diplomatic statement. It comes to this. We know that the machinery we provide is charged with potentialities of friction, but we hope it will be made to work smoothly. In other words we give you an unworkable machine, but you must try to work it. It was said, and has since been repeated in and out of season, that it is merely a transitional arrangement in the nature of a new experiment, and that those concerned were expected to help to the best of their ability in making it a success. I deny, Sir, that it was a new experiment which deserved a fair trial. The experiment had already been tried in Canada and had hopelessly failed. Here is Lord Durham's description of it :

"It was a vain delusion to imagine that by mere limitations in the constitutional Act, or an exclusive system of Government, a body, strong in the consciousness of wielding the public opinion of the majority, could regard certain portions of the provincial revenues as sacred from its control, could confine itself to the mere business of making laws, and look on as a passive or indifferent spectator, while those laws were carried into effect or evaded and the whole business of the country was conducted by men, in whose intentions or capacity it had not the slightest confidence. Yet, such was the limitation placed on the authority of the Assembly of Lower Canada. It might refuse or pass laws, vote or withhold supplies, but it could exercise no influence on the nomination of a single servant of the Crown. The Executive Council, the Law Officers and whatever heads of departments are known to the administrative system of the provinces were placed, in power, without any regard to the wishes of the people or their representatives ; nor indeed are there wanting instances in which a mere hostility to the majority of the Assembly elevated the most incompetent persons to posts of honour and trust. However decidedly the Assembly might condemn the policy of the Government, the persons who had advised that policy retained their offices and their power of giving bad advice."

Further on, he says :

"....It appears, therefore, that the opposition of the Assembly to the Government was the unavoidable result of a system which stinted the popular branch of the

legislature of the necessary privileges of a representative body, and produced thereby a long series of attempts on the part of that body to acquire control over the administration of the Province. I say all this without reference to the ultimate aim of the Assembly, which I have before described as being the maintenance of a Canadian nationality against the progressive intrusion of the English race. Having no responsible ministers to deal with, it entered upon that system of long inquiries by means of its committees, which brought the whole action of the executive immediately under its purview, and transgressed our notions of the proper limits of Parliamentary interference. 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 the 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 that *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."

Thus, the experiment had been fully tried and had yielded its inevitable results when it was sought to try it again in perhaps what was considered to be a more congenial soil. The soil of India, however, proved as uncongenial as that of Canada and you have had exactly the same results. The controversy about the merits and demerits of dyarchy was started soon after the inauguration of the system and has continued since. I shall not trouble the House with opinions of responsible statesmen expressed from time to time condemning the whole system root and branch but will at once come to the Report of the Reforms Inquiry Committee. Let us first take the majority Report. On the question of dyarchy it is, as I have already said, difficult to discover what is the considered opinion of the majority. They get out of the overwhelming evidence of the utter failure of dyarchy by saying:

"It is clear that witnesses have frequently made this allegation not with reference to dyarchy itself and have been thinking not of the division of functions, which is the essential principle of dyarchy, but of other features of the constitution. Complete dyarchy was not, in fact, established. For complete dyarchy it would have been necessary to have established a complete vertical division of functions between the two halves of a provincial government, and to have endowed each half with a separate purse, with a separate permanent staff and with a separate legislature; in the same way as in a federal constitution, there is a corresponding horizontal division in these respects. We have, of course, no evidence to show how such a system might have worked in India. The partial dyarchy which was introduced is clearly, as stated by the Government of the United Provinces, a complex, confused system having no logical basis, rooted in compromise and defensible only as a transitional expedient."

So that the system introduced in India, whether you call it complete or partial dyarchy, is self-condemned and indefensible in its very nature. In this view one would have expected a clear pronouncement that it has not and could not have succeeded. But we have instead the following quibble for a finding of the Committee:

"While the period during which the present constitution has been in force has been too short to enable a well-founded opinion as to its success to be formed, the evidence before us is far from convincing us that it has failed."

It has not been shown to have either succeeded or failed, and therefore must go on, that is the logic: The minority, on the other hand, are very clear and precise. They say:

"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."

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Now, Sir, at this point I think it will be of interest to the House if I refer to a passage from the opinion of the Honourable Mr. Sachchidananda Sinha of the Bihar and Orissa Government, who is an Executive Councillor and not a Minister. He says in the opinion which was submitted along with the opinions of the other Members of the Bihar Government :

"....It (talking of dyarchy) is not only too complex and complicated, but one which being unknown to constitutional history is naturally unwarranted by political experience as a satisfactory solution of the problem of an efficient executive, sufficiently amenable to the control of popular representatives. In this connection, I may quote a well-known historical incident which seems to have bearing on this point. After Akbar had formally founded and declared himself the high priest of his new religion, 'Din Elahi', he asked his near relation, Raja Man Singh, to join the new church. Man Singh said, 'Sire, I and all I have are yours. I shall gladly obey your Royal command, but if I had my option I had rather not to do so. If Your Majesty had asked me to become a Mussalman, I might have understood it, for I understand Hinduism, and I understand Islam ; but I confess, I do not understand this hybrid creed which Your Majesty has established."

That is exactly the case here. We understand various systems of government known to the civilised world or that were known to the ancient world, but this hybrid system which has been brought into being by speculative constitutionalists is a thing which is unrecognisable, and impossible to be identified with any of the past and present constitutions of the world. Now, I have read the passage from the minority report. I do not intend troubling the House with the seven good reasons they give for their opinion because Honourable Members must have read them. We are here concerned with the conclusion at which they arrived and I would commend to the House the passage which my Honourable friend, the Home Member, has read from the concluding portion of that Report. I commend that passage to the acceptance of the entire House.

Now, we come to the high authority of Lord Birkenhead. Dealing with the question in his recent statement in the House of Lords his Lordship says :

"I myself was always very distrustful of the diarchical principle. It seemed to me to savour of a kind of pedantic and hide-bound constitution to which Anglo-Saxon communities have not generally responded, and which, in my anticipation, was unlikely to make a successful appeal to a community whose political ideas were, thanks in the main to Macaulay, so largely derived from Anglo-Saxon models."

Now, Sir, we have in the opinion of Lord Birkenhead the true instincts of a constitutional lawyer asserting themselves but strangely enough His Lordship cannot find it in him to say that dyarchy has failed. Later on in the same speech, after discussing the opinions of Provincial Governments His Lordship puts the question again to himself and answers it by saying :

1 P.M.

"Enough has been said to satisfy my present purpose which is to show that no short or dogmatic answer can be given to the question. It has neither altogether succeeded nor has it altogether failed "—*and in saying that he has taken the cue from my Honourable friend*—" and it must further be noted "—*this is important*—" by way of additional qualification that where it has succeeded the price of the success has been at some stages and in some directions a considerable inroad upon the dyarchical principle."

To put it in plain English what His Lordship is here saying is that dyarchy has succeeded where it was not dyarchy at all. It must there-

fore be taken that the system has been universally condemned and yet the irony of fate is that we are held bound to it. It is said that there are objections and defects obvious on the very surface, but you must honestly and earnestly work the system and prove that it is unworkable. The Government want us to give them the Moon. We say it is unattainable. They agree but they insist on our making a vain attempt to get at it. We respectfully decline not only because the attempt is vain but also because the attempt has actually been made and has miserably failed. What is then the position ? It is simply this, that you have either to give us real reforms or to go back to your time-honoured methods of autocratic rule. This is, Sir, all that I have got to say about the majority report. It must be scrapped and some new avenue found to make political life possible. That avenue was pointed out in February 1924 in the Resolution which was carried by this House and it is now again clearly shown by the amendment which I have moved.

This introduces me to the amendment itself. It will be observed that it consists of two main parts. It calls upon the Government to take steps to have a declaration in parliament embodying certain fundamental principles to be made in exactly the same way in which the declaration of 20th August 1917 was made. Now, Sir, we are asking you to follow exactly the same procedure but in a more satisfactory manner than was done in 1917. You will remember that in February 1924 the Resolution which was put before the House was a simple request for the constitution of a round table conference representative of the people, and this conference was to frame a scheme for a constitution with due regard to the interests of the minorities. There we stopped. Why is it then that we have now come forward with a series of suggestions ? The reason is the very generous invitation extended to us by Lord Birkenhead. In making these suggestions we point out the principle which should be followed in framing any constitution that is likely to be agreed upon. If the principle is not first established, how is it possible to frame a constitution which would answer the requirements of the position according to the lights of the framers ? The first essential for the successful framing of a constitution is that we must agree as to what is to be the basis of that constitution. So far as we are concerned we have now pointed out that basis in this amendment, and I may at once inform the House that it constitutes the very minimum that we could put forward. Briefly it is this—that we want responsible Government in the Central Legislature. We want the Executive to be responsible to the Legislature except in certain particulars detailed here, namely, the expenditure on the military services up to a fixed limit, expenditure classed as political and foreign and payment of debts and liabilities. The reason why we do that is that it is in the nature of a proposal with a view to a settlement. It cannot be anything other than that. Having regard to the fact that His Excellency the Commander-in-Chief is now in a position to march from end to end without meeting any trace of opposition from any quarter—thanks to your having rendered us so entirely helpless—we say that you may keep the military expenditure in your own hands for a fixed term of years and, not only the expenditure but also the general control of military services. Now, that is not because, if we undertook the task we could not do it. We might make mistakes. We might even shed more blood than necessary but we shall blunder through. We are making this offer to you as one that has been agreed upon by all the Nationalists and I must emphasize

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the fact that it is only because it is in the nature of an offer for a settlement that it has been adopted. It is an offer by which the Swaraj Party as a whole is as much bound as the other Nationalists in this House or outside. But it is an offer which if it is not taken in the spirit of an offer for a settlement is not binding upon anybody at all, at least not upon any Swarajist. I hope I have made myself clear. This is a step in the negotiations which we propose and as the entire country is united upon this point we have agreed in putting it forward as the minimum national demand. But you are not to infer from that that we consider ourselves in any way incapable of carrying out the reservations which we make in your favour in this proposal.

Then for the Provincial Governments we ask for provincial autonomy, we want the abolition of dyarchy. We reserve our right to frame our own constitution after the fixed period during which you are to have exceptional powers has ended. The next step that we ask you to take after declaring these principles in Parliament is to constitute whatever agency you like—we have said a convention, a round table conference or some other suitable agency,—it does not matter to us by what name you call it—but it must be a representative agency, adequately representative of all Indian, European and Anglo-Indian interests. That agency is to frame a scheme with due regard to the interests of all the minorities. When this scheme is framed it is to be laid before Parliament, as was done in the case of the Dominions, and is to be followed by a Statute embodying it.

Now, Sir, my Honourable friend, the Honourable the Home Member, referred to that section of the people who stood aside when the reforms were first inaugurated and would not help in making them a success. Let me briefly touch upon the history of that section leading up to the popular demand which is contained in my amendment. When the new Legislatures were inaugurated, it is true that a very large section of the people represented in this House by the Swaraj Party stood aside and would have nothing whatever to do with them. Another section, however, offered to run the machine, and they worked wholeheartedly to make it go. But their honest and sincere endeavour was foredoomed to failure. They worked with good-will and great ability but could not run the heavily-clogged machine, goaded as they were by liberal showers of honours and privileges. (Hear, hear.) Meanwhile those who had stood apart were driven to the only alternative to an armed revolt which was open to them, namely, non-violent non-co-operation. The Executive Government which had not parted with a scintilla of its autocratic power laid its heavy hand on these non-co-operators and persecuted them to such an extent that even that Moderate of Moderates, His Highness the Aga Khan, was compelled to tell England frankly :

> "You can only remain in India so long as India wills it, but you cannot govern India by giving the Garter to one man and putting another in prison."

When the appointed lives of the first Assembly and of the Provincial Councils were drawing to a close a strong body of those who had hitherto stood aside formed themselves into the Swaraj Party with the declared policy of entering the new Legislatures with a view to mend or end them. The immediate objective of the Party was stated in its manifesto to be the "speedy attainment of full Dominion status" which was explained to mean "the right to frame a constitution, adopting such machinery

and system as are most suited to the conditions of the country and the genius of the people." This was to constitute the process of "mending" in which the Party was first to engage itself and if it failed, the process of "ending" was to follow. The erstwhile non-co-operators began with a fair and frank offer to co-operate with the Government if it would honestly and ungrudgingly join in the process of mending. As all India was of one mind on this point, all elected Nationalists, Swarajists and non-Swarajists including many nominated Nationalists joined in placing the national demand for full responsible government before this House. I had the honour to move a Resolution and in moving it I said :

"We have come here to offer our co-operation, non-co-operators as we are, if you will care to co-operate with us. That is why we are here. If you care to have it, we are your men. If you do not, we shall, like men, stand upon our rights and continue to be non-co-operators."

Nothing could be clearer than this. But how was this frank offer received ? On the 8th February 1924 Sir Malcolm Hailey formulated the Government proposal thus. He said :

"It may be that the remedy for these difficulties will be found by using the rule-making power within the Act ; I refer to the utilisation of those sections to which reference is so often made, 19-A, 45-A, and 96-B. It may even be—I can say nothing as to this—that the inquiry may show that some changes are required in the structure of the Act in order to rectify definite and ascertained defects experienced in actual working. When we have our results, and those results are ready for presentation to Parliament, then before they are finally presented to Parliament we shall ask the Secretary of State to give every opportunity for discussion in this country both in the Legislature and elsewhere. That is as far as we can go at present."

Ten days later in the course of the same debate he further explained the Government position as follows :

"If our inquiry into the defects of the working of the Act shows the feasibility and the possibility of any advance within the Act,—that is to say, by the use of the rule-making power provided by Parliament under the Statute, we are willing to make recommendations to this effect. But if our inquiry shows that no advance is possible without amending the constitution, then the question of advance must be left as an entirely open and separate issue on which Government is in no way committed. To that extent the scope of our inquiry goes somewhat beyond that originally assigned to it ; but I must again emphasise the fact that it does not extend beyond that scope to the amendment of the constitution itself."

Now what was the result of the struggle so far in this House ? The only consolation to be derived by this statement was that while the Government, as then advised, were not prepared to go beyond the Act, the question of the revision of the Act itself was left open without the Government committing themselves one way or another. This was small consolation for those who asked for an immediate revision of the Act. The Resolution asking for the establishment of responsible government in India was carried by the overwhelming majority of 76 to 48 on the 18th February 1924. It contained the modest request :

"to summon a representative round table conference to recommend, with due regard to the protection of the rights and interests of important minorities, the scheme of a constitution for India."

The existence of inherent defects in the constitution was now practically conceded by the Government, and what could be more reasonable than for this House to ask to have a suitable constitution framed in a manner in which all rights and interests could be safeguarded ? This was 18 months ago. What has the Government done in this interval ? It can be summed up in one word and that is, "procrastination". There

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was first a departmental inquiry, about which we know nothing. Then came the Committee which my Honourable friend, the Home Member, has immortalised by lending it his name. I have already dealt with this Committee. Then we come to an epoch-making event in the history of India. His Excellency the Governor General took the trouble to go to England to confer with the Right Honourable the Secretary of State for India on this momentous question. Their Lordships held many consultations and conferences at which all the materials collected by the Muddiman Committee besides those already existing in the India Office and the Government of India Secretariat were made available to them. No greater tribute can be paid to the judicial mind which both their Lordships brought to bear upon the most important questions they were considering than is implied in the fact that after months of full and free discussion they arrived at no decisions whatever and have kept perfectly open minds to give an unbiassed hearing to this Legislature. In his statement made in the House of Lords last month Lord Birkenhead is reported to have said :

"No decisions whatever have been reached nor could any have been reached. Indeed not even the Cabinet which has naturally been kept closely aware of the discussions between myself and the Earl of Reading has reached any decision. The Government is far too conscious of the implications of the Montagu-Chelmsford Constitution to find it possible even to think of the conclusions until certain indispensable antecedent steps have been taken."

And what were those indispensable antecedent steps ? In a subsequent passage, His Lordship says :

"Before any decisions of any kind are taken it is obvious that consideration and advice of the Legislative Assembly must be elicited.

We should, for reasons, which are apparent, not dream of announcing or even of forming decisions without the contribution of that very important Legislative body which we have so recently called into existence. I am not, therefore, to-day either announcing or purporting to announce decisions or conclusions."

Now, this was a due recognition of the importance of this Assembly. We are truly thankful to His Lordship for the great consideration he has shown to us, (Hear, hear)—but I must confess to a feeling of perplexity when I attempt to reconcile this weighty pronouncement with the more or less decisive opinions expressed in the subsequent portions of the speech. For example, the effect of the Preamble to the Act of 1919 is authoritatively declared to be "permanent and static." This, Sir, is a view which we cannot accept under any circumstances, whatever. (Hear, hear.) It has brought upon us all the trouble we have suffered from in the past and I may at once say without mincing words that we are prepared to undergo endless suffering in the future so long as the Government adhere to that view. The fundamental principle on which a constitution for India is to be passed must be the principle of self-determination. (Hear, hear.) We are absolutely clear on that point. But Lord Birkenhead appears to be equally clear that this principle cannot be applied to us. His Lordship says :

"Conformably with the principles laid down in the Preamble one Constitution or another might at one time or another be attempted. Experience, education, or our informing critics in India might induce us to make an amendment here or an advance or a variation there, but the whole message, as we understand it, of our situation in India with all that it involves in the storied past, in the critical present, and in the incalculable future, is to be read in that Preamble."

The Preamble has all that immense importance. If this be so, then good-bye to all hope of settlement. But in view of His Lordship's clear and unambiguous announcement that no decisions have been taken and none will be taken till the Assembly has expressed itself, I take the liberty, to treat this expression of opinion as an *obiter dictum* or at best an observation by a judge in the course of a trial made with the simple object of inviting argument. Taking it in that light, I beg to refer the House to what I said on the point in the course of the debate in February 1924. I will not read it. It is a long passage, but I should like to read certain important passages to supplement the remarks I made on that occasion. They refer to what was actually done when constitutions were framed in the Dominions. I take the case of Australia which framed its own constitution to be embodied in a Statute of Parliament. What was done will appear from the following extracts from the speech of the Right Honourable Joseph Chamberlain on the introduction of the Constitution Bill in the House of Commons on the 14th May 1900. He said :

"On the one hand, we have accepted without demur, and we shall ask the House of Commons to accept, every point in this Bill, every word, every line, every clause, which deals exclusively with the interests of Australia.....Wherever the Bill touches the interests of the Empire as a whole, or the interests of Her Majesty's subjects, or of Her Majesty's possessions outside Australia, the Imperial Parliament occupies a position of trust which it is not the desire of the Empire, and which I do not believe for a moment it is the desire of Australia, that we should fulfil in any perfunctory or formal manner."

That is exactly what we say. Make us masters in our own home, but whatever else is outside the home and pertains more to your Imperial interests, you are welcome to keep. Then he says :

"However great we might think the mistake that they are making, and however great we think the injury to the Empire, still we should have to act against the danger of interfering with those rights which they regard as their undoubted palladium."

Sir, you will see that the amendment which I have moved to-day not only fulfils these conditions but as a transitional arrangement allows the Secretary of State for India greater powers than the Secretary of State for the Dominions has in any self-governing Dominion. Then, take the case of the Union of South Africa which enjoyed the same privilege of making its own constitution. In the course of the debate on the South Africa Bill in the House of Lords the Earl of Crewe made the following observations. He said :

"The movement for a federal constitution for the Colonies of South Africa which was started in 1876-77 came to nothing though 'it was inspired by high motives, but not perhaps carried out with complete understanding'. It failed in one respect, if I may adopt a phrase used by my noble friend Lord Selborne—it failed because it was not homemade. It was suggested and was almost attempted to be forced on the Colonies from here, and consequently it was abortive."

Then he proceeds to say :

"The action of Sir Henry Campbell-Bannerman in offering responsible government to the Transvaal and the Orange River Colony in 1906 was 'undoubtedly due to the general political creed held by the Government, to their more robust faith in the virtues of self-government as such than their predecessors probably had'. I do not think I should be greatly wronging the party of noble Lords opposite,"—*and I may here mention that one of the noble Lords opposite was Lord Birkenhead*—"if I were to say that they would prefer in the main to adopt the eighteenth century maxim,—

For forms of government let fools contest,

Whate'er is best administered is best."

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I do not mean that Lord Birkenhead himself was present, I mean the party of which Lord Birkenhead is now a distinguished ornament. I am sorry I was not accurate. Then referring to the proposal to make alterations in order to remove glaring defects, Lord Crewe went on to say :

"But I do feel that if this change is to be made it must be made in South Africa by South Africans themselves, and that it is not possible for us, whatever we may consider to be the special merits of the case, to attempt to force it upon the great representative body which with absolute unanimity demands that it should not appear."

Now, Sir, to return to the Preamble. In concluding his remarks on the Preamble Lord Birkenhead remarked :

"We shall not be diverted from its high obligations by the tactics of restless impatience. The door to acceleration is not open to menace, still less will it be stormed by violence."

All I can say, Sir, in reply is that we shall not be diverted from the pursuit of what we consider to be our birthright by strong words from any quarter, however high. (Hear, hear.) The door of co-operation is not open to threats, still less will it be stormed by force.

Then, I have in passing to deal with certain remarks which His Lordship has made on the Report of the Muddiman Committee. They are weighty remarks made in a judicial spirit of open-mindedness. Here they are :

"We do not anticipate, for reasons which have already been made plain, that we shall be able to accept the report of the minority at this stage."

This is also, of course, subject to what this Assembly might say in the course of this debate :

"The problem of provincial autonomy contemplates the complete transfer of law and order and it would render necessary far-reaching changes in the Central Government of India, which have never yet been closely analysed and very rarely even cursorily examined."

Whose fault, pray, was it that this has not been done all these years :

"It is rather on the lines recommended by the majority that any immediate action must be taken. As I have already said, we must await the formal views of the Government of India on this matter but it will certainly be the desire of His Majesty's Government to go as far as possible in carrying out the proposals which the Government of India may make after discussion in the Legislative Assembly. Many of the recommendations of the Committee can be carried out by regulation and do not require an Act of Parliament. There need be no delay in making these changes. In those cases where legislation is required, the matter can be appropriately dealt with as and when opportunity offers."

Now, Sir, all I can say is that we are not so simple as to believe that the Government of India will make any proposals of a sweeping nature. His Excellency the Viceroy has told us what these proposals are going to be, subject of course again I say, to the discussion in the Assembly. I need not refer to that speech in detail as it is fresh in the memory of the Honourable Members. His Excellency has only repeated what Lord Birkenhead said about his Government being prepared to accept, without committing himself to all the recommendations of the majority, but to accept such as may be determined hereafter to be fit to be adopted.

As for the minority—of course they are dreamers—His Excellency only says :

"Briefly, the minority ask whether the Constitution should not be put on a permanent basis with provisions for automatic progress in the future, and they are in favour of a system of provincial autonomy. They press for an early inquiry with a view to fulfilling these aspirations. To the subject of provincial autonomy I shall return later. It is sufficient to say at this stage that the minority, mindful of the terms of reference, do not present it as a practical and fully considered scheme, but content themselves with putting it forward as an ideal."

Well, Sir, it will be for one of the members of the minority—and there is a distinguished member to my right—to say whether he pleads guilty to the charge that what they said in the Report was not fully considered. I can quite understand that they were very mindful of the terms of reference, but I am afraid His Excellency has not done justice to himself or to the members of the minority by saying that they had not fully considered the scheme. He proceeds :

"The steps for its attainment clearly demand further investigation."

That is what the minority ask for :

"In effect therefore the recommendations of the minority amount to a demand for an early and authoritative inquiry with a view to a revision of the Constitution. The issue at the moment between them and the Government of India is largely one of time for the appointment of a Commission."

Now, the amendment which I have placed before the House will, I think, clarify the issue. It is not merely a question of time. It is a question of substance as to what this Royal Commission or round table conference or convention or whatever agency may be employed is actually going to do. Is it simply to come and begin at the beginning as is laid down in section 84-A of the Government of India Act ? Is it to go into questions like these : What is the state of education in India ? What progress have representative institutions made in India ? Whether these people deserve any further progress or whether it is necessary to send them down a form or two to learn their lessons better and come better prepared for another Commission ten years later ? Now, that is the sort of thing which we are objecting to. We say we are absolutely fit for self-government, as fit as you are yourself in your own Island. This is what we say. Here we are occupying that position and you tell us as you would tell schoolboys : Be good boys and you will be promoted to a higher form.

Then, it is said—and my learned friend the Honourable the Home Member relied specially upon that passage—that wise men are not the slaves of dates. I say wise men are not the slaves of Preambles either. (Applause.) What sanctity is there in a Preamble ? Is not this Act of Parliament, the Government of India Act of 1919, just like any other Act of Parliament ? Are not all Acts of Parliament the result of the experience and wisdom of Parliament ? Or was any special kind of that experience and wisdom or the quintessence of all experience and wisdom infused into this Preamble ? Will any lawyer tell me or, for the matter of that, any other person that any legislative authority, not to speak of the Mother of Parliaments, is not perfectly at liberty to set aside its own Act under whatever circumstances it may have been passed ? Of course, I do not say that the mere fact that because we ask for it the Act of 1919 must be repealed. We say we have made out a case, which you have not answered, which you have admitted, and upon

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that case, whatever else may happen, the provision for dyarchy and no provision for responsibility in the Central Government cannot work and cannot remain on the Statute, unless, of course, in the confidence of your strength and brute force you want to keep us down and to force your own schemes down our throats for years to come.

Then, Sir, there is the plea for co-operation. Lord Birkenhead, His Excellency the Viceroy and my friend the Honourable the Home Member have all said that the first condition, a very clear one, is that you must co-operate with us. I say that my first condition, as clear a condition as your own is, is that unless you show a change of heart, we are not going to co-operate. Hear, hear and Loud Applause from the Swarajist Benches.) The hand of fellowship was extended to you in no grudging spirit by the late founder and chief of the Swaraj Party. You have rejected it, but I am here to say that I and my Party stand by what he said. Let me remind you of what the late Mr. Das said in his Faridpur speech. He said :

"We have been gravely told that Swaraj is within our grasp if only we co-operate with the Government in working the present Reform Act. With regard to that argument, my position is perfectly clear, and I should like to restate it so that there may be no controversy about it. If I were satisfied that the present Act has transferred any real responsibility to the people, that there is opportunity for self-realization, self-development and self-fulfilment under the Act—I would unhesitatingly co-operate with the Government and begin the constructive work within the Council Chamber. But I am not willing to sacrifice the substance for the shadow. I will not detain you to-day with any arguments tending to show that the Reform Act has not transferred any responsibility to the people. I have dealt with the question exhaustively in my address at the Ahmedabad Congress, and if further arguments are necessary, they will be found in the evidence given before the Muddiman Committee by men whose moderation cannot be questioned by the Government. The basis of the present Act is distrust of the Ministers. At the same time, I must make clear my position,—and I hope of the Bengal Provincial Conference—that provided some responsibility is transferred to the people, there is no reason why we should not co-operate with the Government. But to make such co-operation real and effective two things are necessary : first, there should be a real change of heart in our rulers, secondly, Swaraj in the fullest sense must be guaranteed to us at once, to come automatically in the near future."

These are exactly the same sentiments which the minority have expressed in the concluding part of their report. Then the late Mr. Das went on to say :

"I have always maintained that we should make large sacrifices in order to have the opportunity to begin our constructive work at once."

Further on he says :

"It is impossible to lay down the exact terms of any such settlement at the present moment ; but if a change of heart takes place and negotiations are carried on by both sides in the spirit of peace, harmony and mutual trust, such terms are capable of precise definition."

Then, Sir, if it does not happen, what is the other alternative ? This is what Mr. Das has said on this point :

"If, however, our offer of a settlement should not meet with any response, we must go on with our national work on the lines which we have pursued for the last two years so that it may become impossible for the Government to carry on the administration of the country except by the exercise of its exceptional powers. There are some who shrink from this step, who point out with perfect logic that we have no right to refuse supplies unless we are prepared to go to the country and advise the subjects not to pay the taxes. My answer is that I want to create the atmosphere

for national, civil disobedience, which must be the last weapon in the hand of the people striving for freedom. I have no use for historical precedent; but if reference is to be made to English history in our present struggle, I may point out that refusal to pay taxes in England in the time of the Stuarts came many years after the determination of the Parliament to refuse supplies. The atmosphere for civil disobedience is created by compelling the Government to raise money by the exercise of its exceptional powers; and when the time comes we shall not hesitate to advise our countrymen not to pay taxes which are sought to be raised by the exercise of the exceptional powers vested in the Government."

Now, Sir, the House will please bear in mind that these are not sentiments uttered in bitterness. They were uttered at a time when the late Mr. Das was extending his hand of fellowship to the Government, and that was a time when he without the least hesitation frankly opened out his heart to Government as well as to his own people by pointing out our own weaknesses. What does he say? He says:

"I hope that time will never come,"—*referring to civil disobedience*—"indeed, I see signs of a real change of heart everywhere, but let us face the fact that it may be necessary for us to have recourse to civil disobedience if all hopes of reconciliation fail. But let us also face the fact that civil disobedience requires a high state of organization, an infinite capacity for sacrifice, and a real desire to subordinate personal and communal interest to the common interest of the nation: and I can see little hope of India ever being ready for civil disobedience until she is prepared to work Mahatma Gandhi's constructive programme to the fullest extent. The end, however, must be kept in view, for freedom must be won."

Now, Sir, this is the position of the Swaraj Party. Mr. Das, as I have pointed out, refers to the possibility of co-operation more in sorrow than in anger. He implies no threat as he frankly faces the fact that we have not arrived at the proper stage of organization to have the capacity for civil disobedience. But when there is no alternative open to us, we must take the road leading to it, however long and weary it may be. Civil disobedience may not come for years, but it has to come one day, and the sooner we begin our preparation the better.

This is all, Sir, that I have to say; and I thank the House, and I thank you, Sir, for the latitude that you have allowed to me. I hope you will permit me to say one word more before I sit down. Sir, never was this House called upon to discharge a duty involving greater responsibility than that laid upon it on this momentous occasion. I say so because my reading of the whole situation as it presents itself to-day convinces me that we have arrived at that critical moment of our political existence when the action taken on the Resolution before the House is bound to make or mar our future history. Let me assure my Honourable friends opposite that the amendment I have moved is the result of the most careful and anxious consideration, that not only I and my Party but practically all the Nationalist Members of this House are capable of, and that I have moved it with the fullest sense of the grave responsibility that rests upon me.

The history of the so-called reforms is painful and depressing reading at present, but as it develops in the near future, it will, I am confident, furnish the brightest chapter to the chequered history of this land. The struggle for freedom once begun must sooner or later have its appointed end, and that end is no other than the achievement of the fullest freedom. It remains to be seen whether England will share the credit of that achievement by willingly giving a helping hand or suffer

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that achievement to be wrested from her unwilling hands. These are the only alternatives. It is for England to choose. (Loud Applause.)

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

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

Mr. President : As there are many Members who are anxious to take part in this debate on this very important question, I hope Members will try and keep strictly to the time limit.

Colonel J. D. Crawford (Bengal : European) : Sir, as I read the amendment which is now before the House, I thought to myself of the unfortunate fate which met my amendment on the Prohibition Resolution, and I thought that this too was likely to be ruled out of order. I therefore did not give it that attention which it might otherwise have had. I do not know, Sir, that I altogether welcome a further discussion on the constitution, not because I am not anxious to see a practical and equitable solution of our constitutional problem but because I think we waste an undue amount of the time of this House in the discussion of constitutional questions to the detriment of more important and constructive work. Does any Member of this House honestly believe that the *raiyat* and the unrepresented masses of the peoples of India care one jot at the present about the constitution ? (*Honourable Members* : "They do, they do.") No, Sir. They are far too much up against the hard economic facts of life to worry very much about anything else but earning their livelihood. If we gave more time to the consideration of schemes for improving the general well-being of the people and a little less time to lengthy dissertations on constitutional questions, I feel the House would be showing a sense of responsibility which would go a long way to secure for itself greater powers. I feel, however, that it is better to discuss the constitutional question on a definite issue such as that provided by the Reforms Inquiry Committee's Report rather than at the inopportune moments we usually choose and I am glad that the Secretary of State has maintained the constitutional position of consulting this House before any final decision is taken. There are those of us who believe that this difficult and intricate problem is one that entitles the views of those in India, both Indian and British, and who understand and know the conditions in India, to very serious consideration, and that they should not be neglected, as on the occasion of the Montford Report, in favour of views put forward by constitutional experts from England. The announcement of the Secretary of State that he is prepared to give full consideration to views put forward from India that carry a reasonable degree of support from a majority of the peoples of India is one, therefore, that I welcome. I think there are very few of us who expected anything very startling from the Report of the Reforms Inquiry Committee, for we surely realise that, however anxious we may be for a greater measure of self-government, there are no short-cuts to that

dubious Paradise. I have not, therefore, been disappointed by the work of the Committee or its Report, except in one direction, and that is, the failure of the leaders of the Swaraj Party to take part in that inquiry.

It does not seem to me to be a matter of great importance that the terms of reference were somewhat restricted. At any rate, such limitations did not prevent the minority from stating their case. Our Swarajist friends are constantly proclaiming that India's efforts in the Great War are sufficient justification for a measure of self-determination. (*An Honourable Member*: "No, no. You are wrong.") I, Sir, often fought alongside Indian troops in the Great War and thoroughly appreciate that position. But I venture to think that self-determination as seen by those men who fought in the Great War and did their bit for the Empire is somewhat different from that of my Swarajist friends. If I am right, I do not think that there are many members in the Swarajist Party who took any active part in assisting the Empire on that occasion.

3 P.M.

Mr. A. Rangaswamy Iyengar: No, no.

Colonel J. D. Crawford: On the other hand, I am inclined to think that there are not a few who were even at that time possessed of a bee of obstruction in their bonnets. That being the case, it is all the more to be regretted that they did not come forward on this occasion of the Reforms Inquiry Committee with a view to placing their case before Government and before the country, so that reasonable men could find out exactly what it was that they wanted. I remember, in correspondence that passed between my Honourable friend Pandit Motilal Nehru and myself on an invitation to Europeans to join in a conference, that he twitted me during the last session for not having taken part. He did not go on, however, to say that we asked him for some definition of his meaning of Swaraj and that he replied that that was a matter to be settled at the conference. That was an admission that on that occasion at least the Swarajists had no very definite case as to what they thought or what they required. To those of us who are generally striving to help India on the road of political progress, those who did not approve of the road taken but have yet put our shoulders wholeheartedly to the wheel, a body of malcontents, who stand aside and jeer but are ready to accept any reward that may be going, are not likely to be popular.

I would now turn to the finding of the Committee. May I be allowed to congratulate the members who signed the minority report on the reasonable statement of their case? I feel their case would have made a greater appeal to us than it has done had it been less partisan in its views. These members have naively admitted their partisanship in the opening paragraphs of their report. In the concluding paragraph of Chapter I they say:

"We beg to point out that having regard to the terms of reference, we felt at the very commencement of our work that although it was open to us to traverse large ground so far as the inquiry was concerned, yet in the matter of remedial proposals our scope was very much limited by the language used in clause 2 of the terms of reference."

I feel that their impartiality has been considerably damaged by that statement. I feel that the members of the committee of inquiry

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should have approached their task with an open mind and come to their decision on an impartial review of the evidence. I feel the partisan attitude adopted has led the members who signed the minority report to give undue attention to the evidence of Ministers inexperienced in administration.....(*Mr. T. C. Goswami* : "Question,").....and too little weight to the evidence of trained administrators. The problem is a practical, rather than a theoretical one, and practical considerations ought to have prevailed over mere sentiment. The minority have not found themselves bound by the restricted terms of reference proposed to the Committee and have, therefore, dealt with the problem from a wider point of view than the majority. For this reason, I will consider their recommendations first.

Looked at from the broadest point of view, their recommendations can be summed up as follows, "Dyarchy has failed, therefore appoint your statutory commission as soon as possible." I personally cannot subscribe to the opinion that dyarchy has failed. I am prepared to agree that the system is not popular and has few supporters. But all criticise it from such widely divergent points of view that I am inclined to think its very unpopularity shows that it has the merit of holding the scales reasonably equal.

Mr. A. Rangaswami Iyengar : That is a very fine test.

Colonel J. D. Crawford : Personally, I accept the view of the United Provinces that as worked, dyarchy is a complex, confused system, having no logical basis, rooted in compromise, and defensible only as a transitional expedient, yet capable of being worked by reasonable men in a reasonable spirit. I feel sure that some of the opposition will want to refer us to the position in Bengal and in the Central Provinces, but I would claim that those politicians there have not shown us that dark dyarchy is not workable. They have simply shown us that they themselves are not prepared to work it. As to the very considerable powers conferred on India by the Government of India Act, sufficient evidence is surely forthcoming in the very large measure of Indianization already secured in all the departments of Government. Although, Sir, I cannot agree that the existing constitution has failed, for there is no doubt that the power given to Indians has never been properly realised, yet I am prepared to admit the unpopularity of the present constitution with all classes, and therefore to examine the logical recommendation of the minority arising therefrom for the early appointment of a statutory commission. I would ask those who signed that report what they expect to obtain from the appointment of a statutory commission at present. Before any constitution can work, it must have the confidence of the majority of the peoples of India. Do these Members consider that there is at the moment the slightest hope of securing the confidence of important minorities in any constitution that would place them entirely in the hands of an inexperienced majority, with a civil service entirely depleted of its European element—for Indian politicians will accept nothing less.....

Mr. A. Rangaswami Iyengar : That is wrong.

Colonel J. D. Crawford : .....and without sufficient safeguards? It is possibly asking those minorities to commit suicide. If we are to

secure a reasonable measure of confidence all round, we have first to exorcise the demon of distrust and to create an atmosphere of general good-will which does not altogether exist at the moment though there are signs that it is coming. Unless we have those conditions, the efforts of any Commission must be abortive, and on those grounds I am opposed to the appointment of any Commission at present. I can thoroughly understand any statesman refusing further to examine this difficult problem until all sections of the people in India can find a substantial measure of agreement amongst themselves. I do not think many of us nowadays consider the year 1929 particularly sacrosanct. Rather, our view is that any limitation of time in questions of this nature is best avoided. In view, however, of the increased difficulties of the problem brought about by a set of very short-sighted politicians, I very much doubt if you will be able to obtain a reasonable measure of true agreement amongst the peoples of India before that date, and without it I feel the appointment of a statutory commission is a waste of money, time and effort.

As I said previously, in my opinion, there is no short cut to Swaraj. The road is long and difficult and our only way to speed up our journey is by every one of us putting our shoulder to the wheel and with good-will and selfless efforts, help by using the machinery to our hand in surmounting the undoubted obstacles that beset our path. If that machinery serves no other purpose, it may yet give us that spirit of good-will and joint partnership and team work without which we cannot progress. It is therefore with some regret that I oppose the recommendation of the minority for the appointment of a statutory commission, on the grounds that it is premature and displays, to my mind, an optimism which is not yet justified by facts.

I would now turn to the recommendations of the majority report. I only propose to touch on one particular point, a point of major importance to all minority communities. Both the majority and the minority support a system of communal representation, though possibly, with reservations. For some unknown reason, we imagine that everything that comes out of the west is suitable to the east; and, because communal representation is opposed to western democratic principles, therefore we are opposed to it in this country. Our aim should be a representative rather than a democratic form of government. India is not a nation and our problem is one rather of internationalism than nationalism. We want a federation of the peoples of India. Would any Member of this House suggest for a moment that representation on the League of Nations should be anything other than national? And why do so in the case of the Government in India? Our religious, communal and caste differences are a portion of our problem which will always be with us, and are not going to be solved by closing our eyes to the fact that they unfortunately exist. I believe a Muhammadan who believes in being a Muhammadan, a Hindu who believes in being a Hindu, a Britisher who believes in British traditions, and a labourer who believes in being a good workman, are the best citizens and if they are all strongly organised and are capable of protecting their pet corns from being trodden on, then we have a far greater chance of co-operation among the various peoples of this country for the benefit of the Indian Empire. I will strongly support also a greater measure of representation of labour and the depressed classes both in the provincial

[Colonel J. D. Crawford.]

Councils and the Legislative Assembly. (*An Honourable Member* : "What about the agricultural classes" ?) The agricultural classes as well. But for practical reasons I am against the system of election. Most labour in India, or a large proportion of labour in India is migratory and I fail to see how you can introduce any proper electoral roll. I think therefore that labour will for a long time to come have to be represented by nomination. With all due deference to the honesty of my Honourable friends, Messrs. Joshi and Chaman Lall, might I suggest to Government that labour might sometimes be represented by persons other than lawyers ? (*An Honourable Member* : "Mr. Joshi is not a lawyer.") They are not always in touch with labour conditions and are solely governed by certain western social ideals, often not suitable to our present state of industrial development and certainly not wanted by labour itself. (*Mr. M. A. Jinnah* : "A soldier should represent labour !") If we are to make political progress in this country there must be co-operation between all sections of the peoples of India. (*An Honourable Member* : "On what terms ?") One of the greatest lessons that I personally learnt from the Great War was that without co-operation victory was not obtainable. I remember occasions when orders had come down from General Headquarters which were criticised and pulled to pieces by officers who in consequence failed to act wholeheartedly on the orders issued. The result, though it has not been a disaster, has certainly not been a success. One thing we have to do is to take whatever is given to us, may be it is not the best, but we should do our utmost to work it for all it is worth, and that is the only way which will enable us to make real progress. We are not opposed in the very least to the legitimate aspirations of Indians for self-government. It is but natural. But there are many difficulties which have to be got over. If that road is to lead to success it is by joining hands and working together that we will arrive at the goal. That is what the Secretary of State has asked us to do. Let us all put our shoulders to the wheel, let there be no grousing, and then we shall have a very legitimate right to say, "This machine does not serve our purpose and let us have another." Until we have done our best to work what is given, how can we ask for anything else ?

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : After the elaborate speech of the Honourable Pandit I do not think it necessary to make any long speech in support of the amendment which he has moved. (*Honourable Members* : "Louder please.") I must confess to some feeling of sympathy with the Honourable the Home Member in the embarrassment which he felt in his opening remarks. I noticed a confusion in his mind at first as to which was the majority report and which was the minority report. I think that he was justified in his confusion, as I believe it is an open secret that but for the trammels and conventions of office one of his colleagues would have actually signed the majority report. (*Honourable Members* : "The minority report.") (Loud Laughter.) Yes, the minority report. The recommendations of the majority are recommendations from which I do not dissent. As a member of the minority of that Committee I may say that we approved of almost all the recommendations of the majority so far as they went, but at the same time we expressed our opinion that they were quite inadequate and unsatisfactory. It is in that view that I have risen to support this amendment. That the recommendations of the majority are so inadequate and so unsatisfying is

not the fault, at any rate, to any large extent, of the members of the majority. The Committee was tied down by the restricted terms of the reference. We were asked to find remedies consistent with the structure, scope and the policy of the Act. We were permitted to investigate all the defects in the Act, whether inherent in it or in the working of it; but as to the remedies our investigations were strictly tied down. I am not therefore disposed to blame the majority for the unsatisfactory character of their recommendations, though one cannot help feeling that the members of the majority betrayed an amount of caution which was altogether unnecessary. For instance, they were not sure whether it would be wise to transfer the subject of Government Presses. They were not sure whether it would be wise to transfer the subject of Law Reports to the Ministers. The caution which was displayed by the members of the majority was perhaps commendable from their own point of view, but it does not enhance the acceptability of the recommendations which they made. Sir, the system of dyarchy is one which has inherent defects in it. It has defects which cannot possibly be cured by any regulations or rules which may be made under the Act. It is a strange thing that a system of government which was so universally condemned by all the officials before it was introduced should now find such strong champions in the official world. From Lord Birkenhead downwards to the Members of the Government of India, to the Governors of Provinces and the district officials, every official has been fascinated by the system of dyarchy. Have you been able to discover the secret of it? To my mind, Sir, it must be this. Before dyarchy was introduced, they shied at it because it meant a limited transfer of power. After it has been introduced, they are enamoured of it, because they are convinced that you cannot go back to the *status quo* and the next step must be an advance forward and therefore it means the transfer of a larger measure of power to the people. That seems to me to be the real secret of the original aversion to dyarchy and the subsequent fondness for it which has been betrayed by the official world.

Now, Sir, with regard to the date of revision of the constitution which contains such inherent defects as have been admitted by everybody, it has been stated by the Secretary of State in his recent speech that wise men are not the slaves of dates and that the date of a further advance may be accelerated and he was even bold enough to stretch his imagination and say that developments might have been conceived in which the acceleration of the date of revision might have been recommended. Sir, it is an irony of fate that that oration of Lord Birkenhead about which so many different opinions have been expressed in different quarters should have been described by the leading Conservative organ of England as a "frigidly pompous nullity". These are the words of the *Morning Post*, as applied to Lord Birkenhead's speech and I think that description is almost entirely true of that speech. But I gather one ray of hope from that "frigidly pompous nullity" and that is that the date of revision of the constitution may be accelerated in certain circumstances. We have been told by both the Secretary of State and by His Excellency the Viceroy that it is not possible to think of accelerating the date of revision and His Excellency the Viceroy has been kind enough to warn us that if we did succeed in our prayer for the present appointment of a Royal Commission, the verdict is bound to be against further advance. What are the conditions laid down in the Preamble to the Act—that the successive stages of advance depend upon the co-operation which the reforms would receive

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from persons to whom new opportunities of service were thrown open and upon the extent to which confidence could be reposed in their sense of responsibility. Those were the two conditions which were laid down in the Preamble as those upon which further advance would depend. His Excellency the Viceroy pointed out properly enough that if a Royal Commission were appointed and if they were asked to come to a finding as to whether the reforms have received that measure of co-operation which its authors looked forward to, the finding might be against us, but if the members of the Commission would set unto themselves the task of finding out why it did not receive the co-operation which was expected, I think, if the Royal Commission was honest, impartial and fair-minded, they would be able to discover an answer not altogether to our discredit.

Now the question is what is the meaning of this condition of co-operation? Does the want of co-operation imply a want of capacity for self-government? What is the inference to be drawn from non-co-operation? I can only imagine one inference which can be drawn from non-co-operation and that is that if the people were entrusted with these large powers they might be tempted to use them against the power which granted those powers and might use them for purposes hostile to the British connection. If that could be a legitimate inference, I grant that the verdict might be and should be against us. Notwithstanding the very considerable amount of froth and nonsense that may have been talked in the country, I believe that the real meaning of the non-co-operation movement is this—that their protagonists were not satisfied with the measure of reforms that was granted. They were not satisfied with the promise of further reforms which was held out in the Act and they wisely or unwisely, unwisely in my opinion, chose to refrain from co-operation. But that does not by any means imply that those gentlemen who resolved upon non-co-operation are in their heart of hearts hostile to the British connection, and the fact that they have come in in large numbers into the present Assembly and Councils shows their real desire to take part in the work of co-operation and construction. Of course now and then you may hear voices and words to the contrary but do not believe them. I believe that they really wish to co-operate as far as they can (*An Honourable Member* : "Honourable co-operation") in the work that lies ahead of us. I venture to think that no real inference can be drawn against us from the absence of co-operation.

Then again, with regard to the second condition, namely, the amount of confidence which could be placed in the sense of responsibility of the people to whom new opportunities were granted, I ask whether there has been anything to show that there has been a genuine lack of a sense of responsibility. I appeal to your experience in the first Legislative Assembly. The second Legislative Assembly has no doubt been diluted to a large extent with men of a different shade of views. During the term of the first reformed Assembly and Councils, all over the country, you received the fullest measure of co-operation that you had any right to expect and, after all the co-operation that you received and after all the tributes that you then paid to our sense of responsibility and to the work that we did, is it fair on your part to turn round upon us now and say that you could not place any reliance upon our sense of responsibility? Your experience of the first Assembly and of the first Councils ought to convince you, if you keep an open mind, that full reliance can be placed upon the sense of responsibility of the people.

I regard it as a very happy omen indeed that one of the most prominent Members of that Party which believed in non-co-operation is now occupying a place of great responsibility here. Would you have thought that the fierce Extremist who glowered with baleful eyes at the occupants of the Treasury Benches, whom he regarded as the representatives of a Satanic Government, could have turned into a grave, dignified and impartial President ? (Applause.) What further illustration can you want of the fact that it is the opportunity of responsibility that is wanted and that will make people sober and rise to the needs of the occasion ? (Hear, hear.)

Sir, now I may ask, why is it that many of our people and several of the leaders have thought fit to resort to non-co-operation ? One at any rate of the reasons for their conduct seems to me to be this, that they are not convinced of the sincerity of the professions of the Government. (Hear, hear.) They believe that however big may be your talk of setting India on the goal to responsible government, you do not in your heart of hearts mean it. (Hear, hear.) If these people could have been assured that within any reasonable distance of time, no matter whether it be 10 years or 15 years or 20 years, you would grant responsible government, and if they could have been satisfied of its sincerity, I am confident that their attitude and policy would have been different. But you may very well ask : " Have we not always been profuse in the declarations of our intention to grant self-government ? And what right have you to attribute any lack of sincerity to His Majesty's Government or to the agents of His Majesty's Government on the spot ?" For my purpose, Sir, I do not think it is necessary to go further than advert to the one topic which occupies unfortunately a great deal more of my attention than any other. Take your attitude with regard to the Army. (Hear, hear.) Take the question of your military policy. Four years ago we passed a set of Resolutions recommending a change in the attitude of Government and recommending a policy of Indianization, and we asked that steps should be taken without loss of time to prepare us for the ultimate goal of responsible government. These Resolutions, I am glad to be able to say, were passed with the concurrence of the Government of the day. But four years have passed, and almost nothing has been done. And what is the result of all this agitation that was carried on, of the Resolutions that were passed during the last four years ? They present us with that miserable bantling of the eight units scheme. And Lord Birkenhead says : " It is an experiment which must be tried out, and until it is tried out, you cannot expect any further advance." This is not the time to enlarge upon the defects of the scheme. One thing only it is sufficient for me to point out here, and it is this. As Lord Birkenhead very properly points out, it takes a man 25 years to rise to the position of a Colonel in the Army. If you want to judge of the success of the eight units scheme, at least 25 years must elapse, and after those 25 years have passed, whether any more units should be Indianized would be a question which would be left to the British people to decide. Probably, they will say, " We are willing that twenty more units out of the 75 should be Indianized ". (*An Honourable Member* : " 140 ".) I am not sure about the exact number. I am referring only to the Indian units. They may say perhaps that another 20 units might be Indianized : and at that rate the Indianization of the whole army would take not the period of one generation, nor even of two generations, but would take us probably to the Greek Kalends. That is why Lord Birkenhead states in one part of his speech that at no foreseeable future could he see the time when it would be possible for England to abandon this trust. Now

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this term "trust" has appeared only too often in the writings and speeches of English statesmen. I am afraid, Sir, that very often it is vested interests which masquerade under the title of guardianship, mandates and trusts. (Hear, hear.) Now, I am not one of those who find fault indiscriminately with the Government. I am willing to give their due to the Government for all the blessings they have secured for this country in the way of peace, security and order. I am willing to give them credit for all the economic improvements they have effected.

Mr. President : I must ask the Honourable Member to bring his remarks to a close.

Sir P. S. Sivaswamy Aiyer : Now with all that, what I submit is that it is impossible to credit the sincerity of the professions of people who believe that their trust cannot be abandoned at any foreseeable future. Having regard to that statement I ask whether the attitude of disbelief and distrust on the part of a great many of my countrymen is not to a large extent justified. I will only add this, that from the point of view of the Government themselves it is necessary to revise the constitution. Here you are faced with deadlocks many a time—with an elected majority and a small minority of officials and nominated persons, unable to carry through legislation, faced with the necessity of certification, and unable to do what you really wish to have done. But I am afraid that you will be deaf to the voices of the friends as well as the foes of the British connection with the result of increasing bitterness against the Government and increasing distrust of its intentions—factors, mental factors, which are not conducive to a wise or well ordered administration.

Sir, I have only one more remark to make. I am glad to find that the Resolution now proposed substantially reproduces the demands of the Liberal Party. It embodies the Resolutions of the Liberal Party and their demands and it is a great gratification to me that the Swaraj Party, which has long been wandering in the barren wilderness of non-co-operation, has now come back to the path of co-operation and constructive effort. Complexities and difficulties have been pointed out or referred to by various persons, by His Excellency the Viceroy now and by Sir Malcolm Hailey in the past. They do exist ; we are not unaware of some of them. But if you only set yourselves to the solution of these difficulties, I am confident that a solution can be found. It is not for us to embark now upon a scheme. It would be a waste of time and effort. Let us know whether you mean to adopt suggestions from us now and it would then be time for us to evolve some scheme which will command a wide measure of popular support. I have one more word to add, and it is this, that it is no use to found yourselves upon self-righteousness. The foundation upon which a great Empire should rest is not self-righteousness, but righteousness.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, a great English thinker—John Stuart Mill—has remarked that :

> "When the object is to raise the permanent condition of a people, small means do not merely produce small effects, they produce no effect at all."

This saying, I think, would form an admirable text for the subject now under discussion. Though England has proclaimed that she has set before herself the great task of educating the people of India out

of a position of dependence and tutelage into one of independence and equality ; though it was definitely proclaimed in 1917 that it was her declared intention to work for the progressive realisation of responsible government in India as an integral part of the British Empire, yet the means adopted for realising this ideal were so small in the country and failed to achieve the object which the authors had in view. The value of the Reforms Inquiry Committee to my mind lies in this,—that the great volume of evidence placed before the Committee has revealed in unmistakeable terms that the present constitution, though introduced in good faith and with the intention of giving an earnest of the famous declaration of August 1917, has utterly failed to achieve its object and that though the authors of the measure were prompted by good intentions, their good intentions did not in this case lead them to correct judgments.

The Government of India Act of 1919 was meant to be a substantial first step in the process of establishing full responsible government in India. Even the most enthusiastic champions of dyarchy, if there are any, cannot claim that a dyarchical form of Government is in any sense full responsible government. It was meant to be a transitional stage which would provide a valuable training towards responsible government. Its success or failure therefore has to be estimated from the point of view of how far it has succeeded in or how far it is capable of providing that training—that apprenticeship if I may say so—in the art of responsible government. If it can be proved—and it has been amply proved in the great volume of evidence placed before the Committee—that the system of dyarchy by its very nature is not merely unsuited to train people in the art of responsible government but is a positive hindrance to the development of Parliamentary institutions, then there can be no alternative but to condemn the system in its entirety and wholesale.

The basis of modern Governments is an efficient executive and an effective popular control. The possibilities of a conflict between the two resulting in deadlocks is avoided in modern Parliamentary Governments by making the entire executive responsible to the Legislature. The basic principle of executive responsibility is the joint responsibility of the Cabinet. The present system of Government in the provinces composed of an elected Legislature with the executive divided into two halves, one responsible to the Legislature and the other irresponsible and irremovable, and with the Governor with powers to override both is not only complex and complicated, but is unknown to the constitutional history of any country in the world. Not merely is the unity of the executive Government wanting, but the functions of Government are sought to be divided into water-tight compartments. The practical difficulties that would arise from this were anticipated by the Government of Bombay as early as 1918 in a despatch which they sent to the Government of India in which they observed :

"A reference to the records of Government will show that there is scarcely a question of importance which comes up for discussion and settlement in any one of the departments of Government which does not require to be weighed carefully in the light of considerations which form the province of another department of Government .....practically all proposals of importance put forward by the Minister in charge of any of the departments suggested for transfer will involve a reference to the authorities in charge of the reserved departments."

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These anticipations of the Bombay Government have proved to be entirely true in actual practice. To remedy this evil it has been suggested by the majority report that joint deliberation between the two sides of the Government should be definitely enjoined by rules. This remedy ignores the basic fact of dyarchy. You cannot pretend to improve dyarchy by substituting what may be called "uniarchy". In fact, this experiment of a unitary Government under the dyarchic system was tried by Lord Willingdon in Madras and was practically abandoned in 1923. The experiment had been tried and found wanting. The danger in this experiment, as was found in Madras, was that it may result in the responsibility of Ministers disappearing even more completely than under a strictly dyarchic form of Government and in equating the Ministers more to the position of Executive Councillors.

Added to this division of the executive Government, there is no joint responsibility even amongst the Ministers. The Ministers are individually appointed by the Governor. It has been suggested that the rules might be amended so as to foster the joint responsibility of the Ministers. Even in this direction too the experiment was tried in Madras. In the first reformed Council Lord Willingdon entrusted to the leader of a party the task of forming the ministry. But even this experiment also was given up in 1923.

It might be contended that the existence of some kind of party system is essential not merely for the growth of joint ministerial responsibility, but for the successful working of self-governing institutions. In the catalogue of our unfitness for self-government the absence of well defined political parties with well defined programmes finds a prominent place. But I ask, is dyarchy conducive to the growth of political parties? While I am prepared to concede that the existence of class and communal interests is a serious hindrance in this direction, the practical experience in the working of the dyarchic constitution has positively encouraged groups as opposed to parties and has set in motion the elements of discord. The experience of Madras again has proved that Ministers have acted as party leaders in their own fields and as non-party men in the field of reserved subjects. In some cases they have voted with the Executive Councillors and against their own political parties. This anomalous position of Ministers who must necessarily be the party leaders is not conducive to the growth of political parties with any well defined programmes. Cabinet unity and party unity, which are necessarily elements under responsible government, are impracticable and impossible under the dyarchical form of Government. Ministers in some of the provinces have not been able to consolidate the following that they had in the Councils, not because they could not be trusted on their own merits, but because their association with the bureaucracy on the reserved side engendered a spirit of suspicion amongst the elected Members of the Councils.

The foundation of Government is said to be faith and not reason. Judged by this criterion dyarchy from its very inception has failed to inspire that faith and confidence which are the necessary foundations of good government. Those that stood aloof from the beginning and rejected the system from its genesis were condemned as political fire-eaters devoid of any sense of statesmanship. But what of those eminent

advocates of the reforms, who have held or now hold high offices in Government, who had unbounded faith in the potentialities of the new constitution as a factor for universal good ? After actual experience—in some cases very bitter—of loyally co-operating to make the reforms a success they have come to the almost unanimous conclusion that they have lost faith in the system of dyarchy as an efficient instrument in the art of responsible government.

It has been often repeated and was recently echoed by the Secretary of State for India that the reforms have achieved a fair amount of success in Madras. I have been in the Madras Council during its first term and as a Council Secretary observed to some extent the inner working of the dyarchical machinery. But perhaps more valuable than my own experience will be the testimony of a gentleman who was a Minister for 3 years and is the most loyal of co-operators. This is what the ex-Minister for Development in Madras has stated in his memorandum before the Comittee :

"It is admitted in all hands that dyarchy has failed. Even in the province of Madras where an honest attempt has been made to work the reforms in the spirit in which they were conceived, dyarchy has absolutely failed.....It was not the dyarchic system as conceived in the Act but an attempt to ignore it and get over its inherent difficulties that made it possible to achieve the little success which Madras is believed to have achieved."

The present system of Government has therefore failed not merely to capture the imagination of the people at large, but has been condemned and discarded by its early lovers. It is not merely the avowed opponents of the present system but the wise moderates and loyal co-operators that clamour for a radical change in the present constitution. The conviction has been rooted strongly in the mind of every thinking Indian that dyarchy is but camouflaged bureaucracy.

The terms of reference to the Muddiman Committee were no doubt very restricted in their scope. But in spite of the restrictions imposed on the nature of their recommendations, they could not ignore the inevitable conclusions arising from the evidence placed before them. The majority have failed to do justice to the facts presented before them. Any one versed in the art of sifting evidence can arrive at but one conclusion after a perusal of the evidence presented to the Committee—that the present system has in it such inherent defects that no palliatives can remove them. And the majority had not the courage to state this inevitable conclusion. Speaking at the Liberal Conference the other day, Mr. Chintamani, an ex-Minister and co-operator, is reported to have said :

"The majority of the Muddiman Committee did scant justice to the facts related before them by those who were in the best position to speak of the working of the dyarchical system, and wrote a report marked by intellectual thinness, superficial treatment of the subject, political partiality on the part of three and political timidity on the part of at least one of the signatories, and made to the Governor General in Council recommendations so inadequate that I have no hesitation in committing myself to the opinion, now that they have almost been accepted by Government, that the interests of India would have been served far better if the Committee had never been appointed."

These are not the words of an Extremist. And yet after this severe condemnation of the majority report by persons belonging to the most moderate school of political thought, the Home Member has thought it fit to bring this silly Resolution before this House. He may as well have

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tabled a motion recommending to the Governor General in Council to give effect to Webster's Dictionary.

Even the Secretary of State has admitted the practical difficulties in working the present constitution. But while admitting the difficulties he still wants us to work the constitution. And the answer to this has been given in the historical incident quoted by the Honourable Pandit, the incident of Akbar. In the same way we might say : We understand despotism ; we understand autocracy ; we understand responsible government and Parliamentary institutions ; but we confess we do not understand this hybrid constitution that you have invented.

Lord Birkenhead has appealed to the co-operation of the people ; but his Lordship cannot forget that co-operation is reciprocal. Speaking on behalf of those who had withheld their co-operation from Government, the Leader of the Swarajya Party had offered on the floor of this House in 1924 his wholehearted co-operation on certain conditions. The offer was repeated by the late Mr. Das in his famous speech at Faridpur. No answer came to these offers. To-day again the amendment moved by my leader offers to Government the terms on which they will have the sincere and wholehearted co-operation of the people of India. We hold out the hand of fellowship and it is for the Government to accept or reject it, but let Government understand that there cannot be and there will not be co-operation unless they give an earnest of a change of heart and their *bona fides*.

The present system of Government has been admitted to be a transitional stage in the steps leading to the establishment of full responsible Government. If it has been proved that it is not merely unworkable in practice but leads to grave misunderstandings and friction which will impede rather than help the progress of self-governing institutions .....

Mr. President : I would ask the Honourable Member to bring his remarks to a close as he has exceeded his time limit and there are many other Honourable Members who desire to speak.

Mr. R. K. Shanmukham Chetty : There is no meaning in trying to maintain it intact within the four corners of the Act and merely endeavouring to remove its administrative imperfections. Acts are made for men and men are not made for Acts. The Act of 1919 was meant to be an instrument of good government. It is the height of superstition and lack of statesmanship to say that the structure, policy and purpose of that Act should at all costs be maintained for the prescribed period of 10 years. The transfer of a few more subjects—not even the transfer of all the subjects will remove the cause of popular discontent. We want not a change in the agents but a change in the entire system, a change not in the details of administration, but a change in the nature and quality of Government. This is not the demand of the impatient idealist or the political agitator but of every Indian to whatever school of political thought he may belong. If misunderstanding and conflict between the Government and the people are not to be the normal feature of Indian political life, Government must give a categorical answer to this national demand, and we are awaiting the answer.

Mr. H. G. Cocke (Bombay : European) : Sir, when I joined this Assembly two years ago, like others here, I was new to higher politics. But we had not been in the Assembly very long before we had what has come to be known as the round table conference debate. I did not speak on that debate and I have not before to-day taken part in a political debate. I do so now with considerable diffidence because I feel that this is a subject upon which Home Members, lawyers and politicians have every right to speak ; but the ordinary business man, or the man engaged in a profession other than the law, is perhaps rather out of his depth. Sir, two things struck me in connection with that debate at Delhi. One was the remarkable unity of Indian opinion which, coming to the Assembly for the first time, was to me very striking, and the other thing was that the debate was very largely theoretical and not very practical. It seemed to me, Sir, that speaker after speaker refused to face facts. The peculiar difficulties under which India labours, the fact that India is not a nation, but a Continent, consisting of a vast variety of races holding different views, and only too anxious on occasions to get at each other's throats, all these factors make the problem a very difficult one, which however has got to be faced. It is no good evading the real issue. For many reasons, I was sorry no round table conference resulted from that debate, because I thought that if it had been possible to construct a round table large enough to seat all the representatives who would have been entitled to make their different demands, the result would undoubtedly have been, not one report, but several, and that Conference would have carried us very little further. Sir, what kind of difficulties are there that make this problem so acute ? No one to-day has referred to the position of the Indian States ; no one to-day has yet referred to the question of attack from the sea. That is a thing which may come before we realise it. No one has referred, I think, to any great extent to law and order, to communal differences and the vast differences of caste and creed which, as I have just said, make this problem one which cannot be compared with constitutional problems in other parts of the world. The Honourable Pandit in the course of his remarks made several comparisons with different parts of the world, and we have heard them in other debates too. But the facts are, as I am sure, we all realise, even if we do not express them, that there is no problem, as far as I know comparable with the one we have to face here. Sir, the immediate point for consideration is the recommendations of the majority report. I do not profess to be an expert in building constitutions or criticising constitutions, but I have read this report very carefully and it appears to me that the recommendations made by the majority committee are well worth giving effect to, and I can see no logic in the arguments of the Honourable Pandit, and of others who think with him, especially when it is admitted in the minority report that some of the recommendations, at any rate, are worth something. I see no logic I say in casting those recommendations aside, simply because they do not go as far as some would desire. You are not going to bring the day of advance any nearer by refusing to make these amendments in the Government of India Act. On the other hand, if you make them, and if you work this constitution in a way that it has not yet been worked, I venture to think that the further advance, which is being striven for in all directions, will be achieved much earlier. Therefore, the amend-

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ment, in my view, should not have been an amendment to the proposition, but an addition to it.

I confess myself as being somewhat out of my depth in looking through this amendment, and I wish the Honourable Pandit had issued it with an explanatory handbook.

Mr. M. A. Jinnah : For merchants.

Mr. H. G. Cocke : And for lawyers.

Sir, in the course of these debates we are frequently told that India has made indifferent and insufficient progress in the past, and that this advance in government is required to enhance that progress. I have been looking through "India in 1923-24," prepared by Dr. Rushbrook Williams, and I have been examining some of the charts which he has prepared. With your permission, Sir, I should like to give just a few figures from those charts to show the progress which has been made, and to suggest that we shall run the risk of abating that progress by too hasty attempts at new forms of government. The particular charts I should like to draw attention to are firstly No. 11, Canal Irrigation in the Punjab. Taking four periods of ten years,

in 1892-93, 3 million acres were under irrigation,

in 1902-03, 5½ million acres were under irrigation,

in 1912-13, 8½ million acres were under irrigation,

in 1922-23, 11½ million acres were under irrigation.

Now let us take chart No. 5 giving the total exports and imports.

The average of the five pre-war years 1909-14 was 380 crores.

In 1921-22 was 540 crores.

In 1922-23 was 560 crores.

Now let us take the Railway mileage, charts Nos. 12 and 13.

In 1872 we had 5,369 miles.

In 1922 we had 37,266 miles.

In regard to postal traffic, these are the figures. (Chart No. 17.)

	Postal traffic. millions of articles carried.
1881-1922	170 millions.
1901-1902	580 „
1921-1922	1460 „

Then look at the charts dealing with thrift and the co-operative movement. I merely cite these figures to show to the House what progress has been made. Now, one word about education, which, we are often told, is not progressive in this country. Admittedly it is in its infancy, but while in 1880 two million pupils were under instruction, in 1920 there were 8 million pupils under instruction. Then again, while in 1890, 1½ crores were spent on education, in 1920 we spent about 11½ crores. I merely quote these figures to the House to show that these charts are well worth studying, as they do show a very remarkable trend

of progress in the last 40 or 50 years. I would therefore suggest to the House that before embarking on any violent change of Government, it is well worth considering what effect any chaos which might result therefrom would have on the progress to which I have drawn attention.

Mr. C. S. Ranga Iyer : (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, the previous speaker, Colonel Crawford and the Honourable the Home Member, have only emphasised, each in his own way, the different aspects of Lord Birkenhead's speech. Sir, they have been pleased to say to our very face,—what Lord Birkenhead said behind our back,—that India is not a nation. The previous speaker, Mr. Cocke, said that it was so difficult to construct a round table. I do not think the Honourable gentleman from Bombay is a carpenter (Laughter), but I do think that the Government of India will not find the task so difficult if only they choose to take it up ; then he talked also of castes and creeds after the style of Lord Birkenhead who also spoke of communal differences. Sir, before proceeding further with my speech I think I should quote a few pertinent passages from the memorable speech of the Honourable Mr. Patel. We, Swarajists, miss to-day the voice of our leader, alas ! hushed in the Presidential Chair. I thought he gave, once for all, the conclusive answer to those who prated of communal differences. Mr. Patel said :—

"I ask, why these communal differences are not being settled. We find no very serious differences between the Hindus and the Muhammadans administered by Indian Rulers. Why, I ask, do these differences arise and are not settled in British India ? The question answers itself. Have responsible government, and the differences between the Hindus and the Muhammadans will be settled in no time. Let us settle these things for ourselves. It is because there are others who say ' We will settle these things for you ' that the differences grow. It is our business to settle these differences. We want the right to settle these differences. We do not want the interference of other people to settle these differences, and I beg of my friend to join with us in having responsible government and he will have no difficulty whatsoever."

Mr. K. Ahmed : Why did you not settle them at first ?

Mr. C. S. Ranga Iyer : That worthy gentleman, who is a great honour to the Muslim community, (Laughter) asks "Why did you not settle them at first ?" Apparently he had no patience to listen to the quotation that I have just read out ! It is impossible to settle communal differences so long as we do not have the power to settle those differences, so long as we do not have the reins of administration in our hands. If there are communal differences in this country to-day, the Englishmen, who claim to hold the country, are responsible for these differences. (*Cries of* "Question.") If there are communal dissensions in this country to-day, the Government are principally responsible for them. Government have the power to stop the outbreak of riots. During the days of Emperor Akbar, we had no such riots. Sir, the English policy is "Divide and rule". Lord Birkenhead said Government have "kept their hands unsullied," but the truth is that it serves the purpose of the Englishmen in India to stimulate and perpetuate communal differences. If you want us to settle those differences, we must have the power to settle those differences.

We have had enough taunts and talks of caste and of creed, from opponents and critics who are interested in magnifying the actualities. I wish the gentlemen, who talk of the differences of caste and of creed,

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only knew the history of the growth and development of the British Empire. I wish they read their own history before they come to this House and talk ignorantly of caste and creed and want of national unity. What was the state of affairs in Canada ? Has my Honourable friend over there read of the state of affairs in Canada, when Englishmen went to that country, or rather years after they had gone to that country, on the eve of granting self-government to Canada. I would ask him to read Lord Durham's Report. I would ask Honourable Members of this House to make a study of English history before they remind us next time of India not being a Nation. For their present purpose one or two quotations will suffice from "The Broad Stone of Empire," by Bruce, a well-known English author.

Mr. K. Ahmed :What happened on the 20th of February at Delhi ? (*Cries of* "Order, order.")

Mr. C. S. Ranga Iyer : The author says :

"The troubles both in Lower and Upper Canada appeared to Lord Durham to be due to the absence of a working identity of will between the popular assemblies on the one side, and, on the other, the executive power supported by its nominees in the Legislative Councils."—*the same conditions as in India.*—"In Lower Canada there was also the difficulty arising from the presence of two races—one, in a great numerical majority, French in origin and language, Roman Catholic in religion, mainly agricultural by occupation in the small farmer or peasant way, poorer and more content, less progressive, ambitious, and enterprising ; the other British by origin, Protestant in religion, commercial, or farming on a large scale, far more energetic, restless, and enterprising, and richer. The two races were divided by race, language, religion, occupation, education, tastes, aims, and social differences. The English were irritated by the obstacles to the improvement of trade and commerce which were placed in their way by French jealousy ; the French were irritated by the political and economic ascendancy of the minority.....The English looked on the French with contempt ; the French, as the English economic conquest progressed, saw their rivals with 'alarm, with jealousy, and finally with hatred'. Inter-marriages were rare ; there was no combination for public objects of any kind, not even for those of charity. 'The only public occasion,' said Lord Durham, 'on which they ever meet is in the jury-box, and they meet there only to the utter obstruction of justice'."

And Honourable Members, European Members, come to this House and talk of "the awful conditions in this country" ! The conditions here are not half so desperate as the conditions in Canada, but those conditions did not stand in her way : Canada was endowed with responsible government which proved a panacea for her social and economic ills.

Sir, I shall present to you another quotation with regard to the state of affairs in another country, South Africa. In South Africa too, the condition of things was equally desperate.

"The elements of political mischief in our possessions in South Africa included the groups found in Canada, with a difference. In Canada the British and French parties were separated by race and the fundamental religious distinction between the principles of the Catholic and Protestant Churches. In South Africa the racial differences between British and Dutch were exasperated by the distinctive policy of the British and Dutch Protestant Churches in respect of the relations of the European colonists to the native community."

To these countries, you gave freedom. And what were these countries ? Countries with no reputation behind them, with no tradition behind them. Conviet Colonies.....

The Honourable Sir Basil Blackett : What convicts were ever sent to South Africa ?

Mr. C. S. Ranga Iyer : I shall answer you presently :

"In 1837, a Committee of the House of Commons was appointed to inquire into the subject of transportation. Sir William Molesworth, who was Chairman of the Committee, some years later declared in Parliament that Colonial Office ideas of colonisation consisted almost exclusively in shovelling out of Europe its convicts and paupers, and that by our system of transportation we were converting our Colonial Empire into the moral dung-heap of Great Britain."

The Honourable Sir Basil Blackett : Is there any reference there to South Africa at all ?

Mr. C. S. Ranga Iyer : Yes, it is a reference to South Africa and other Colonies.

The Honourable Sir Basil Blackett : It is a reference to Australia.

Mr. C. S. Ranga Iyer : To your Colonies, including Australia.

"From that time to this, in racial and religious distinctions have been found elements of political mischief that have made our possessions in South Africa the most perilous of our dominions. But the Colonial Office thought proper to add an additional element which for a time united British and Boers in the bond of resistance to a common foe."

No student of history will dispute the references to South Africa, to Canada and other Colonies in this book written by a respected English authority. The Honourable Member just admitted that Australia was a convict colony. If it is true of Australia, I ask, have you endowed Australia with responsible government or have you not ? Sir, we have a civilization older than these Colonies ; we were self-governing from millennium to millennium, and if Englishmen had not come to this country, if they had not set one people against another, if they had not conquered this people, as Lord Birkenhead would put it, "at the sharp edge of the sword—" albeit the Indian sword—well, the Indians too would have progressed as the Japanese have progressed.

Talk of India not being a nation ? Are the British Isles a nation ? Did they have a common Parliament ? Are Scotland and England together a nation ? Read the literature on Ireland, and you will find that they were considered to be a nation and in recognition of that fact you gave Ireland her freedom. Now you come to this House and say we are not a Nation ! Go from north to south and you will find the same religion, the same religious observances, the same traditions, if not the same language, in the country. (Laughter.) If there is not the same language, it is because we have not a national government. (Laughter.) It is foreign government which thrusts on us foreign language. (Hear, hear). English is the language of the educated people. We have not got a national government, and only when we get a national government can we hope to get these obstacles removed (*Mr. K. Ahmed* : "What will be the national language ?") Sir, Mr. Kabeer-ud-Din Ahmed is the solace of the Treasury Benches. You speak of these difficulties but how to get rid of these difficulties without getting rid of a Government not responsible to the people. So long, Sir, as you are not responsible to the people, you will not be responsive to us. And our grievance is that, in spite of having come to you and placed before you with a united

voice, with one mind, our national demand, you brush the demand aside. I know why you do it. You have no faith in constitutional agitation.....

Mr. President : Will the Honourable Member address the Chair.

Mr. C. S. Ranga Iyer : Sir, Lord Birkenhead in his speech stated "expel and exorcise the demon of suspicion". We read Lord Birkenhead's speech ; we listened the other day to the Viceregal paraphrase of that utterance ; we also heard to-day the commentary thereon by the Honourable the Home Member and the paraphrase by the European non-official Members. Lord Birkenhead said "expel and exorcise the demon of suspicion". But, Sir, by not accepting the offer which we have put before you, you are only encouraging the demon ! Constitutional agitation will have to come to an end, if you do not concede to the wishes and the prayers of the Moderates, to the demands of the Nationalists, to the unanimous appeal of the Constitutionalists. To-day you cannot accuse the Swarajists of being dreamers and idealists. They dream dreams. They have ideals. But they are putting before you to-day the too practical programme of the most cautious moderate in the country. Lord Birkenhead said, speaking at the Milton Abbey Park, after the India debate in the Commons, that he spoke not only for the Conservatives, but as it was clear from the debate, for the Liberals, for Labour, for all parties in England. So may my leader claim that he spoke to-day not only for the Swarajists, but for the Moderates, for the Nationalists, for the Independents, for every politically-minded community and class in India. Sir, after this you cannot confuse the issue. You have to meet it squarely and fairly. If you do not, be prepared for the consequences. It may be that the constitutional party may come to an end, as it came to an end in Ireland. Take it from me, knowing as I do the feeling and the forces in the country, that the people are not going to give up the fight. Every nation, like every man, is entitled to its freedom, and, I may assure, you, Sir, we are determind to be free. An English poet said, "Where freedom does not exist, there exist no good things." This observation is true not only of England but also of countries this side of the Suez. Sir, we are determined to be happy in this land and we know our happiness is bound up with freedom. We want to be free, but at the same time, if you will not force us we do not want to break away from England. That is why we have presented to you a transitional programme. There is no use telling those old stories, retailing those stale shibboleths about India not being a Nation. India is as much a Nation as any other country in the world, and if you deny India her rights and liberties, India knows how to take them.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : To speak or not to speak was the problem which I was cogitating about the last two days. I have had bitter experience in this Assembly of wasting my words, and I was wondering whether this was going to be another occasion in which words are going to be wasted. Sir, there are people who believe that the British are an insincere lot. There are some of us who believe that they have not yet come down to that stage. After reading the speeches of Lord Birkenhead in the House of Lords and Earl Winterton in the Commons, and after hearing His Excellency the Viceroy from that place, Sir, the doubt crossed my mind whether really any profitable discussion is going to be had on the floor of this House on this report—profitable to Government, not profitable to the House. The object of my taking part in this discussion is to speak

to the Treasury Benches, through this House, on the seriousness of the question which they have to consider to-day. There are two issues before us. One issue is raised by the Honourable the Home Member, for discussion, I take it, not that the Government have come to final conclusions on the matter, but that they have come to provisional conclusions which they want this House either to endorse or reject. Sir, I have no doubt in my mind to reject one part of the proposal made by the Honourable the Home Member, while I am willing to accept the other part. The first and the most fundamental part of the Honourable the Home Member's proposal is, "Accept the principle of the majority report." And what is that principle? Leave the constitution as it is, but make minor changes here and there. By all means make minor changes, but as practical statesmen, may I ask you, what was the object of this inquiry? What is the object of this discussion? What is it you are now bent upon? What was the object of the reforms? After more than a century of British rule, the declared object was to train people in the art of responsible government, not merely to make a few people good administrators. The object was not merely to create A, B or C as good Ministers. The object, the more laudable object, the more real object, was to train people in the art of responsible government. It is that question which you have to face as statesmen. Are you satisfied that the recommendations made by the majority will satisfy that test? Is the machinery which you have now devised and which you have now closely examined with the help of the materials which you had fit to train the people in the art of responsible government? Sir, I ask every member of the majority in all honesty to put his hand to his heart and answer that question honestly. I ask him of his experience in this very Assembly. I am not now going into the question of dyarchy. I am more familiar, Sir, with the Central Government. I lent my apprentice hand to the working of the reforms, honestly, sincerely, and lent my wholehearted co-operation to the working of the central constitution.

Mr. T. C. Goswami: You wasted your energy.

Diwan Bahadur T. Rangachariar: What is my experience? My ideas are well conveyed by Sir Alfred Mond when he spoke in the House of Commons. He has beautifully expressed the position of the Central Government. Speaking in the House of Commons, this is what Sir Alfred Mond said:

"The creation of a Parliament such as we have created, with certain powers and yet without responsibility, raises questions of the very gravest difficulty. I remember very well listening to a debate in the Delhi Assembly, when the Budget was thrown out by that Assembly. Member after Member got up and said that, of course, they could quite easily reject the Budget, because it was certain that the Viceroy would certify it and the country would go on just the same....."—*This is for the benefit of the Honourable the Finance Member*—(*The Honourable Sir Basil Blackett*: "This was not last March.") (*An Honourable Member*: "It refers to 1924.") "That is one of the evils of divorcing responsibility from power ....."

The Honourable Sir Basil Blackett: That is the old days.

Diwan Bahadur T. Rangachariar: This is under the new constitution:

"I am certain if those same Members had known that their action would mean the cessation of the machinery of government in India, the stoppage of the payment

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of salaries, the stoppage of order and law in their country, they would never have taken the step that they took on that occasion.' The mere creation of an Assembly that has no power and is irresponsible, brings with it difficulties and dangers, and one cannot, therefore, be surprised in any representative body to find a certain impatience and resentment of the fact that people are asked to come and spend many months "—*of valuable time, you may take it*—" taking part in debates the result of which will, they know before they begin, be practically nugatory."

Sir, that sums up the situation so far as the Central Government is concerned. Here is an elected majority, an irresponsible elected majority, if that would gladden the hearts of the Treasury Benches. You have got an irresponsible elected majority, with power to vote down and an Executive which is not responsible to this House. (*Mr. A. Rangaswamy Iyengar* : " Neither to God nor man.") They are supposed to be responsible to some people abroad. Now, Sir, how long can you tolerate that system of government ? I ask, in all honesty, do you expect us, business people, professional people, to come and devote our time here and spend months in discussing questions which affect the well-being of the country when we know perfectly well that our votes do not count, that you are there irremovable, immovable (*An Honourable Member* : " Like the Himalayas ") sitting on the Himalayas ? Did the majority face that question ? Did they interest themselves in that question ? I quite agree that by the terms of reference their hands and feet and tongue and pen were tied. But who is to blame for that ? Not we. We urged times out of number that the terms of reference were too narrow, too limited, and that they would bring no satisfaction. Now, what are the disclosures made ? They are there. The majority have in numerous places referred to the defects, I will only give my reference to the pages, and they say that by the terms of reference they are unable to go into them. (Pages 1, 24, 25, 97, and 106.) May I ask, what is it you are doing now ? Why do you ask us to accept this principle of stagnation ? They say they are not slaves of dates. But, Sir, they are slaves of phrases. If really it is your honest conviction that you are going to stand by the Preamble of the Government of India Act, 1919, if you are going to stand by it, why invite all this farce of discussion to-day ? Why pretend that you are going to profit by the debates in this Assembly ? What is the use of discussing this question and asking us to extend the hand of comradeship, the hand of fellowship and friendship ? To what purpose I ask, if you are going to stand, as the Honourable the Home Member told us to-day that he is going to stand, by every word of the Preamble ? If so, say so at once, let us part company, I shall say good-bye to this Assembly. I do not do any useful work. I am speaking in all seriousness to the Treasury Benches, to whom is committed the charge of 320 millions of civilised people—I ask you to take note of it. Here I present you two great individuals to-day. Here is my Honourable friend, Pandit Motilal Nehru offering his hand of fellowship. Here is my Honourable friend at the other pole, Sir Sivaswamy Aiyer, asking you to grasp that hand. I ask you in all seriousness, what is the significance of this action to-day. Consider it carefully. Do not scoff at it. There are difficulties. You are there to overcome difficulties. Did you not overcome difficulties with the great Germans ? (*An Honourable Member* : " They create difficulties.") Did you not overcome difficulties in Canada, in Australia, in Africa and other places ? That there are difficulties I do not deny. The very presence of my Honourable friends, Colonel Crawford.

Mr. Cocke, Mr. Kabeer-ud-din Ahmed—they are difficulties to deal with. Deal with them mercifully, deal with them sympathetically by all means. I know for certain that my Honourable friend, Mr. Kabeer-ud-din Ahmed is not serious in his interruptions. His great community I know, whether they are Khilafatists, or otherwise,—the Muhammadans I may take it, I hope I speak with the authority of the Muhammadan representatives here, when I say that the Muhammadan community is as eager as anybody else to get this constitution put on a sounder basis than it is to-day. If there is any Honourable Muhammadan gentleman who thinks that this constitution is satisfactory and does not demand an immediate change, let him rise and I will bow to him. Sir, what is the evidence placed before you? Even my Honourable friend, Mr. Kabeer-ud-din Ahmed dare not rise; he knows the mind of the people. Different people claim to speak on behalf of the masses. I claim to speak on behalf of the masses. Colonel Crawford claims to speak on behalf of the masses, and I do not know who else claims to speak on behalf of the masses. I do not think any of us should bother ourselves much about that. What is the object of a Government? To deal with the intelligentsia of the people. Now, you have the intelligentsia of the Indian people, from His Highness the Aga Khan downwards. You have Sir Ali Imam, Sir Krishna Gupta, and various other gentlemen who have occupied positions of responsibility and power, and what is it that they say? Is there one dissentient voice among the intelligentsia? However much they may differ on the question of communal electorates, whether there should be reserved seats, or more seats than ten, or whether the number of seats should correspond to the population, and all that—whatever differences there may be they are on matters of detail, but on the fundamental points which are embodied in the amendment and which are now placed before the House I claim that there is not a tittle of difference of opinion, among the Indians. I do not count my Anglo-Indian friends in that though I wish they could join us in the matter, nor do I claim to speak on behalf of the Anglo-Indian friends. But I claim to speak on behalf of my Hindu friends, Mussalman friends, Indian Christian friends, Parsi friends, Punjabi friends, Sikh friends, Madrasi friends, non-Brahmin friends, Brahmin friends, Maharatta friends, non-Brahmin Maharatta friends—by whatever name you may call them, and there is no recognisable difference of opinion on fundamentals. I am glad that my Honourable friend, Pandit Motilal Nehru who has so far stood out of this programme has to-day joined us in making this demand. We, Liberals, Moderates, Conventionists, Besantites and what not—all of us have been of this opinion, but my Honourable friend Pandit Motilal Nehru stood out of this, but I am glad that he has joined us. (*An Honourable Member*: "Will you join in the means?") That is another question. We are now to-day offering you in the shape of this amendment this hand of fellowship. We are not offering it as a menace. It is offered purely out of sincere friendship, it is offered purely out of sincere conviction that you should embark upon an examination of this constitution agreeing to some of these fundamental, if not all, so that we may come to an amicable understanding, so that the brains of the country may be devoted to some more useful purpose. For the last five years what is this spectacle you are witnessing? You are supposed to be in charge of the best interests of the country. What is the spectacle you are witnessing during all this time? What are all these brains and the brains outside doing? Should they not be devoted to constructive work, to develop industries, to foster education, to increase irrigation works, to give you ideas and work them

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out? What is it you have done by means of these reforms? You have driven the whole brains of the country into an agitation: "This constitution is bad and give me another constitution." You say "I do not know whether it is good or bad. You try it. You try it." Are you so barren of statesmanship that you cannot take the people off this agitation and set them to honest, earnest, constructive work? That is the appeal I make to the Treasury Benches. Do not think that we have come here to wrangle. We have not come for that purpose. We have come here so that we may come to a proper understanding of the question. You had better take the people off to other channels that they may not think of the constitution, by putting it on a firm automatic basis. Create a machinery for examination, let us all examine and put the constitution on a firm basis. In the meanwhile we will extend to you the hand of co-operation and try to improve the conditions of the country.

The Honourable Sir Charles Innes (Commerce Member): I thank you, Sir, for this opportunity of intervening in this debate. I think that it is important that I should explain at a comparatively early stage the attitude of Government in regard to the amendment moved by the Honourable Pandit Motilal Nehru. I must confess, Sir, that I was genuinely disappointed when I saw that amendment. I am an incurable optimist and I had hoped that the speeches of the Secretary of State for India and His Excellency the Viceroy would have had some effect upon my Honourable friends opposite. I had hoped that they would definitely lay aside for the time being their demand for Swaraj and would have set themselves soberly and wholeheartedly to work the present constitution, defective though it may be, realising as practical men that that is the surest and the most expeditious way of achieving the end they have at heart. Instead of that, Sir, we have an amendment proposed in the old familiar terms. I can see the Honourable Pandit Motilal Nehru in the watches of the night wearily penning those sonorous sentences and as he did so, I think he must have hummed to himself the words of the old tune:

"Come under the old umbrella."

I congratulate him on having devised an umbrella big enough to hold both himself and my Honourable friend Sir Sivaswamy Aiyer. Sir, it is easy to foretell the lines which this debate will take. We have had the linked sweetness, rather long drawn out, of my Honourable friend the Pandit. We have had the trenchant speech of Colonel Crawford, we have had a weighty oration from Sir Sivaswamy Aiyer, we have had the literary grace of Mr. Shanmukham Chetty and, Sir, in due course we shall have the polished irony of Mr. Jinnah. Then, Sir, we shall get the mellifluous imaginations of Pandit Madan Mohan Malaviya and, finally Sir, if your favour extends so far, we shall come to the breezy exuberances of Mr. Abhyankar, and, Sir, when all is said and done, I am afraid that no further light will have been thrown upon a subject which is already threadbare. I am a man of few words, and I can promise that at any rate my contribution to the debate will not be a very lengthy one. I will confine myself to restating the position of Government in the broadest and briefest possible way. Pandit Motilal Nehru said he did not propose to waste the time of the House by

referring to the recommendations of the majority report. May I say in return that I do not propose to waste the time of the House by referring in any detail to the terms of this portentous amendment (*Pandit Motilal Nehru* : "That finishes the matter then.") I propose to deal with the matter on the broadest lines.

Now, Sir, the objective which every one of us has is the same. We are all agreed that the objective is responsible self-government for India within the Empire. The only difference that lies between the Benches opposite and the Benches on this side of the House is in regard to the manner, the measure and the time of the advance. Now, I should like to concentrate first on that word "manner", because I am afraid that it is on this point that there may be a fundamental variance of opinion between my Honourable friends opposite and the Treasury Benches. As I understand this amendment, it first lays down certain principles or demands for fundamental changes in the Government of India Act. It asks the British Parliament to affirm those demands and when that has been done a round table conference or some other machinery is to be devised to work out the details and to embody these demands in a workable scheme. Then the decree of that round table conference is to be registered by Parliament and the scheme is to be embodied in a Statute. Now, the amendment leaves it rather vague, purposely vague, whether the approval of Parliament to these demands is to be a condition precedent to the assembling of that round table conference (*Pandit Motilal Nehru* : "Not a comma to be changed.") That is precisely what I anticipated. The Honourable Pandit Motilal Nehru has told us that he has given us the hand of fellowship. He has said that he has made us an offer. It is true that he said it was a minimum offer. He is not prepared to derogate from his demand an iota.

Pandit Motilal Nehru : May I explain myself, Sir. What I meant was that any scheme which has been devised by representatives of all interests sitting together in a round table conference will be in its very nature a scheme in which no comma or full stop can be changed as we shall all be parties to it. That is what I meant.

The Honourable Sir Charles Innes : I gather from the Honourable Pandit sitting opposite that he has not changed in the very slightest respect from the opinion which he expressed in February 1924 in this House. Then, Sir, I can only express my surprise at the congratulations which my Honourable friend Mr. Rangachariar extended to himself for having roped in the Swaraj Party. As far as I can see my Honourable friend Mr. Rangachariar and my Honourable friend Sir Sivaswamy Aiyer have been led kindly but firmly into the parlour of Pandit Motilal Nehru. (*Mr. A. Rangaswami Iyengar* : "We were together last year too.") I am glad that Pandit Motilal Nehru made that interruption. For it has, I think, clarified the position. As I understand it, this amendment is intended definitely to repudiate the Preamble of the Government of India Act. It is intended definitely to repudiate in particular those words :

> "The time and manner of such advance can be determined only by the British Parliament upon whom responsibility lies for the welfare and advancement of the Indian peoples."

The amendment is definitely intended to challenge the proposition that any extraneous authority, whether the British Government or not, can

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settle these matters for India. If that is the position (*An Honourable Member* : " Quite right ") then the House will realise that Government must oppose this amendment and oppose it in the most unhesitating and plainest fashion. That is not a proposition which we can accept. (*An Honourable Member* : " You are bound hand and foot.") The Secretary of State in his speech, to which frequent reference has been made to-day, has said that the permanent and static effect of the Government of India Act lies in the Preamble. On that basis, he appealed for the co-operation of India. This amendment in effect means the rejection of that co-operation. It says, " We repudiate your Preamble and we refuse co-operation on those terms." Well, Sir, we are few in numbers on this side of the House, and we cannot stop the House from passing this amendment. But, Sir, I hope the House will realise that if they do pass this amendment they will be committing a very grave mistake. The offer of co-operation has been made to you by His Majesty's Government. The effect of this amendment will be to reject that offer with contumely and defiance. I can only say that that is a very grave mistake. The Honourable Pandit Motilal Nehru said that there was no sanctity in preambles and that preambles could be altered. That, Sir, is perfectly true. But my Honourable friend has omitted to notice that that Preamble states a claim on the part of the British Government, a claim from which this House cannot be allowed to derogate in any way at all. The British Government hold the responsibility for the people of India, not for one section of the people, not for the intelligentsia, not for the people that I see round me in this House, but for the whole people of India. That is the claim that is stated in the Preamble and that is the claim which we on the Treasury Benches cannot allow you in any way to diminish or derogate, and if you ask me, Sir, what right we have to make that claim I can answer you in a very few words. (*An Honourable Member* : " Divine right.")

Diwan Bahadur T. Rangachariar : Can we not ask you to depart from it ?

The Honourable Sir Charles Innes : You can alter the Preamble but you cannot alter that claim. I will tell you why, if you will give some little time. For the last one hundred years or so, almost by accident, certainly not by design, the British Government have assumed responsibility for India. They assumed responsibility, not merely as I said, for one section of the Indian people but for India as a whole. In the course of that 100 years we have given you what you never had before. We have given you peace. (*An Honourable Member* : " Emasculation.") We have given you peace and good government ; and I defy any fair-minded, unprejudiced man to stand up in this House and say that the effect of the British Government on India has not on the whole been very good. And now, Sir, after those 100 years or so a new generation has arisen, a new generation which does not know the horrors of chaos and anarchy, a new generation which does not know what it means, for no man's life, no woman's honour, to be safe. A fraction, a very small fraction of that generation, now comes to us and says, " Thank you—your work is done." Well, Sir, when you come to us and tell us that, we have a right to ask, in the first place, what are your credentials ? (*An Honourable Member* : "We are the people of the country.") In the second place, what guarantees can you offer for that

stability without which the self-government that you claim will be a mockery and a danger ?

I have dealt with the question of the manner ; that is the easiest part of my task. I come to much more difficult questions, namely, the pace and measure of the advance. This opens up of course the whole question of dyarchy ; and I have noticed that most of the Honourable Members who have spoken to-day on the opposite side have devoted themselves to proving that dyarchy is unworkable. Now, Sir, we on this side of the House have no special fondness, to use Sir Sivaswamy Aiyer's phrase, for dyarchy. We do not claim very much for it. All we claim for it is this, that it was the best device, the best instrument that we could devise, for this transitional period when you are advancing to full self-government. Whatever you may say against dyarchy, you must admit this that it was at any rate an honest attempt to transfer, not the whole responsibility but partial responsibility to the representatives of the people. What we claim for it, Sir, I say, is that it was the best device we could think of for this transitional period. And it is a curious fact that the amendment itself admits the need for a transitional period and also the need of dyarchy in the Central Government in that transitional period. (*An Honourable Member* : " Question.") But I do not wish to take up debating points of the kind. I am quite prepared to admit that dyarchy is difficult to work, but we do not admit that it is unworkable. I do not wish in any way to go in detail into the objections against dyarchy which have been mentioned in the minority report with that temperateness and ability which one would expect from the distinguished authors of the report. I think in essence their objections to dyarchy may be boiled down to this. Incomplete self-government is always unsatisfying. Wherever you have a country with incomplete self-government, that country is always reaching out for full self-government. People who have only got a part of what they want take no stock of what they have got, but their mouths water for that part which is still withheld from them. That I think is the reason why the Ministers of the Provinces have complained of the difficulty of working dyarchy. That I think is the reason why Honourable Members of this House think that up here they have not got all the power that they ought to have. Where you have not got full responsibility, I quite admit that a legislative body is apt to do irresponsible things. That I think is in essence the case against dyarchy. I fully admit the force of that case. All I claim for it is that it is a transitional device. But the real question is not whether dyarchy is in itself a good thing but what you are going to put in its place. Now the answer you give me at once is full self-government subject to certain safeguards. I am prepared to admit that that is the logical answer. I know that a stage where you have not got full self-government, must always be difficult. But, Sir, we have to look at the difficulties in the way of this demand for full self-government. Sir Sivaswamy Aiyer suggested that a difficulty was that we did not think there was capacity among Indians. I would like to say that we on the Treasury Benches do not claim, never have claimed, that there are not extremely able men among Indians. Indeed, Sir, it would be a poor compliment to my Honourable Colleagues on my right and on my left. Nor, Sir, is it fear of anti-British action. Nor, Sir, is it the complaint of a lack of responsibility on the part of this House. It is true that every now and then this House has passed Resolutions which I personally do not approve, but speaking for myself I may say

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at once that I have had the greatest help from this House. With regard to practically every Bill I have had to put before them I have had the greatest co-operation from them. It is not those reasons, not those reasons in the very least. The reasons are and I will put them very briefly, and now I come upon ground which I must tread very delicately, for I would like the House to believe that I would not willingly say a single provocative word that would in any way raise the temper of this debate. The first point I wish to submit to the House is, just look at the mere size of India. (Laughter.) Mr. Ranga Iyer with his usual eloquence referred me to Canada. Canada, Sir, is a big country I admit, but does Mr. Ranga Iyer realize the exact population of Canada? It is about 16 million people, and in India you have got 320 millions. Now if there is one thing that we know about democratic institutions more than another, it is that democratic institutions ordinarily have flourished best in small communities. They have never yet been tried anywhere in the world on the scale which you ask us to try them at once, here and now, in India. That is the first point. The second point—and here I must myself keep off forbidden ground—is this. I will give you one quotation from Lord Bryce. I think the whole House would admit that Lord Bryce was a perfectly impartial philosopher. In fact I think you will all admit that his book on Modern Democracies was not written with any reference to India. (*An Honourable Member*: "He was a reactionary Liberal.") Let me read to you a few words:

"Social structure is an important factor. Where men are divided by language or by religion or by caste restrictions grounded on race or occupation, there are grounds for mutual distrust and animosity which make it hard for them to act together or for each section to recognize equal rights in the other."

Now, Sir, my friend, Mr. Rangachariar and some other Members of this House will remember the very remarkable speech delivered in September 1921 in this House by Mr. Clayton. He was talking on the same subject that we are talking about to-day, and he quoted from a Spanish-American philosopher, Mr. George Santyana, a man who also was not writing with any special reference to India at all. The main point of Mr. Clayton and of his reference to this philosopher was this, that in any country where you wish to set up complete self-government, you must first have what is called fundamental unanimity. Now I think you will all agree with me that that is absolutely necessary. Unless you get that fundamental unanimity, you have not got that guarantee of stability which you must have unless your self-government is to be a positive danger.

Now, Sir, if I may.....

Diwan Bahadur T. Rangachariar: Unanimity amongst Indians?

The Honourable Sir Charles Innes: I say, Sir, that that fundamental unanimity is not present in India to-day. If my Honourable friend Mr. Rangachariar will examine his own conscience honestly, he will agree with me.

5 P.M.

Diwan Bahadur T. Rangachariar: I have examined it very carefully.

The Honourable Sir Charles Innes: Then, Sir, let me quote one more passage from Bryce. It is a very short one. What Bryce said was this:

"The very notion of establishing a Government by the votes of citizens and controlling the action of a Legislature and an executive by holding the representatives

responsible for the use they might make of their power, was not within the horizon of the vast bulk of the colonial subjects of Spain: much less could they work the elaborate machinery of two Legislative Houses with an elected President and his Ministers."

And what was the result? The result was that in those Spanish American Colonies, there was, in the words of Bryce "a long welter of revolutions and dictatorships....." There is our dilemma. On the one hand, you have a desire, a perfectly natural and perfectly legitimate desire, which we on these Benches respect to the full. You have a desire for advance and indeed for full self-government. On the other hand, we cannot help seeing the grave dangers of that advance being too premature. It is just as if we were on the edge of a cliff and at our feet there were a deep abyss. On the other side of the abyss there is a cliff covered with flowers. Honourable Members opposite fasten their eyes upon those flowers. We, by our training, by our temperament, it may be, we cannot help thinking mostly of the abyss. And that is the difficulty to-day. (*Mr. A. Rangaswami Iyengar*: "That is the real difficulty.") I am quite sure that the next question will be this. You will say, the House will say, to me, "Yes. You say this now, and you will say it also in 1929; and you will go on saying it. You are merely saying it, because you want to find excuses for delay." I admit, Sir, that that is the real difficulty of the case. I admit, Sir, I personally have got no solution to offer for that difficulty, and I do not believe that anyone of the Honourable Members opposite has any solution for it: and that is why we, His Majesty's Government and the Government of India, feel that the only possible way of finding a solution of these difficulties is to have an examination by a perfectly impartial Royal Commission. Pandit Motilal Nehru will say: "We can give you a solution"? He cannot give us the solution because he is too closely connected and too narrowly concerned. We cannot offer a solution for the very same reason. I agree entirely with the Honourable the Leader of the House that that problem that we have to face in India to-day is probably the greatest political problem that has ever taxed the ingenuity of man. I believe that with all my heart and with all my soul. We say that for the solution of that problem we must get the greatest brains in the Empire. Indian and European must work together in the solution of that problem.

Mr. A. Rangaswami Iyengar: That is what we want. That is our Resolution.

The Honourable Sir Charles Innes: I am very glad to hear that, and we must also have the help of His Majesty's Government. But, believe me, Sir, when we talk about co-operation in the solution of this problem, we must clear our minds of all cant. Let the co-operation be real, let there be no spirit of bitterness. Let there be no spirit of hatred, malice and all uncharitableness. It is, as I say, the greatest problem that has ever faced the world, and if we are to solve this problem, we must attack it in the words of the English Prayer book "With a humble and contrite heart." We must try to rid our minds of suspicions of one another. Sir Sivaswamy Aiyer told us that we are not sincere. I have served India for 27 years now and I can assure him that I am as sincere in my desire to find a solution of this problem as he can be himself. I am aware, Sir, that I am offering you merely a negative solution, and I am afraid that I have not satisfied the House by what I have said. But, Sir, we, we in the Government, we probably see more

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than you who are outside. You in this House, you are disappointed when your Resolutions are not accepted. You are disappointed that your Bills do not go through as rapidly as you think they ought to. Believe me, Sir, those are unessentials. We, who are inside the Government, see that the tide is flowing very much faster than this House realises it. I say it, Sir, but it is no comfort to me to say that, because I, Sir, am a Conservative ; you may even call me a die-hard. But whatever I am, I stand for India. I hold with all my heart and with all my soul that if England leaves India one day before her mission is done, if indeed she weakens her hold one day before her task is finished, then I believe that the consequences for India may be disastrous. But whatever the effects may be, whatever the effect on me may be, I have no doubt myself looking back on these last 4 years that the progress has been far more rapid than anyone in this House believes. When I reflect how the policy of the Government of India has been informed by Indian ideas, when I look upon the rapid Indianization of the services, then, Sir, I feel that the Honourable Pandit Motilal Nehru may say, and that truly, in the words of Arthur Hugh Clough :

> "For while the tired waves, vainly breaking,
> Seem here no painful inch to gain,
> Far back, through creeks and inlets making,
> Comes silent, flooding in, the main."

Pandit Motilal Nehru : Sir, in view of the fact that my Honourable friend when he rose said that he was going to explain the attitude of the Government, may I be permitted to ask him a question ? As you will remember, I said in the course of my speech that the amendment I was proposing was in the nature of a proposal. Has the Government got any counter-proposal to make, or is there none ? That is the question I want to ask.

The Honourable Sir Alexander Muddiman : Sir, I will deal with that point when I speak on the amendment.

Mr. T. C. Goswami (Calcutta Suburbs : Non-Muhammadan Urban) : You will agree with me, Mr. President, that it is not easy for me to follow the champion debater on the Government side. But I have this comfort that the Honourable Sir Charles Innes is invariably less formidable when he strays outside his own subject of coal and steel and deals with theoretical questions and moral issues. I wonder if he has heard of the cypher that in little place attests a million. I think Sir Charles Innes has sufficiently reinforced the Honourable the Home Member's speech, which had very little consolation to offer to either to himself or this House. He has added a cypher to Sir Alexander's great accompt. Sir Charles Innes is always on very delicate ground when he gets out all his statistics about steel and coal and discusses moral issues, and I found he was on particularly slippery ground when he talked of not only Bryce but George Santyana. Well, Sir, I shall not hold a scholastic controversy across the floor with Sir Charles Innes.

Sir, I thought Sir Sivaswamy Aiyer answered Colonel Crawford very effectively by a question, namely, which is the majority and which is the minority report ? Handy dandy, which is the ghost, which is the man. The only substantial point which Colonel Crawford attempted to make was

the point that perhaps the minority members of the Committee had started with a bias. Now, we have definite evidence, by the admission of the Honourable Sir Muhammad Shafi, that the Government members who went into that Committee did not go with a free and unbiassed mind. Nay, more, their consciences were shackled by—I shall use a very mild expression and even borrow a phrase from—Sir Sivaswamy Aiyer—the trammels of office.—I am tempted to use much stronger language.

Sir, I was very greatly surprised to find that, long before Lord Birkenhead's celebrated statement in the House of Lords, my countrymen were eagerly expecting a declaration of any importance from that quarter. I do not know if I should be violating any convention if I read from a letter which I addressed to my late Chief, Mr. C. R. Das, on the 10th of June from London, and which arrived unfortunately a few days after his death. This was my impression of the situation in England about a month before Lord Birkenhead's statement :

"The atmosphere here is not hostile to India, but I do not see any real desire to settle the Indian question. And why should there be? Lord Reading must be glorying in the success of brute force. As for Birkenhead,.... "—*here I omit a few compliments*—" a brilliant man, a blustering debater, it is only the lime-light he cares for. It does not seem to me that he has made any effort to understand the Indian problem, and the discussions with Reading must be very one-sided indeed. Expect nothing from Reading. Nor do I think it advisable to *seek* a settlement. The slightest hint that we want a settlement puts the back up of these people. I do not know if there is morality in politics. Certainly there is none in British or Indo-British politics ; so that you can *never* get them to appreciate the *moral* justice of a settlement."

I subsequently found that my countrymen were agitated and disappointed by Lord Birkenhead's speech. Of that speech His Excellency Lord Reading the other day said in this House :

"It cannot be doubted that his survey of the situation..... "

That is to say, the survey of the situation by Lord Birkenhead :

" formed an important event in the history of political development in India."

Sir, the history of India must indeed be a record of very poor and trivial events if we are constrained to endorse this quixotic hyperbole. I remember Lord Birkenhead reading out—the elocution was beautiful—from his carefully prepared manuscript on the 7th July, in the House of Lords. I should like this House to consider the antecedents of the man whose well-prepared rhetoric we have been asked to take seriously, either as words of the oracle or as conclusions of a profound philosopher. I acknowledge, however, that Lord Birkenhead placed us in a deep debt of platitude. Let me recall the history of Lord Birkenhead. He has made co-operation a *sine qua non* of further advance. The Party to which he belonged in 1914 spoke through its then Leader in the House of Commons as follows, about the Irish question :

"What is the position? As my noble friend has pointed out, there is in Ulster a great army, admittedly a powerful army, thoroughly organised and now completely armed and that army has been formed openly and avowedly formed for the express purpose of resisting by arms submission to a Dublin Parliament which has been, and I suppose is to a certain extent still, the professed policy of His Majesty's Government..... "

That was apparently the view of constitutionalism which not only Lord Birkenhead practised but in which he took pride and on which he throve. Then, I remember, Sir, in 1922 Lord Birkenhead supporting the Irish Free State Bill. But before that there is another chapter of incidents

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which we must remember in order to understand fully some passages in his great pronouncement. Before 1922—during the years 1920 and 1921—when reprisals were rife in Ireland, members of the Government, in which Lord Birkenhead occupied the exalted position of Lord High Chancellor—I have heard with my own ears—gloated over reprisals in Ireland day after day on the floor of the House of Commons; and words like "murderers", "assassins" were freely used in reference to Michael Collins and Arthur Griffiths, whose hands Lord Birkenhead had to shake a year later. And let me remind you of one other incident, to supply the requisite perspective. That was Lord Carson's reference to Lord Birkenhead in the House of Lords on the occasion of the passing of the Irish Free State Bill, when he reminded Lord Birkenhead of the ladder by which he had risen to power, of the hand which had guided him along the steps of personal advancement. *Now* I suppose we shall be able better to understand, in the light of the personal history of Lord Birkenhead, his epigram "Wise men are not slaves of dates." Another sentence of his has been quoted in this House. "The door was never closed; it is open to-day." I am sure Lord Birkenhead has realised in his chequered career that the door can never be shut, that the door must necessarily be open. And I think, if Lord Birkenhead bars and bolts his door against this Resolution, we shall find a way of bursting that door open.

Sir, I shall not waste words in killing dyarchy after it has been scotched. After the learned discourse of my dear and Honourable friend Mr. Shanmukham Chetty I think I will leave dyarchy to die in peace. After all, as we have been reminded by my leader Pandit Motilal Nehru, the Government of which Sir William Marris, the literary parent of the Reform Scheme, is the head, has unequivocally declared that dyarchy will not work, that it must go.

I have heard it said, about Mr. Das's last pronouncement in Faridpur, that that great statesman had at last learnt by experience the efficacy and the need of co-operation. His great and noble declaration has been taken as an abdication of principles for which he stood, for which he founded the Swaraj Party and for which, I am sure I am right in saying, he laid down his life. There was no abdication at all. And here I come to what I really wanted to say this afternoon,—and that not to the Treasury Benches but to my own countrymen. I tell my countrymen present here that if they are not ready to prepare a sanction for this Resolution, they should not pass it. (Hear, hear.) I do not want this Resolution to be passed unless every one who votes for this Resolution is pledged to support it by action, to uphold it even unto death. (Hear, hear.) I was pained to hear two recent pronouncements from very distinguished leaders of my country. Mr. Chintamani and Sir Tej Bahadur Sapru, quite recently spoke on the Reforms Report. And what did they say? They said that this constitution was entirely unworkable, but that we must not obstruct that Constitution, that we must work it. I leave it to these *braves gens*, Sir, to work the unworkable constitution. But let them not vote for this amendment then, who in this House think likewise. I would rather that this amendment is lost than that one single man who votes for this amendment should flinch from the consequences of upholding it by all possible means.

Sir, there is another thing that I wish to say. We of the Swaraj Party,—I am sorry to have to repeat a phrase which I have used very very often,—are for peaceful adjustment of interests. I believe in that, and the Swaraj Party is not only committed to that principle, but has so far, I venture to say, worked for that policy. Mr. Das in his last gesture probably made it more clear and manifest than it was ever made before. But, Sir, I say this, that not only are the Preamble and the Constitution not sacred to us, but that the Empire itself is no inviolable principle. There is an allegiance which transcends all other earthly allegiance, and that is allegiance to the land to which we owe our birth. We are striving after an adjustment of interests, and for that we have made what I regard as a very humble offer, what I regard as a most modest proposal. Compromise necessarily means yielding on both sides; it also necessitates respect for each other's sentiments. But one thing is certain,—and let me say it clearly—that if we cannot have Swaraj within the Empire, we shall have it outside the Empire. (Here, hear, from the Swarajist Benches.) Have I exceeded my time, Sir? If you will permit me, Sir, I should just like to say one thing more.....

Mr. President : The Honourable Member has one minute more.

Mr. T. C. Goswami : Thank you. This is a race with time. I was going to say that a blind fortune and an erring Providence may have provided a certain number of human beings the congenial occupation of plundering and misgoverning a luckless world. But let these men remember—let them never forget—that theirs also is a sorrow "which men dare not tell, the crowning sorrow of a trust betrayed". To me the present Government of India appear like the aged wanton, to whom Horace addressed these words :—

"Lusisti satis, edisti satis, atque bibisti,
Tempus abire tibi est ;—ne
Rideat et pulset tasciva decentius aetas",

"Thou has fooled enough, hast eaten and drunk enough ; it is time for thee to depart ;—lest one of an age more appropriate should mock and push thee off the stage".

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, when I saw the Honourable the Commerce Member rise in his seat to address the House, I felt that he was going to lay before the House some special reasons as to why the House should not press this Resolution which asks primarily for responsible Ministers in the Central Legislature. But as I went on hearing the Honourable the Commerce Member, I felt that, if there was any modesty in the Honourable the Home Member, because towards the conclusion of his speech he said that he had not been able to rise to the heights of Sir Malcolm Hailey's eloquence or persuasiveness, Sir Charles Innes had more than made up for the defect. But, Sir, it struck me when my Honourable friend Mr. Shanmukham Chetty was speaking, that the Executive Councillors of the Governor General's Council were holding an urgent meeting here, because every Honourable Member seemed to go out, and I felt that with the Honourable the Vice-President of the Executive Council who is here, it was quite possible that there might have been an urgent meeting of the Executive Council in the Executive Councillors' room over there. If the decision of the Government of India to oppose this amendment is one that we all deplore, I am sure the House will agree with me that the decision

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of the Government of India, if there was an Executive Council meeting here this afternoon to ask Sir Charles Innes to address us from the Government Benches after Sir Alexander Muddiman had moved his Resolution, was certainly a wise one. For my Honourable friend Sir Charles Innes seems to have done his best to cloud the issue before the House in the amendment of Pandit Motilal Nehru, and has tried, though unsuccessfully, to draw a red herring across it. He has tried to frighten, I am quite sure quite unsuccessfully, but he made an effort all right,—he has tried to frighten my Honourable friend Sir Sivaswamy Aiyer by warning him that he was walking into Pandit Motilal's parlour quite unawares. But I may assure my Honourable friend Sir Charles Innes that that good turn was not needed by Sir Sivaswamy Aiyer, because let me tell my friend Sir Charles Innes that Sir Sivaswamy Aiyer, before he came up here as a non-official, was a Member of the Madras Executive Council and was a Member for law and order,—he occupied an almost identical position to the one occupied by the Honourable the Home Member here. I feel, Sir, that the effort which my Honourable friend Sir Charles Innes made to frighten Members like Sir Sivaswamy Aiyer, was neither necessary nor desirable, and if he wanted to follow it up.....

Mr. M. A. Jinnah : Nor was it dignified.

Sir Purshotamdas Thakurdas : I leave it to my leader to say that. And if my Honourable friend Sir Charles Innes really meant to be sincere in that confusion which appears to have struck him, I wish he had discussed it across the floor with the Honourable Pandit Motilal Nehru who rose from his seat and put him a definite question.

Before, Sir, I put before the House the reasons why I feel on behalf of my constituency that I cannot give a silent vote on this very important Resolution, I would just like to refer to one remark which fell from my Honourable friend from Bombay, Mr. Cocke. My Honourable friend is generally very good at clearing up any confusion in regard to either facts or even figures when they are put on paper, but in this instance he appeared to me to have been rather confused, a thing which is exceptional for him. If I heard him right, my friend said that he understood very little of the latter part of Pandit Motilal Nehru's amendment. Taking my Honourable friend from Bombay at his word, I would suggest to him that his difficulty arises from this, not because he is wanting in intelligence, or the amendment is complex, but because my friend cannot appreciate the point where the shoe pinches the Indian, the son of the soil. If Mr. Cocke were by any chance an Indian, he would have had no difficulty in understanding our position, much less in supporting both by speech and vote the amendment of Pandit Motilal Nehru.

Sir, I shall now refer to what is known as the Muddiman Report which is under discussion. The Government, Sir, appointed to the Muddiman Committee nine members, three of whom were Europeans and six were Indians. Of the six Indians one only was a non-official and the other five were either officers with Government or had held office in the past with great honour to themselves and with great credit to the Governments for whom they held office. My Honourable friend on my left was the only person who could be said not to have been in the know of the secrets of administration. What is the result, Sir ? In the division on the Report, three officials, one member representing European commerce, the Honour-

able Sir Arthur Froom, and one Indian who did not then hold office and who had therefore no shackles on him, voted for what is called the majority report. The other four Indians who found themselves compelled to put in a minority report—all, barring my friend Mr. Jinnah, held office either under the Government of India or under one of the major Provincial Governments with distinction. I believe, Sir, that, if the Honourable Mian Sir Muhammad Shafi's opinion is to be taken in his capacity of an Indian, without the burden of an official, the scales would change and the majority would become the minority and the minority the majority. Herein, Sir, lies the secret why the whole of the Indian public stand by and support what is, wrongly I submit, known as the minority report. To the Indian public, Sir, that is the correct report, because the genuine and frank opinion of one Indian member would have made all the difference.

I wish, Sir, in a few words to refer to the Honourable Member of that Committee, the Maharajadhiraja, who, though he was not burdened with office at that moment, deliberately, and I am sure quite sincerely,—I have no reason at all to doubt his sincerity or honesty of purpose—put not only his signature to the majority report but, becoming more loyalist than the King himself, put an additional supplementary minute to the majority report. I will read, Sir, from one paragraph of his minute. The Maharajadhiraja says :

"I, therefore, hold, there is more scope for real advance and for establishing our fitness to rule by working the dual constitution fully and more successfully than it has been hitherto worked than there is in merely condemning it and asking for Provincial Autonomy as an immediate and irreducible demand. First let us give conclusive proof of our being able to manage successfully the partial form of Responsible Government which we have got for the first time, before advocating what would be, in the present formation of political parties in India and the existing electorates, a leap in the dark."

The Maharajadhiraja, Sir, advises us to make ourselves fit for freedom before we ask for any further advance. When I was reading that minute of his, Sir, last March, there came to my mind a quotation from Macaulay which I cannot help putting before this House. Lord Macaulay in one of his essays says :

"Many politicians of our time are in the habit of laying it down as a self-evident proposition that no people ought to be free till they are fit to use their freedom. The maxim is worthy of the fool in the old story, who resolved not to go into the water till he had learnt to swim. If men are to wait for liberty till they become wise and good in slavery, they may indeed wait for ever."

I don't think, Sir, that I need comment on that part of the Report any further and I feel that the people of India are quite justified in saying that the reasoning that the Maharajadhiraja has thought fit to follow is not one which commends itself to them.

Sir, it has been said that the two great communities in India, the Hindu and the Muslim communities, are really getting wider and wider apart, that there is an increasing cleavage between these two and as long as that is not made up it is neither wise for the people nor advisable for the Government to devise any further step of political advance. Many, Sir, have been the arguments which have been advanced against this dictum. I wish to ask only one question. Do the Honourable Members sitting on the Benches opposite assure this House that they will within a stated period of time see that by continuing the administration for which they at present claim so much, these feuds and these small splashes here and there will disappear ? I dealt with this part of the question in my

[Sir Purshotamdas Thakurdas.]

speech on the main Resolution in February 1924 and, as other Honourable Members have addressed the House about this to-day, I do not wish to follow this up any further.

But I would like certainly, Sir, to put before the House special reasons why the Central Legislature in India should not any longer have an irremovable and irresponsible executive. Let me, Sir, put to the Honourable Members opposite the question as to how far they have succeeded in looking after the Indians who have left India and that too under Government schemes, Sir, either as coolies or as persons who have gone with the concurrence and sanction of the Government? I need only cite the plight of Indians in South Africa, of the way in which, Sir, the trust which the British claim they hold or have held from Indians has been sadly but surely betrayed and of the very weak—that is the mildest word that I can use—of the ineffective and, may I say, Sir, impotent manner in which the British Government are able to look after the bare rights of those Indians whom they sent there. I will next come a little nearer, Sir, to things at home. I wish the Honourable the Commerce Member was here. I would like to ask him, Sir, whether the way in which the Honourable the Commerce Member has looked after the industries of India at this juncture,—when industries all over the world are depressed and are passing through a crisis, when industries in every part of the world are being looked after by the Governments concerned in a manner which is paternal—may I ask the Honourable Sir Charles Innes, the Commerce Member with the Government of India, whether he can say that, if the Executive were responsible to the people, he could afford to look after the industries from his seat on the Government Benches in the unsatisfactory manner he has done during, say, the last two years. I will, Sir, only quote the way in which the great cotton industry is being starved, Sir, without any reason and certainly in the face of and as a challenge to the greatest popular agitation that I have ever seen go on for the removal of the excise duty. Let me, Sir, put to the Commerce Member, now that he has returned to his seat, another instance. Let me ask him whether, if he was responsible to the House, he would treat the report of the Tariff Board on cement in the manner in which he appears to have treated it till now. Let me ask him whether he would reject the recommendation of the Tariff Board regarding the import duty on cement without reference to this House? Would he not bring that report before the House for their confirmation of Government's decision, if he was responsible to this House? I, Sir, do not wish to exhaust the patience of this House on these instances. But I wish to add one general remark.

I would remind the Commerce Member that the Tariff Board, whose reports he spoke of with so much approval, last year, cannot now be disowned by him so lightly, when the said Board continue their good work, and report on questions referred to them with impartiality, and with no extraneous influence working on them, as appears to be the case to the public till now. In two cases, the steel and paper reports of the Tariff Board, the Government have thought fit to override their recommendations, and offer to the industries concerned less than what the Board recommend. It would be interesting to know the reasons of Government for this purpose, but any amendment in this connection in this House would be ineffective as it would involve the finances of the Government.

I venture to ask the Commerce Member to tell me whether if he were responsible to this House he would dare to take these decisions irrespective of the public feeling, and what is more important, if he would reject the report on cement by the said Board without ascertaining the wishes of the House. I feel that I must, Sir, in passing do justice to another Honourable Member with whom the commercial community has much to do. I will not, Sir, comment. I will only say to the Finance Member that, if he was responsible to this House, he would not have been able to persist for the last one year in his policy of currency and finance as he has done without giving the Assembly an opportunity to discuss it for 12 long months. I do not wish, Sir, to comment on this further for reasons which will be obvious to the House. And to the Honourable the Home Member may I ask whether it would be possible for a responsible Member of the Government of India to send out to International Conferences, for which India pays to the League of Nations at least 11 lakhs a year, deputations headed never by Indians, but always by Britishers. This year, the deputation to the League of Nations consists of, Sir, whom as non-official Indian representative ? A Maharaja, a very great man—I have nothing to say against him—His Highness the Maharaja of Patiala—but can he be said in the slightest degree, I wonder if he himself claims, to represent adequately or even in the slightest degree the interests of British India. That is the manner in which the Government of India go on treating the opinions of representatives of Indians in an Assembly such as you yourself have started, and one after the other you get up and warn us that we should not go further, that we best beware, that we best be cautious, that we should be satisfied with what you tell us is good for us. I tell the Members of the Government who have spoken till now that they would not give that advice to themselves if they were Indians. If only they were in our position, they would refuse to take that advice from any one. If they were to cross over here and we were to cross over there they would talk on this question in terms much stronger than those in which we talk to them.

Sir, we have been told, both by Lord Birkenhead and by His Excellency the Viceroy, that agriculture should command the utmost attention of the Government of India. What an awakening, Sir ! After their rule for the best part of a century, after one hundred years of organised rule of India by the British Government, that day Lord Birkenhead said in the House of Lords that it is necessary to appoint a Royal Commission to go into the question of agriculture in India. The politicians of India have cried hoarse themselves for this the last 30 years and more. Did not Mr. Gokhale ask for more attention by Government to agriculture ? Did not Sir Phirozeshah Mehta plead for it ? Did not Sir Surendranath Banerjea roar for it ? In fact, who has not pleaded for it ? My Honourable friend Pandit Madan Mohan Malaviya has pleaded in the name of the agriculture of India for years and to-day comes a great discovery by Lord Birkenhead that Government must appoint a Royal Commission for Agriculture. The question, however, is, when India wants to go ahead with industry, the Honourable the Commerce Member over there tells us to have patience, and the Honourable the Finance Member tells us that he must find money before he can agree to the abolition of the cotton excise duty.

The Honourable Sir Basil Blackett : Will not a Minister have to find money ?

Sir Purshotamdas Thakurdas : He will find money under the existing conditions, both of the Government Treasury and of industries. Sir, I have not the slightest hesitation in saying, as Sir Basil would find it if he were responsible to this House to-day. I have not the least doubt that Sir Basil would not then reason in the manner he does till now—for the whole difference is that he will be a Minister responsible to this House.

Mr. President : The Honourable Member has far exceeded his time limit.

Sir Purshotamdas Thakurdas : I will say only one word more. I wish, Sir, in conclusion, to refer to one sentence in His Excellency the Viceroy's speech. I am reading from page 12 of the official report. Referring to his visit to London, His Excellency said :

"Throughout I was impressed on the one hand by the sympathetic good-will manifested towards India and Indians and on the other hand by the determination not to be hurried by threats into premature concessions."

Sir, realising my responsibility as representing Indian trade and commerce in this House, I would be the last person to support anything which I may even suspect to be a threat for any hasty action. It is because the country and the Indian commercial community are convinced that without responsible Government and without progress on the lines indicated in Pandit Motilal Nehru's amendment there is going to be not only no relief from the handicaps we feel but there may be progress in the retrograde direction that I see no alternative, Sir, but with the freest of will and the utmost confidence and conviction to give my support to this amendment.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, at this late hour of the day, I do not propose to inflict anything like a big speech on the House. My intention to-day is only to refer to two aspects of the problem as it presents itself to-day. We have been told, Sir, that there is the utmost good-will on the side of the Government Benches. Sir Charles Innes faces the most stupendous difficulties in making progress. But what is the real position ? I say, Sir, that the Government of India as constituted at present, is a government by a corporation, a corporation which sought to own this country and to exploit it for the benefit of the company and of its shareholders in the old days and mainly of the British capitalists and services at the present day. It is still the old position in which the Government of India is treated as the agent of a corporation owning the revenues of this country, owning all the vested rights that are supposed to vest in the Government in respect of the territories under the Government in India ; it is that fiction which they seek to enforce by the force at their disposal, that stands in the way of our government. What is the position of the Government of India ? We have been told by the Government of India Act that the whole of the territories of this country, all rights incidental to and arising from and all rights of the Company, the Court of Proprietors, the Court of Directors and the Board of Control, are all vested in the Secretary of State. Then, Sir, we have next been told by the Act that all the revenues raised in this country are the property of the Secretary of State in Council. We have been told by another section—section 21—that no expenditure out of these revenues or out of these properties can be made without the concurrence of a majority of votes of the Secretary of State in Council. The position then is that the property and revenues of this country are vested in a corporate body. That corporate body has the right to sue and be sued under the

Government of India Act. That corporate body has the right to dictate to the Secretary of State, because, according to the constitution, the Secretary of State has no independent power, so far as the revenues or the properties of this country are concerned, to act without the concurrence of his Council. Therefore, Sir, so far as the powers over the revenue or the expenditure of this country is concerned—and that is what matters in regard to the policy of this country—it is the voice not of the Secretary of State who has to be responsible to Parliament, but of the Secretary of State's Council, that governs the position and it is a corporation which has neither a body to be touched nor a soul to be saved. Sir, the position is one which calls for a fundamental change, and that is divestment of these proprietory rights in the governing class. So far as we are concerned we realise this and, anybody who has read the Rules on Indian Audit and the sections which confer powers upon the Government of India in respect of the revenues of this country can easily understand it. So far as the expenditure and revenues of this country are concerned, neither the Government nor we are free agents. The Government of India is not a free agent; the Legislature is not a free agent. The Government of India exercise only the delegated authority of the Secretary of State in Council. The Government of India in this country have not the power even to ask the Legislature to pass legislation by means of which they can raise a tax and appropriate that tax to a specific purpose for the benefit of this country, because, according to the law of the land, according to the constitution of this country, once a tax is raised, that becomes the property of the Secretary of State in Council, and no appropriation can be made by any Act which divests the Secretary of State in Council of his power. That was a question that was debated in England in the House of Lords years ago, and it was then pointed out that the position of the Secretary of State in Council was unassailable in that respect. But, Sir, what more do we find? We find that the Secretary of State's Council is placed not merely in a position of irresponsibility to this country, but it has been placed technically in a position of irresponsibility to Parliament itself. Because what does section 21 say? Section 21 says that no appropriation can be made of any of the revenues of this country without the concurrence of a majority of votes of the Secretary of State in Council. That means, Sir, that even when Parliament wants the Secretary of State, a Minister responsible to itself, to appropriate any revenues for being used for some beneficial purposes in India, or what is more often the case, for using it for any of the Imperial purposes of England herself, the Secretary of State's Council can come and obstruct it. As a matter of practice, the Council may not do it. As a matter of custom, they may bow to the authority of the Cabinet, but the position is that there is a corporation which is vested with these rights, there is a corporation which possesses the power to expend our money as it pleases without responsibility either to Parliament or to any authority in this country.

6 P.M.

The next position I want to elucidate is this. What is the real position of the Secretary of State in regard to the Services? The position here is worse. The Government of India Act which was incomplete as to financial powers until 1916, no doubt, gave the Government of India the power, delegated power to appropriate the revenues in accordance

[Mr. A. Rangaswami Iyengar.]

with certain rules which the India Council was then empowered and did later frame. Previous to that, it was without any rules. There was a kind of understanding or assumption, which the Government of India believed to exist, by which the Government of India spent or appropriated monies generally for the service of the Government according to certain rules which they thought were in existence and which conferred on them an implied delegation of powers from the Secretary of State. It was Lord Morley who pointed out that those powers did not exist, that the authority of the Secretary of State in Council over the expenditure of the monies of this country continued uncontrolled, that his control was absolute and that therefore, unless by means of statutory rules the power was delegated to the Government of India, what had been done was irregular. Then we had an amendment of the Act in 1916 and then they said that rules may be made by which the authority may be delegated to the Government of India and any expenditure incurred or any revenues raised in accordance with those rules shall be deemed to be expenditure incurred or revenues raised in accordance with the control vested in the Secretary of State in Council. Similar is the power reserved in regard to the other vested interests, that is, the interests of the Services. So far as the Services are concerned, then, the Government of India have no authority. The Secretary of State has no authority. The Government of India Act which sought to create the Public Service Commission and the various rules and regulations which have been framed have not sought to take away this monopoly of control over the Services, vested in the Secretary of State's Council. All the privileges which the Services enjoy are not to be dealt with either by the Government of India which may hereafter become responsible to the Legislature in India, or even by the Secretary of State who is responsible to Parliament. They have purposely ruled by means of a specific section in the Government of India Act that so far as questions of the Services are concerned, the Secretary of State has no power to act without the concurrence of his Council. This is again the corporation theory, and so long as the Anglo-Indian corporation theory exists, so long as this country is treated as a kind of estate in which the ruling classes shall have certain vested interests, certain privileges—so long as that theory exists, it is all idle to talk of setting us on our feet for self-government, and giving us rights of self-government. Where is the proposition that is now before us which says that the Services shall be controlled by the Government in this country, whether it be the Governor General in Council as it is now constituted, or by the Provincial Governments? As my Honourable friend rightly reminds me, we are going in the opposite direction. Every step that has been taken since Lord Birkenhead came into office has been to protect, to preserve and to accelerate the privileges of the Services. My Honourable friend, Sir Sivaswamy Aiyer, said that at the time when dyarchy was proposed the bureaucracy disliked it very much. Now, they evince a sudden fondness for it. They like it very much and they do not want to change it for the present. I say the reason for that is too obvious. After dyarchy was introduced, if you examine the position, the Services have profited and benefited to an extent of which they could not have dreamt if the old system had been in existence. Their emoluments have been increased, their pay has been increased, by means of resolutions, commissions, orders and notifications

which appear in the Gazette of India every week to an extent which I cannot follow up. So long as these proprietory notions exist, so long as vested interests are sought to be protected, it is idle to contend that you are serious or earnest in saying that you want to put us on the road to self-government as early as possible. We will not believe it until Government deliberately and earnestly say, " we shall not continue this rule in that spirit, we shall divest ourselves of these rights." You may put the control of the purse into the hands of any authority in this country so long as it is amenable to our control. We are quite prepared to make reservations, to protect interests which are legitimate and proper. We are quite prepared to compensate every one of the Civil Service men who may feel himself prejudiced by anything that we may do. But we shall not stand the maintenance of this corporation's existence, the maintenance of these vested rights, this continued exploitation of the country for the benefit of the British Services and the British capitalists of India.

Syed Majid Baksh (Burdwan and Presidency Divisions : Muhammadan Rural) : At this late hour of the day I do not like to detain my Honourable friends most of whom have left. I deem it a great honour that I have been allowed to speak in this Assembly on a Resolution over which great heads have been put together in order to find a way out. (At this stage Mr. K. Ahmed made a remark which was inaudible at the Reporters' table.) Sir, my Honourable friend, Mr. K. Ahmed says something to me which I do not understand and so I am unable to reply to it. (*Mr. K. Ahmed* : " You need not speak if you do not wish to speak.") (*Honourable Members* : " Don't mind him.") Sir, the amendment which has been moved by my Honourable friend Pandit Motilal Nehru embodies in a great measure the demands which have been put forward not only from the public platform or the Congress but from any platform that claims to be representative, by men who are capable of speaking in the interests of India. To-day the Honourable the Home Member has moved a Resolution in which he says that the Assembly recommends to the Governor General in Council that he do accept the principle underlying the majority report. I would be quite prepared to support this Resolution if he means what is really the majority report. It has been pointed out by Honourable Members here that since the report was signed and published, a certain remark of a certain Member, Sir Mohammad Shafi, who signed the majority report, makes it clear that if he be included in the minority the minority report becomes a majority report, and if the Honourable the Home Member had really meant that majority report I would have no hesitation in supporting it. But, Sir, he means the technical majority report, and he relegates to the position of a minority the report of the real majority. I have already submitted to you, Sir, what is and ought to be the majority report. Sir, what did the minority report recommend ? The minority recommended that provincial autonomy with an Executive responsible to the Legislature should be immediately given. That is the least that can be done by way of earnest to show that the bureaucracy means to put us in the way of full responsible government,—the progressive realisation of self-government as it is called. By way of earnest they could have at least done that. They have not done that. On the other hand, they ask us to accept the majority report.

[Syed Majid Baksh.]

Sir, it has been said that the Muddiman Committee was appointed in order to examine the defects in the working of the Act. What was the great stumbling block? The majority report recommends that printing presses should be a transferred subject. That was the great stumbling block in the working of the Act. After all their deliberations the majority have found out that printing presses and law reports were the greatest stumbling block in the working of dyarchy. Therefore they should be transferred. Can anything be more ridiculous than this, Sir? At least they should have put on the appearance of sincerity, even if they had no sincerity in their hearts. I submit, Sir, that it has been amply proved by the eminent persons who have actually tried to work dyarchy that dyarchy is unworkable. I do not know why my friends of the bureaucracy are so enamoured of that scheme. I for my part think it a very inelegant inaesthetic and dichotomized form of Government that nobody in his senses would support. Sir, my friend Mr. Goswami has already said that dyarchy has been scotched. It has not only been scotched but has been torn and sundered to pieces in more than one province. In my own province many people have said that dyarchy should be buried. I do not say that dyarchy should be buried because it will spoil the earth. It will pollute the earth. I do not think it should be consigned to the fire because it will pollute the fire. I think according to the other method which is prevalent in India, among our Parsi friends, it should be given over to the vultures, so that not the slightest trace of it may remain on the soil of India.

We have been told in the Viceregal speech that no special significance is attached to the date 1929. I think I am quoting the words correctly: "The statutory commission may be appointed at any time not later than 1929". Well, Sir, 1929 may be the statutory date but it coincides with a very interesting date also. I believe the life of this present Conservative Government extends up to 1929. The Labour movement is progressing. The rising tide of Labour is swelling and threatens to inundate England. If they come into power in 1929 the Conservatives will be nowhere. The coal strike has amply demonstrated that labour will come into power and the capitalists will be nowhere. As I have already said, labour may come into power in 1929 and they may be able to give us all we want. (*An Honourable Member*: "Not Mr. Ramsay Macdonald.") I do not care whether it is Mr. Ramsay Macdonald, or Mr. Smillie or Mr. Lansbury. or anybody else. If labour comes into power they will teach a lesson to the capitalists. They will give India self-government because they know that India is the mainstay of the capitalists of England. With the capitalists gone, there will be no power remaining to trouble the labourers in India as well as in England. I have been very much impressed by some speeches, especially of Mr. Goswami, and if we cannot have Swaraj within the Empire, perforce we must have it without the Empire. This will come as a natural course. Nobody here need teach us what the courses will be. Sir, I am very much exhausted at the end of the day.....

Mr. President: Will the Honourable Member address himself to his arguments?

Syed Majid Baksh : I think I have exhausted you, Sir, and I am myself exhausted, not only by hearing the speeches but sitting here. I had an amendment which I submitted for the consideration of the Assembly.

Mr. President : We are not considering any other amendment now.

Syed Majid Baksh : I am simply saying that my amendment will not require to be moved because what I wanted is found in Pandit Motilal Nehru's amendment. Therefore it will not be necessary to move my amendment. Sir, I will sit down after two or three minutes more. Great importance has been attached to dates. It has been said that India must progress at a snail's pace, otherwise there is great danger. If I may rake up ancient history, may I ask how much time it took for the mother of democracies, the great Athenian democracy, to come into being. I think you will find that barely 19 years elapsed from the death of Pisistratus, the tyrant, to the final inauguration of the Athenian democracy under the laws of Clisthenes. At that time the human mind was not so developed. It was coming out of the hazy atmosphere of a semi-civilised state. At present we have our minds fully developed. We have got the accumulated wisdom of the ages. What was the time that was required to grant self-government to South Africa—from the treaty of Vereeniging in 1902 to the final grant of self-government in 1905 or 1906 ? And yet these gentlemen come and tell us that you require centuries to develop yourself. You may have required centuries to develop yourself dating from the signing of the Magna Carta up to the time of the final overthrow of the Stuarts. You had no civilisation behind you. We have behind us a civilisation as hoary as the ice-clad hills and if you required five centuries we can do it in five years. Sir, this is not my own expression. It is the expression used by one of the eminent British Premiers, Mr. Lloyd George, that at present years are moving with the speed of centuries. So, if you took 5 centuries from the signing of the Magna Carta at Runnymede down to the revolution of 1688, we can do it in five years. How many years did humanity take to learn the art of reading and writing ? Centuries perhaps. Do you allow your sons now to learn the art of reading and writing for centuries ? Certainly not. We have got the experiences of ages at our doors. It has been said that the door of self-government cannot be stormed by violence. It does not yield to force, so we hear. But may I remind you that there is no door that does not yield to the determined will of a people to be free and I conclude with the Biblical saying " Knock and it shall be opened unto you ".

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 8th September, 1925.

LEGISLATIVE ASSEMBLY.

Tuesday, 8th September, 1925.

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

MEMBER SWORN :

Mr. Kenneth Gordon Harper, M.L.A. (Legislative Department : Nominated Official).

QUESTIONS AND ANSWERS.

DOCUMENTS SIGNED AT THE FIRST AND SECOND OPIUM CONFERENCES.

738. ***Dr. S. K. Datta** : Will Government place on the table of the House copies of (*i*) The *Agreement Protocol* and *Final Act* of the First Opium Conference signed at Geneva on February 11th, 1925. (*ii*) The *Convention, Protocol,* and *Final Act* of the Second Opium Conference signed at Geneva on February 19th, 1925 ?

The Honourable Sir Basil Blackett : The documents referred to by the Honourable Member are contained in the pamphlet entitled " International Opium Conventions, 1912—1925 " a copy of which is available in the Library. I am sending a copy to the Honourable Member also. The Government have a limited number of spare copies for supply to other Members of the Legislature who may care to apply to the Secretary, Central Board of Revenue.

SIGNATURE ON BEHALF OF THE GOVERNMENT OF INDIA OF THE CONVENTION PROTOCOL AND FINAL ACT OF THE SECOND OPIUM CONFERENCE.

739. ***Dr. S. K. Datta** : Will Government explain why the representatives of the Indian Government did not sign the *Convention, Protocol* and *Final Act* of the Second Opium Conference ?

The Honourable Sir Basil Blackett : I have not the information required to answer the Honourable Member's question, but I would point out that the Convention, Protocol and Final Act have since been signed on behalf of the Government of India.

Dr. S. K. Datta : May I ask the Honourable Member when this Agreement and Convention with their Protocols and Final Acts were ratified by the Government of India ?

The Honourable Sir Basil Blackett : I must have notice of this question, Sir.

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IMPORT OF CHARAS FROM CENTRAL ASIA.

740. *Dr. S. K. Datta : Will Government state what is the amount of *charas* imported into India annually from Central Asia ? From which countries is it specifically imported ? What are the frontier towns or ports through which this traffic is maintained ? Do the Government of India maintain a *charas* officer and establishment at Leh in Ladak ? In what other places if any are these officers maintained ?

The Honourable Sir Basil Blackett : The average annual imports during the 5 years ending 1923-24 amounted to 3,622 maunds. *Charas* is imported only from Central Asia. It is first warehoused at Leh and brought on special permits, through Kulu or Kohala and Rawalpindi, into the Punjab, where it has again to be stored in a Government warehouse. The Punjab Government maintain the warehouse and the establishment at Leh. There is no Indian warehouse establishment for the purpose at any other place outside British India.

Dr. S. K. Datta : Does the Honourable Member say that this *charas* is imported under import certificates ?

The Honourable Sir Basil Blackett : It is warehoused at Leh and brought in under special permits from there.

SOCIAL AND RELIGIOUS CUSTOMS IN CONNECTION WITH THE USE OF HEMP DRUGS IN INDIA.

741. *Dr. S. K. Datta : At the Second Opium Conference, did the representatives of the Indian Government make the following statement :

"The Government of India, however, at the present stage of their examination of the subject point out various serious difficulties of an administrative order in confining the use of hemp drugs to medical and scientific purposes ; for example there are social and religious customs which naturally have to be considered." ?

Will Government state the precise religious customs to which reference was made ?

The Honourable Sir Basil Blackett : Yes. The attention of the Honourable Member is invited to Chapter IX of the report of the Indian Hemp Drugs Commission, 1893-94, in which the religious customs in question are fully stated. A copy of the Report is in the Library.

DISSEMINATION OF PROPAGANDA FOR THE DISCOURAGEMENT OF OPIUM SMOKING.

742. *Dr. S. K. Datta : (*a*) At the First Opium Conference was a proposal made that Government should use their utmost efforts by instruction in schools and dissemination of suitable literature to discourage opium smoking ?

(*b*) Did Mr. Campbell, the representative of the Government of India, oppose this proposal ?

(*c*) Did he use the following words :

"Experience did not encourage the belief that official propaganda would be successful in the East. On the contrary there were numerous specific instances.... showing that the population only consented to take measures to protect themselves against the epidemic when the Government abandoned propaganda and compulsory measures....official propaganda in regard to opium would do more harm than good in India." ?

(*d*) Did the Japanese and Chinese delegates state that this was not true as far as their countries were concerned ?

The Honourable Sir Basil Blackett : (*a*), (*c*) and (*d*). The replies to the questions are in the affirmative.

(*b*) The Indian Delegate demurred to the proposal in its obligatory form, but agreed to it on the condition that if a Government considered propaganda in the form proposed undesirable under the conditions existing in its territory, it should not be binding upon it. I may add that the Government of India have no objection in principle to propaganda being undertaken by the responsible Local Governments, within whose sphere such action clearly falls. The Government of India have in fact already addressed the Local Governments on the subject and their replies are awaited.

Dr. S. K. Datta : Was the censure of the Government of India conveyed to Mr. Campbell for suggesting that the Government of India had no influence with the Indian people ?

The Honourable Sir Basil Blackett : I do not think that is a fair inference from the statement made by Mr. Campbell.

APPOINTMENT OF AN OPIUM COMMISSION.

743. ***Dr. S. K. Datta :** In view of the promise made by the Finance Member during the debate on the Opium Demand last March, will Government state what steps have been taken to set up a commission of inquiry on the production, sale and consumption of opium in India ?

The Honourable Sir Basil Blackett : The attention of the Honourable Member is invited to the reply to question No. 613 asked by Kumar Ganganand Sinha in this House on the 3rd instant.

RECRUITMENT OF THE CLERICAL ESTABLISHMENT OF THE OFFICES OF THE AUDITOR GENERAL AND THE ACCOUNTANT GENERAL, CENTRAL REVENUES, RAISINA.

795. ***Lala Duni Chand :** (*a*) What are the scales of pay for the clerical establishment of the offices of the Auditor General and Accountant General, Central Revenues, Raisina, and what are the rules for their recruitment ?

(*b*) Are the Government prepared to issue instructions to the effect that steps may be taken to have the different provinces fairly and equitably represented ?

The Honourable Sir Basil Blackett : The information is being collected and a reply will be given in due course.

RECRUITMENTS TO THE INCOME-TAX DEPARTMENT, PUNJAB.

796. ***Lala Duni Chand :** (*a*) Is it a fact that almost all the appointments of Income-tax officers, Assistant Income-tax officers and Inspectors in the Income-tax Department, Punjab, in the year 1925 have been filled by Muslims and that the claims of better qualified Hindus have been disregarded ?

(*b*) Will the Government please state the qualifications of the Muslim candidates selected in comparison with those of the Hindu candidates rejected this year and those selected in 1924 ?

(*c*) Is it the intention of the Government to give preference to Muslims over Hindus when educational qualifications are equal or is it their intention to give preference to Muslims even when they do not possess the qualifications possessed by their Hindu rivals ?

(*d*) Do the Government propose to instruct the Commissioners of Income-tax that only those who possess better qualifications should be recruited irrespective of their religion ?

(*e*) Have the Government fixed any minimum qualifications for the candidates for the above appointments in the various provinces ?

(*f*) If not, do the Government propose to consider the advisability of laying down standard qualifications necessary for the appointments and instruct the Commissioners to follow them strictly regardless of the caste and creed of the candidates ?

(*g*) Do the Government propose to make selections of candidates for these posts for the whole of India by a central examination or through the Public Service Commission to ensure uniformity of practice and treatment in all provinces ?

The Honourable Sir Basil Blackett : (*a*) No appointments of Income-tax Officers, Assistant Income-tax Officers or Inspectors have been made in 1925 from outside the Department. Two fully qualified Muslim Inspectors were promoted to be Assistant Income-tax Officers.

(*b*) The Government are not prepared to discuss the qualifications of individual officers on the floor of this House, but I can assure the Honourable Member that the two Inspectors who were promoted were fully qualified.

(*c*) and (*d*). I have nothing to add to the Honourable Sir Malcolm Hailey's speech of 10th March 1923 which still represents the policy of the Government of India.

(*e*) and (*f*). The answer is in the negative.

(*g*) The question will be considered in due course after the establishment of the Public Services Commission.

OPENING OF A SUB-ASSISTANT SURGEON CLASS AT THE LADY HARDINGE MEDICAL COLLEGE, RAISINA.

797. ***Lala Duni Chand** : (*a*) Is it a fact that there is only a senior (Assistant Surgeon) class in the Lady Hardinge Medical College, Raisina, and that there is no Sub-Assistant Surgeon class ?

(*b*) Are the Government aware that most of the Indian females do not possess sufficient educational qualifications and cannot avail themselves of this long and expensive course ?

(*c*) Is it a fact that the College was started primarily for Indian females ?

(*d*) Do the Government propose to start a Sub-Assistant Surgeon class ?

Mr. J. W. Bhore : (*a*) and (*b*). Yes. As stated in the Articles of Association of the Governing Body the institution exists for the purpose of imparting higher medical education to women. For this purpose special classes, teaching up to the Intermediate standard of the Punjab University have been opened at the College and candidates for higher medical instruction receive their preliminary training in these.

(*c*) The College was started primarily to prepare Indian women for a University degree in medicine. Government are not aware that there is any demand for making provision for the training of sub-assistant surgeons at the College. Facilities for this exist at Ludhiana, Agra and other places.

(*d*) The matter is one primarily for the consideration of the Governing Body but Government do not consider that such a course is either desirable or necessary.

OPENING OF BRANCHES OF THE IMPERIAL BANK OF INDIA AT DISTRICT HEAD QUARTERS.

798. ***Lala Duni Chand :** (*a*) Will the Government please lay on the table a statement showing the progress made during the last two years towards the Indianization of the Imperial Bank of India ?

(*b*) What rates of pay are generally offered to Indian graduates and undergraduates in the subordinate grades and what are the corresponding rates for Anglo-Indians and are there any rules governing their recruitment ?

(*c*) How many branches of the Bank have been opened in the Punjab during the last 2 years and how many of them are in such districts in which there is no other Bank ?

(*d*) Are the Government aware of the existence of a feeling in the Punjab that branches of the Imperial Bank are being opened and have been opened with a view to compete with the indigenous Indian banking enterprise ?

(*e*) Do the Government propose to instruct the Bank authorities to open its branches preferably in district headquarters where no other banks exist at present ?

The Honourable Sir Basil Blackett : (*a*) and (*b*). The Government are not in possession of the information required ; but such information as I have seen on this matter in the Press shows that progress has been rapid.

(*c*) Ten new branches were opened in 1923 and 1924 ; of these one is in a district in which there is no other bank.

(*d*) If there is such a feeling, I am sure it is ill-founded.

(*e*) The Government take all relevant circumstances into consideration when scrutinising the list of places at which the Bank propose to open branches ; but obviously the absence of another Bank cannot be made the sole, or the most important criterion.

LEAVE AND FURLOUGH OF INDIAN OFFICERS OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

799. ***Pandit Harkaran Nath Misra :** 1. Are the Government aware of the grievance of the Indian officers on the Bombay, Baroda and Central

India Railway in the matter of leave and furlough regulations and is it not a fact :

(a) that even the subordinates (Europeans and Anglo-Indians) enjoy the same rights as the European officers but the same are denied to the Indian officers ?

(b) that on the Great Indian Peninsula Railway the Indian officers enjoy the same rights as their European colleagues ?

2. If the reply to the above be in the affirmative, do the Government propose to inquire into the matter and try to remove this differentiation ?

Mr. G. G. Sim : The attention of the Honourable Member is invited to the reply given to a somewhat similar question asked by Mr. N. M. Joshi on the 2nd July 1923.

THE IMPERIAL BANK (LUCKNOW BRANCH) FRAUD CASE.

800. ***Pandit Harkaran Nath Misra** : (a) Has the attention of the Government been drawn to the judgment in the Imperial Bank (Lucknow branch) fraud case delivered by the Judicial Commissioner, Lucknow, in the beginning of August 1925 and specially the remarks made by the Judicial Commissioner against the then Agent of the said Bank ?

(b) Do the Government propose to take any action against the Agent of the said Bank and, if so, what ?

The Honourable Sir Basil Blackett : The Government have not seen the judgment referred to. So far as I understand, this is not a matter which concerns the Governor General in Council, but as I have already said I will make inquiries and consider whether any action by the Government is called for.

INDIANIZATION OF THE ORDNANCE SERVICES.

801. ***Pandit Harkaran Nath Misra** : Will the Government please state :

(a) What progress, if any, has been made in Indianizing the Ordnance Services ?

(b) When the number of Indians in the said service will reach the proportion of one-third to the total strength ?

(c) If any arrangements are being made to give these men any technical and departmental training ?

Mr. E. Burdon : The attention of the Honourable Member is invited to the reply given on the 27th August to starred question No. 173.

REFUSAL OF PASSPORTS TO ALOKANAND MAHABHARATI, PRESIDENT OF THE ARUNACHAL PEACE MISSION, AND PROFESSOR JADUNATH SINHA.

802. ***Mr. Gaya Prasad Singh** : (a) Is it a fact that Alokanand Mahabharati, President of the Arunachal Peace Mission, and Professor Jadunath Sinha, M.A., P.R.S., whose applications for passports to visit some foreign countries on a religious Mission of World Peace, were refused by the Governments of Bihar and Orissa, and the United Provinces,

respectively, appealed to the Government of India, but their applications were rejected ?

(*b*) Will the Government be pleased to state the reasons for refusing to grant passports to these gentlemen, and also place on the table the correspondence which may have passed between them and the Local Governments concerned ?

Mr. H. Tonkinson : (*a*) Yes.

(*b*) I am not prepared to state the reasons for the refusal of passports to these gentlemen or to place on the table any correspondence on the subject.

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 7th September 1925, agreed without amendments to the following Bills which have been passed by the Legislative Assembly :

1. A Bill further to amend the Code of Civil Procedure, 1908,
2. A Bill further to amend the Religious Endowments Act, 1863,
3. A Bill to amend the law relating to salt and salt-revenue,
4. A Bill to confer certain exemptions on members of legislative bodies constituted under the Government of India Act,
5. A Bill to supplement certain provisions of the Sikh Gurdwaras Act, 1925."

RESOLUTION *RE* RECOMMENDATIONS OF THE MAJORITY REPORT OF THE REFORMS INQUIRY COMMITTEE—*contd.*

Mr. President : The House will now resume discussion on the Resolution* of the Honourable Sir Alexander Muddiman and the amendment† of Pandit Motilal Nehru.

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* "This Assembly recommends to the Governor General in Council that he do accept the principle underlying the majority report of the Reforms Inquiry Committee and that he do give early consideration to the detailed recommendations therein contained for improvements in the machinery of Government."

† "That for the original Resolution the following be substituted :

'This Assembly while confirming and reiterating the demand contained in the Resolution passed by it on the 18th February 1924, recommends to the Governor General in Council that he be pleased to take immediate steps to move His Majesty's Government to make a declaration in Parliament embodying the following fundamental changes in the present constitutional machinery and administration of India :

(*a*) The Revenues of India and all property vested in or arising or accruing from property or rights vested in His Majesty under the Government of India Act, 1858, or the present Act or received by the Secretary of State in Council under any of the said Acts shall hereafter vest in the Governor General in Council for the purposes of the Government of India.

(*b*) The Governor General in Council shall be responsible to the Indian Legislature and subject to such responsibility shall have the power to control the expenditure of the Revenues of India and make such grants and appropriations of any part of those Revenues or of any other property as is at present under the control or disposal of the Secretary of State for India in Council, save and except the following which shall for a fixed term of years remain under the control of the Secretary of State for India :

(*i*) Expenditure on the Military Services up to a fixed limit.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, it may be considered rather rash and impudent on my part to participate in the discussion on such an important and epoch-making Resolution. My only excuse to stand before the House to-day is that I belong to a community which occupies a peculiar position in this country. We are not a small minority like the Parsis, Sikhs, Indian Christians and Anglo-Indians, whose rights and claims and whose stake in the country are naturally very small. Although we are in a minority, still our minority is no less than 7 crores of persons, much bigger than the population of some countries in this world. We hold a very important and unique position in the politics of the world, and it is therefore very important that the views of the advanced section in this community should find a place in the proceedings of this debate. I deem it therefore my duty to make a few observations in supporting the amendment of the Honourable Pandit Motilal Nehru. Indeed, Sir, it would be foolish on my part to make an effort to conceal the state of ill-feelings between the two great communities and to belittle gravity of the communal tension. It is in my humble opinion the first and foremost duty of every true Indian to bring about a reconciliation between

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(*ii*) Expenditure classed as political and foreign.

(*iii*) The payment of all debts and liabilities hitherto lawfully contracted and incurred by the Secretary of State for India in Council on account of the Government of India.

(*c*) The Council of the Secretary of State for India shall be abolished and the position and functions of the Secretary of State for India shall be assimilated to those of the Secretary of State for the self-governing Dominions save as otherwise provided in clause (*b*).

(*d*) The Indian Army shall be nationalised within a reasonably short and definite period of time and Indians shall be admitted for service in all arms of defence and for that purpose, the Governor General and the Commander-in-Chief shall be assisted by a Minister responsible to the Assembly.

(*e*) The Central and Provincial Legislatures shall consist entirely of members elected by constituencies formed on as wide a franchise as possible.

(*f*) The principle of responsibility to the Legislature shall be introduced in all branches of the administration of the Central Government subject to transitional reservations and residuary powers in the Governor General in respect of the control of Military, Foreign and Political affairs for a fixed term of years:

Provided that during the said fixed term the proposals of the Governor General in Council for the appropriation of any revenue or moneys for military or other expenditure classified as 'Defence' shall be submitted to the vote of the Legislature; but that the Governor General in Council shall have power, notwithstanding the vote of the Assembly, to appropriate up to a fixed maximum any sum he may consider necessary for such expenditure and in the event of a war to authorise such expenditure as may be considered necessary exceeding the maximum so fixed.

(*g*) The present system of dyarchy in the Provinces shall be abolished and replaced by unitary and autonomous responsible Governments subject to the general control and residuary powers of the Central Government in inter-provincial and all-India matters.

(*h*) The Indian Legislature shall after the expiry of the fixed term of years referred to in clauses (*b*) and (*f*) have full powers to make such amendments in the constitution of India from time to time as may appear to it necessary or desirable.

This Assembly further recommends to the Governor General in Council that necessary steps be taken:

(*a*) to constitute in consultation with the Legislative Assembly a convention, round table conference or other suitable agency adequately representative of all Indian, European and Anglo-Indian interests to frame with due regard to the interests of minorities a detailed scheme based on the above principles, after making such inquiry as may be necessary in this behalf;

the conflicting elements. There can be no doubt that the Muhammadans in India are deeply concerned about the form of the constitution to be framed for the administration of the country after responsible government has been attained. But our anxiety is only about our share to be clearly defined and definitely set apart. The considered opinion of the general body of the Mussalmans is clearly stated in the resolution passed by the All-India Muslim League at its special session held at Lahore in May 1924, which runs as follows :

"Whereas the speedy attainment of Swaraj is one of the declared objects of the All-India Muslim League, and whereas it is now generally felt that the conception of Swaraj should be translated into the realm of concrete politics and become a factor in the daily life of the Indian people, the All-India Muslim League hereby resolves that in any scheme of a constitution for India, that may ultimately be agreed upon and accepted by the people, the following shall constitute its basic and fundamental principles :

(a) The existing provinces of India shall all be united under a common Government on a federal basis so that each province shall have full and complete provincial autonomy, the functions of the Central Government being confined to such matters only as are of general and common concern.

(b) Any territorial redistribution that might at any time become necessary, shall not in any way affect the Muslim majority of population in the Punjab, Bengal and the North West Frontier Province.

(c) Full religious liberty, that is, liberty of belief, worship, observances, propaganda, association and education shall be guaranteed to all communities.

(d) The idea of joint electorates with a specified number of seats being unacceptable to Indian Muslims, on the ground of its being a fruitful source of discord and disunion and also as being wholly inadequate to achieve the object of effective representation of various communal groups, the representation of the latter shall continue to be by means of separate electorates as at present, provided that it shall be open to any community at any time to abandon its separate electorates in favour of joint electorates.

(e) No Bill or Resolution or any part thereof affecting any community, which question is to be determined by the members of that community in the elected body concerned, shall be passed in any Legislature or in any other elected body, if three-fourths of the members of that community in that particular body oppose such Bill or Resolution or part thereof.

That in the opinion of the All-India Muslim League, the Reforms granted by the Government of India Act, 1919, are wholly unsatisfactory and altogether inadequate to meet the requirements of the country and that the virtual absence of any responsibility of the Executive to the elected representatives of the people in the Legislature has really rendered them futile and unworkable : the League therefore urges that immediate steps be taken to establish Swaraj, that is full responsible Government having regard to the provisions of the previous resolution and this, in the opinion of the League, can only be done by a complete overhauling of the Government of India Act, 1919, and not merely by an inquiry with a view to discover defects in the working of the Act and to rectify imperfections under its rule-making power."

The complete overhauling cannot be done by such a Committee as was appointed by the Government of India and whose report we are now discussing. We are not opposed to having Swaraj or responsible Government : what we are opposed to is the Raj of a single community. As regards Swaraj in its real and true sense, which means Government by all the communities and the people of this country, the Mussalmans certainly are as anxious and earnest as any other community inhabiting this vast Peninsula. Like the other communities we also consider the present state of administration as highly unsatisfactory and unbearable and we are quite in agreement with the demand that the question of policy and principles of the system of Government under which India

(b) to place the said scheme for approval before the Legislative Assembly and submit the same to the British Parliament to be embodied in a Statute '."

[Maulvi Muhammad Yakub.]

ought to be governed in future must immediately be settled and we must be entitled definitely to know the number of stages and the period of each stage after which the present system of Government will be radically altered and based upon right principles and policy in the accomplishment of our cherished goal. Freedom is the birth-right of every nation in the world and no nation can recognise and appreciate the blessings of freedom more than the Mussalmans whose religion is based on the principles of freedom and the equality of the human race, which knows no depressed classes and no untouchables. Almost all the educated and patriotic Mussalmans are fully of opinion that the Government of India Act, 1919, is wholly incapable of leading us to the path of responsible Government and no action taken under the Act or the rules thereunder can rectify the fundamental administrative imperfections. I am quite in agreement with the opinion expressed by the non-official members of the Reforms Inquiry Committee contained in the minority report when they say :

"We do not think that our suggested amendments, if effected, will afford valuable training towards responsible government, or will provide any solution of the difficulties which we have discussed in our Chapter on Political Conditions."

This is the last paragraph of their report which has already been quoted by the Honourable Pandit Motilal Nehru and I therefore need not repeat it here. No doubt the authors of the minority report are entitled to our gratitude for their courageous attitude and honest expression of views ; and if this House to-day is not in a position to accept their Report as it stands, it is not because of our disagreement with their views but because by the terms of reference in the matter of remedial proposals their scope was much limited and therefore they could not go to the full length of our national demands. The amendment proposed by the Honourable Pandit Motilal Nehru is only an amplification of their opinion quoted above which also fully represents the views of a very large majority of the people of this country. Sir, I do not claim that the whole of our electorate is yet fully in a position to realise the importance of responsible government. But, Sir, this is no reason why our country should remain in a state of perpetual subjugation. In England itself Parliamentary Government existed some hundred years before even the rich and middle classes of the people had any voice or vote in it. It is futile to say that we must wait till all the people are ready. The British people did not so wait for their Parliament. We are not allowed to be fit for over 150 years. We can never be fit till we are actually made to undertake the work and the responsibility. When China in the East and Persia in the West of Asia are awakening and Japan has already awakened and both of them were under despotic rule, can the free citizens of the British Indian Empire continue subject to despotism for ever ? It is no use telling us that a good beginning cannot be made as yet in India. I assert that not only has the time fully arrived but had arrived long ago to make this beginning. The only thing needed is the willingness of the Government to fulfil the Royal pledges of 1857, 1887, 1898, 1906 and 1917 and there cannot and shall not be any hesitation in carrying out the amended Resolution now under discussion. With these remarks, Sir, I wholeheartedly support the amended Resolution proposed by the Honourable Pandit Motilal Nehru.

Mr. M. V. Abhyankar (Nagpur Division : Non-Muhammadan) : Sir, I thank you for giving me an opportunity for intervening in this debate. I rise to support the amendment of the leader of the Party to which I have the proud privilege to belong. During the short space of time, however, that is at my disposal under the rules, I do not think I can do justice to that all-important amendment and to its provisions categorically. What is it that we want ? We want that the revenues of India shall vest in the Government of India. No true Government anywhere on the face of this earth can exist without the command of the power of the purse. The power of the purse, Sir, is the key-note of the whole situation. Unfortunately, under the present regime, that power has been solely reserved to the bureaucracy, the Executive and the autocracy. What is that we want next ? We want that the Governor General in Council shall be responsible to the Indian Legislature. You cannot have democracy and bureaucracy running side by side. The two things are divorced from one another. They cannot be wedded together. We want officials of this country to be the servants of the people as they ought to be and not their masters as they at present continue to be. We want the abolition of the Council of the Secretary of State and his being placed on a par with the Secretary of State for the Dominions. Under the present arrangement, Sir, India's centre of gravity is in London. We want to get rid of this most unnatural arrangement. Then, Sir, we want that the Army in India shall be Indianised in a short period. We do not want again to move in the same vicious circle of no army, no full Dominion status ; no full Dominion status, no army. I will not attempt here, Sir, to reply to the various arguments that are usually advanced against the rapid Indianization of the Army. They have so often been shown by many a Member of this House as nothing more than sham excuses to keep us out of our own. Sir, then we want fully representative Legislatures based on a wide franchise. I would sooner be elected by 10,000 people than by 1,000 people, because then I would feel more satisfied as having been returned by a large electorate and would feel much stronger in my place. Then, Sir, we want the various Governments of the country to be responsible to the Legislatures. It is no good your merely enfranchising the people. If you want to constitute an electorate, it will not do if you merely enfranchise the people. The one thing that you must do is to make the vote valuable. If a man is asked to vote and as a result of that vote nothing happens, nothing that he can see, nothing that he can appreciate, nothing that he can reward or punish by the maintenance or the transference of his vote, you cannot train an electorate. Therefore, the first necessary step in the training of an electorate is to give it power through its representatives. As a result of a vote, if a person is elected and he cannot only criticise but get things done and be held responsible for the things that he does, then the man who wants to turn him out will soon make it his business to undertake the task of training the electorate to realise the importance of the vote. You must create men who will be responsible to their electorates, who will be competent and who will have the power to carry out their demands.

Mr. K. Ahmed : That will take some time.

Mr. M. V. Abhyankar : No, it will not take any time. And it is only then, when such a state of affairs comes into existence, that we can do

[Mr. M. V. Abhyankar.]

something worth doing in these Legislatures, something better than merely fiercely and impotently criticising those that are in power to-day, those who are the masters of the situation to-day.

Then, Sir, the present Government of India Act was considered by some amongst us as the great gift of the British people to India. But even those who were once charmed with this gift horse have now been thoroughly disillusioned after having looked into its mouth.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Where were you then ?

Mr. M. V. Abhyankar : I am coming to you Mr. Kabeer-ud-Din Ahmed presently. (Laughter.)

To-day I see very few on the side of the present constitution except those that are attached by golden hooks and they indeed inquire nothing more about any question, but what are the commands of the day ? And those who oppose this amendment demanding freedom for the people of India, like my friend Mr. Kabeer-ud-Din Ahmed, I will freely admit, have more cogent reason, because it is they from whom our bondage arises.

Then, Sir, the speech of the Honourable the Commerce Member, as he delivered it yesterday, I think did him great honour and very great honour indeed, because he has upheld the traditions of the group to which he belongs. Whoever heard of political reform coming out of bureaucracy and particularly an alien bureaucracy ? His devotion to the people of this country, his devotion to the masses of this country, is, I should say, something rather remarkable ; but, unfortunately, Sir, devotion has often been the common veil of pernicious designs, and his speech yesterday reminded me of the wag in the play who follows an honest gentleman with " God bless and preserve your honour's worship " while he is slyly picking his pocket ! The Honourable the Commerce Member yesterday repeated the old falsehood of the theory of Britain's trust of India. He repeated and repeated it more than once. He said that the British were the trustees and until their trust was fulfilled,—and not one day before that,—they would not depart from this country. I am sorry the Honourable the Commerce Member is not present here. I should have liked to have asked the Honourable Member who created this trust. Did God one fine night whisper it into his ears and hand it over to him ? It is not a trust, it is a huge fraud, a gigantic fraud. He said that the new generation does not know what it means for a man's life to be saved or a woman's honour to be saved. These are his words. Are we safe under the British bureaucracy and under the present Government in our own house ? We are shot down like dogs as we have been in Jallianwalabagh. Even the best amongst us, that gentleman over there, the leader of our Party whom to-day you call your Honourable friend, was his liberty safe in his own country ? None of us can escape the kind attentions of our paternal Government when it means to bestow them upon us.

Then, Sir, the Honourable the Home Member said that India was such a vast country, India was populated with so many millions of people, that it would not be possible for a democratic government to survive in this country.

The Honourable Sir Alexander Muddiman (Home Member) : I said nothing of the sort, Sir.

Mr. M. V. Abhyankar : I beg the Honourable Member's pardon. It was the Commerce Member who said it.

The Honourable Sir Basil Blackett (Finance Member) : I may say on behalf of the Commerce Member that he said nothing of the sort.

Mr. M. V. Abhyankar : He did say so. I have just read a copy of his speech. He gave us the analogy of the South American States and he said that India was such a big country, populated with so many people, that it was not possible for any democratic government to thrive in this country.

Mr. H. Tonkinson (Home Department : Nominated Official) : May I say, Sir, that the Honourable the Commerce Member did not say it was not possible.

Mr. M. V. Abhyankar : He said it was a new experiment. That means exactly the same thing. When you say it is an experiment, you say at least that it has not been possible. Then, Sir, I would tell him that the history of the world is not finished yet. Many chapters are yet to be added to it and we may be able to add, by the grace of God, one more glorious chapter to it. The whole of India will stand as one man in a democratic government and then her power would be such that they would not be able to meet it. Then, Sir, the Honourable Commerce Member said that Indians were divided, that there was no unanimity in India, and unless we got that, it would not be possible for self-government to be established here. This is an old hackneyed argument. I should like to make him a present here of a passage giving the conditions that prevailed in his own country, when they were fit and quite fit for self-government. (*An Honourable Member* : " Are you talking of England or Scotland ? ") I am talking of England. Lord Dunraven in " Legacy of Past Years " says :

" The Penal Code came into existence under William immediately after the Revolution, and was extended under Anne and the first two Georges. It affected all human action and endeavour in every form of life. Catholics were prohibited from sitting in Parliament, and were deprived of the franchise. They were excluded from the Army, Navy, the Magistracy, the Bar, the Bench. They could not sit on Grand Juries or Vestries, or act as sheriffs or solicitors. The possession of arms was forbidden to them. They could not be freemen of any corporate body, and were allowed to carry on trade only on payment of various impositions. They could not buy land nor receive it as a gift from Protestants ; nor hold life annuities or mortgages or leases for more than thirty-one years, or any lease if the profit exceed one-third of the rent. Catholics were deprived of the liberty to leave property in land by will. Their estates were divided among all their sons unless the eldest became a Protestant, in which case the whole estate devolved upon him. Any Protestant who informed upon a Catholic for purchasing land became the proprietor of the estate. No Catholic was allowed to possess a horse of greater value than £5, and any Protestant could take the horse for that sum. A Protestant woman landowner was, if she married a Catholic, deprived of her property ; mixed marriages celebrated by a Catholic priest were declared null. A wife or child professing Protestantism was at once taken from under the Catholic husband or father's control, and the Chancellor made an assignment of income to them. Catholic children under age at the time of the Catholic father's death were placed under the guardianship of Protestants. Catholics were excluded from seats of learning. They could not keep schools or teach or act as guardians of children."

This was the condition, Sir, of your own country when you thought that you were quite fit for self-government and were having it.

Mr. President : Order, order, the Honourable Member's time is up.

Mr. M. V. Abhyankar : I will not then quote other passages, Sir, since my time is up. Indians have been led in the past to believe that the sole aim of the British rule in India was their welfare. This theory which was nothing more than a mask to hide the true character of British rule, has now been completely torn asunder. Dreamy and contemplative India cannot be deluded any more. Even the most Moderate of Moderates among us, as could be seen from the speeches of Sir Sivaswamy Aiyer and Mr. Rangachariar, has lost all his faith in the British people. At last he has found out that they are not gods, which he once believed them to be, and that they will not voluntarily forego the gains of power from considerations of mere justice. The Moderates no longer indulge, as was said by my Honourable friend Mr. Rangachariar yesterday, in the phrase "British justice." If, and the "if" is a very big one.....

Mr. President : Order, order. I cannot allow the Honourable Member to go on. Already I have given him two minutes more.

Mr. M. V. Abhyankar : I will finish in one minute, Sir. If, and the "if" is a very big one, there is such a thing as British justice, I would like to know from this House if the Irish people and the white people of Kenya had no faith in it. I can assure this House that they had plenty of it. Only whenever they wanted to appeal to the sense of justice of the British people, they also appealed to some other sense, so that two or more senses quite awake to the situation, and acting together, might result in some little justice. That is the way in the British Empire their own people have of getting things done, and that is the way they proceed to their business.

One last sentence, Sir, and I have done. We have a system of Government in India to-day which is treason to God's law, because under it the noble, free, virile, fearless, which is the red blood of a nation has become torpid and nothing can compensate us for so terrible a wrong. Wounded self-respect, complete deterioration in the manhood of the nation, economic evils of vast magnitude inseparable from foreign domination have become intolerable. The galling chains of subjection can no longer be endured by us, and we have made up our minds, I should tell the Honourable the Home Member in the end, to break those chains in spite of him and his Government. This is a critical juncture in the relations between England and India ; we have now reached a stage when it is necessary for our rulers, to take advice in time before it is too late and take a bold step to bring about a rapprochement, to conciliate the people of this country, and prevent any further alienation between the two countries, and unless this is done, who can foretell what is in the womb of futurity ? We on our side can only trust in God and seek from Him further light on the subject.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, several instructive and interesting speeches have been made both yesterday and to-day in regard to the general political situation in this country and to the issues that arise on the report which is associated with the name of my Honourable friend Sir Alexander Muddiman. Sir, in the concluding observations made by my

Honourable friend he expressed some amount of satisfaction that, before the end of his official career in this country, he would be able to put the recommendations associated with his name and those of the majority of his Committee into.....

The Honourable Sir Alexander Muddiman : No, Sir, I never said that ; I said I hoped I might be able to do some small thing to improve the administrative machinery.

Diwan Bahadur M. Ramachandra Rao : Sir, both my Honourable friend and my Honourable friend Sir Charles Innes referred to their long, and if I may say so, their distinguished services to this country, and if at the end of their careers in India they can only back up what I may call the very insignificant proposals which are embodied in the majority report, I am really sorry for them. Sir, the Government of India is now practically in the hands of a governing class. The governing class have decided the destiny of this country on all previous occasions, and Sir, the new Councils have been in existence for the last five years, and looking at the fact that the growth of public opinion is also a deciding factor in these matters, I at any rate expected that, whatever the merits of the proposals of the majority committee might be, my Honourable friend would take into consideration the general public opinion in regard to this question. Sir, almost every one of the witnesses before that Committee urged that dyarchy is a failure, that the inherent defects of the existing machinery are such that it is impossible to rely upon it as machinery of administration in the provinces, and that the principle of responsibility should also be introduced in the Central Government. Amongst those who have urged this view are the *ex*-Ministers in the provinces, and looking at the composition of the Committee, one of its Members, Sir Tej Bahadur Sapru, was connected with the Government of India at one time, and the latest addition to the Government of India, Sir Fazl-i-Hussain, has urged the transfer of all subjects in the provinces and also responsibility in the Central Government. So much. Sir, for the evidence. As regards the way in which these proposals were generally received in the country, there is not one single responsible public association or body or responsible organ of the Press which endorsed the proposals of the majority. In these circumstances, Sir, it is certainly most surprising that my Honourable friend should have the hardihood to get up in this House and ask us to accept the proposals embodied in the report of the majority.

Sir, having said this much, I may also point out that my Honourable friend himself was aware that one of his proposals would be endorsed by Indian public opinion, and the minority have also said the same thing. At page 186 they say :

"The Majority Committee say in their Report that no recommendations within the terms of reference would satisfy Indian public opinion. We desire to express our complete agreement with this opinion, though we do not agree with some of the members of the majority, who hold that there is a section of Indian politicians which will recognise that a constitutional advance has been effected if more subjects are transferred, particularly when the list of recommended transfers referred to above is borne in mind."

Therefore it is clear that both the majority and the minority are of opinion that nothing done within the terms of reference will meet with the approval of Indian public opinion, and yet the Honourable Member, conscious of the fact that nothing done within the terms of reference will meet with general approval asks us to endorse his recommendations.

[Diwan Bahadur M. Ramachandra Rao.]

Sir, apart from these general observations, my Honourable friend has skilfully avoided making any reference to any of the recommendations of the majority of the Committee. That is another argument in support of the view that he did not think it worth his while that he should elaborate and justify those recommendations in this Assembly. I do not wish to weary the House with the details, but if you look at the details, you will see that a pious observation or recommendation that the Meston Committee's Award should be revised, or that the Members of the Executive Council should not be in charge of any of the spending departments, or that the Devolution Rules should provide for Financial Advisers, or that the separation of accounts from audit should be given effect to, these and other recommendations in regard to the provinces will not carry us any further than we are at present. In regard to the Meston Settlement, the recommendation is qualified with those familiar words that the revision should take place "as soon as a favourable opportunity occurs." These words are familiar to us in connection with other pledges which have been made in regard to one of the burning questions of the day.....

The Honourable Sir Basil Blackett : Does the Honourable Member want that revision earlier ?

Diwan Bahadur M. Ramachandra Rao : I am merely discussing the views of the majority. My own views are well known, and my Honourable friend knows what I feel on the subject.

Mr. H. Tonkinson : What did the minority say on the same point ?

Diwan Bahadur M. Ramachandra Rao : Even if the majority and the minority may agree, that does not mean it is a sound recommendation.

Mr. K. Ahmed : What is the use of quoting those whom you do not approve ?

Diwan Bahadur M. Ramachandra Rao : My Honourable friend has a licence in this House which no other Member enjoys and I do not think it is necessary for me.....

Mr. President : I would ask the Honourable Member to ignore Mr. Ahmed's interruptions.

Diwan Bahadur M. Ramachandra Rao : Sir, so much for my Honourable friend Sir Alexander Muddiman. My friend Sir Charles Innes made some observations about the size of India as a reason for the view that responsible government is unsuited for India or very difficult to introduce. I do not know, Sir, whether at any future time India will become smaller than it is now. Does my Honourable friend suggest that on account of the size of India there should be two Central Governments in this country ? It is impossible to understand the relevance of the size of India in a consideration of this question. There are Provinces and provincial administrations and if necessary the question of the redistribution of provincial areas may be taken up and decided. Then my Honourable friend referred to the social structure of India and also to what he called the want of fundamental unity in this country. This argument has often been brought forward. On the occasion when Lord Cross's Act was under discussion the same arguments were used. The communal differences, caste differences, religious differences, these and others which exist in this great continent have been trotted out. There was again evidence of this when

the Act of 1909 was under discussion. Then on the occasion when the Parliamentary Joint Committee investigated the matter all these differences and communal difficulties also came up for consideration ; and in 1924 when the Resolution about Dominion status was under discussion the same views were expressed. Nevertheless every time the Government of India, or rather His Majesty's Government, has taken a definite step forward. The Preamble to the Government of India Act says that the goal of His Majesty's Government is the establishment of responsible government in the country. Therefore, Sir, I really do not understand why the same argument which has been urged on so many different occasions when a definite step forward has been taken should again be used on the present occasion to prevent a further step in this same direction being taken. So much for these differences and difficulties. Perhaps in this connection I cannot do better than invite the attention of Honourable Members to what Mr. Ramsay MacDonald, the late Prime Minister, said in regard to this question during the debate on the budget estimates in the House of Commons on Colonel Wedgewood's motion :

"Having said that, I should like to make our position clear upon another point, which is very germane to that. We are constantly being told that India is not a nation, that there are so many hundred tongues and dialects, so many religions, so many sects, so many castes always coming up again and again. All I am concerned with is this, that I will defy anybody to turn to me a page or a section in the history of India, where the life of India was running at the full, where in peace or in war, turn to me one single section of those religious philosophies that are really the basis of the life of the Hindu, and point out to me anything where there is not underlying all the assumption, the aim of Indian life was unity within the peninsula. It has been the aim of everyone, of every conqueror, to unify that peninsula. It has been the aim of every statesman. The Hindu, who utters his religious prayers at the Ganges, the whole conception of the Indian mind is unity, and the fact of a common habitation in the peninsula has gone far to remove, at any rate amongst the sections that are creating our political problems—I say that amongst those people the difference between Hindu and Muhammadan is steadily being bridged over, and the leaders of both sections are constantly in the same category."

Sir, this is the view which my Honourable friends opposite should take and they should not urge the same arguments and the same differences which have been referred to on previous occasions.

Sir, I do not wish to take up the few minutes at my disposal with any further observations in regard to either of my Honourable friends opposite. I only wish to refer to one aspect of the scheme which has been embodied in the amendment of my Honourable friend Pandit Motilal Nehru, and that is the aspect to which my Honourable friend Mr. Rangaswami Iyengar made some reference yesterday. Our point is that the whole scheme of the Government of India Act, 1919, is unsatisfactory. We say that unless the revenues of India are vested in the Government of India and are administered under a responsible legislature, there cannot be any responsibility in financial administration and no other change except this will meet the requirements of the situation. Sir, when the Act of 1858 was enacted, there were at that time both the Board of Control and the Court of Directors, and the Council of the Government of India was really a reproduction of the Board of Control and the Court of Directors. Even at that time, Sir, many people accustomed to the free institutions of Great Britain had great difficulty in reconciling themselves to the creation of a Council at the India Office. A good many of the Members who took part in the debate on the India Bill in 1858 deprecated the creation of a bureaucracy at the India Office. They said that the mismanagement of colonial affairs which was then present in the minds of the people was

[Diwan Bahadur M. Ramachandra Rao.]

due entirely to the bureaucracy at the Colonial Office ; and in his famous report on the affairs of British North America Lord Durham complained that owing to repeated changes in the political chiefs at the Colonial Office the real management of the Colonies fell into the hands of the permanent officials, and this was felt by the Colonies as a great grievance ; and a group of British reformers at that time who were working with Lord Durham held exactly the same views.

Mr. President : It is a very unpleasant thing for the President to have to remind Honourable Members of the time limit, but I hope the Honourable Member will bring his remarks to a close.

Diwan Bahadur M. Ramachandra Rao : Well, Sir, I only wish to point out, if you will give me one minute, that the abolition of the India Office was advocated also by the Crewe Committee. They said :

> "We reiterate however our opinion that the present is the most opportune time, both for political and constitutional reasons, for marking the inception of the Reforms by a definite and unmistakeabe change in the Home Administration of India."

They suggested that the India Council should be purely an advisory body and that the statutory functions of that body should be abolished. If I had the time I would have shown that all the clauses of this amendment have been discussed by Indian public opinion during the last 40 years. The abolition of the India Office was referred to in the first Indian National Congress. It was agreed to in 1916. It was urged before the Joint Parliamentary Committee ; and if my Honourable friend, Sir Alexander Muddiman who is generally acquainted with the political literature of this country, would take the trouble he will see that this amendment represents the general consensus of opinion in India. We are perfectly certain that the conditions imposed by the Secretary of State in his speech have been fulfilled in regard to the amendment which is now before the House.

Mr. Chaman Lall (West Punjab : Non-Muhammadan): Sir, it is with the greatest diffidence that I rise to-day to take part in this debate. I am convinced that the atmosphere which surrounds the proceedings of this House on this question is surcharged with unreality. There, on the one side, you have the Treasury Benches convinced of their might, of their great power. There, on the other side, you have the representatives of the people of India convinced of the righteousness of their cause. On that side, Sir, you have nothing but brute force. On this side, we have nothing but the Will of the people. You happen to be convinced at the present moment that the Will of the people is not strong enough to assert itself, and it is because of that that you here in this House, Lord Birkenhead in the House of Lords and His Excellency the Viceroy in opening this Session,—take up the attitude that there is nothing doing as far as the demand for political freedom is concerned. You may be right or you may be wrong; events and the future will justify you or justify us. But let me at the outset give you this warning: do not depend too much upon the brute force that you command now. That force, that power, that strength is a double-edged sword. You may use it to put us down now, but in the end it will result in nothing less than the destruction of the present system of government. You are challenging constitutional struggle in India to-day. You are trying, you are doing your worst, to destroy that constitutional struggle. No man, Sir— and I address these words in all earnestness—no man in India knows what the end of this may be. We are faced to-day, not with

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the issue which the Honourable the Commerce Member presented to us, but with the issue which the Honourable the Home Member refused to face. The issue is very simple. Last year, when we the Swarajists came into the Assembly, we came with the determination either to mend the Assembly or to end it; and as a beginning we presented you with our demand—a very modest and moderate demand. You were at the moment under the tutelage, the Government of India were under the tutelage of a party which was supposed to represent the cause of righteousness as far as India was concerned—the Labour Party; and under the pressure of the Labour Party you were compelled, let me remind you, to set going your committee known as the Muddiman Committee. But with it you gave an undertaking to this House that if in the examination of the constitution of India defects were discovered which would make it impossible for the constitution to work properly, then the matter would be left open. What I want to draw the attention of the House to is this, that the overwhelming evidence which you took in that committee proves that the working of this constitution has become impossible. You, Sir, have not faced that issue. That issue is perfectly clear. The people of India say to you "We cannot work this constitution; there is no popular will behind it; there is no popular sanction behind it; the constitution itself has been proved by evidence to be unworkable." Yet you will persist because you know that you have brute force on your side in telling us that we must continue to work this constitution, that we must continue to co-operate with you in working this reforms scheme. What is it that you mean by co-operation? Co-operation with what? With a scheme which every witness, every Minister who gave evidence, barring one, and gave willing co-operation to you for three years, has said to be unworkable, a scheme which it is impossible to regard as one which would lead to the success of the reforms? And yet, Lord Birkenhead, after a very painful period of intellectual parturition, comes out with the statement that he expects the people of India to co-operate before he could do anything for the people. What is it that you are demanding of us? A one-sided bargain: you say "Give up your fight; give up your non-co-operation outside the Councils and inside: come to us like beggars; eat humble pie, and then, and then only, in the might of the British Empire, in the wisdom of the British Empire, we may consider at some future date your claims." That, Sir, is a one-sided bargain that you are asking of us to make. There is no man from the leader of my Party, from the leader of the Independents in this House downwards, no politically-minded intelligent man in the country, who is prepared to accept such an ignominious and humiliating position for himself or for his country. Lord Birkenhead said—and let me remind those who may still have doubts as to the meaning that His Lordship wished to convey to his audience—he said:

"Conformably with the principles laid down in the Preamble one constitution or another might at one time or another be attempted. Experience, educating us, or informing our critics in India might induce us to make an amendment here or an advance or a variation there. But the whole message as we understand it of our situation in India with all it involves, in the storied past, in the critical present and in the incalculable future is to be read in that Preamble."

He says that India must be tied to the apron strings of the British Empire until it pleases the rulers of the British Empire to take notice of us.

His Excellency Lord Reading supplemented that and said:

"My Government and I"—*and this is absolutely definite*—"after most carefully weighing their views have reached the conclusion that the moment for an inquiry has not yet arrived."

[Mr. Chaman Lall.]

That, Sir, is the situation to-day, the constitutional position. As far as the political situation is concerned, everybody knows that a constant and ceaseless struggle has been waged against British Imperialism in India. It has been waged by every political party in India, in different ways no doubt, by the non-co-operators, by the Swarajists and by the Moderates. Is there any man in his senses in India to-day who believes that that fight is going to come to an end? We may not have the sanction behind us at the present moment. But there is no man who believes that the time will not come, and very shortly come, when we shall have the sanction behind us. We do not intend, Sir, at least the Swarajists do not intend to commit political *hari kari*; we are not going to efface ourselves by merely listening to these sweet words which mean nothing. Your policy is a policy of do-nothing; your policy is a policy of repression; your policy is a policy of tyranny undiluted, because you know that you have the power of your sword. Our policy is a policy of suffering; our policy is one of organisation; we shall go to our people; we shall educate our people; we shall organise our people and will make it impossible for this Government to sit upon the high pedestal upon which it is sitting at the present moment. Just as Humpty Dumpty, as the old maxim says, sat upon a wall, so the British Government are sitting upon the wall. But remember the time will come when Humpty Dumpty must have a fall, and netither the King's men nor any power on God's earth will be able to set you up again.

I heard the Honourable the Commerce Member say: "We are the trustees of the people of India." Trustees of India—are you the Lord's annointed and the Lord's appointed? Who appointed you trustees of India? Robbers and thieves, that is what the British people in India have been. They have not been trustees of India. You have broken every pledge that you gave us, broken it to the ear of the peoples of the world; you have treated with contempt.....

Mr. President: Order, order. The Chair must discourage this practice of constantly and repeatedly addressing the Treasury Benches instead of the Chair.

Mr. Chaman Lall: Sir, I was addressing you and through you the Treasury Bench. I can find no fitter medium through which I could convey my impressions and my thoughts to the Treasury Bench than through you. Here are statements that show how the British Government in India have treated their trusteeship. Here is the view of His Grace the Duke of Argyll:

> "We have not fulfilled our duty or the promises and engagements which we have made with the people of India."

That is a very high authority who says that you have not fulfilled your promises, that you have been promise-breakers to the people of India. Here is another authority which says:

> "The English rulers stand sentinel at the front door of India challenging the whole world that they do and shall protect India against all comers, and themselves carry away by a backdoor the very treasure they stand sentinel to protect."

Trustees! Trustees of a treasure which they are protecting for their own good. Sir, let me remind you of what Major Baring said. He said that "the extreme poverty of the mass of the people" of India was a fact. Sir George Campbell, reiterating that, said that "the bulk of the people are paupers". Mr. Robertson, who was Agricultural Reporter to the

Government of Madras, said, speaking of the agricultural labourer in Madras, that

"His condition is a disgrace to any country calling itself civilised. In the best of season, the gross income of himself and his family does not exceed 3*d*. per day throughout the year and in a bad season their circumstances are most deplorable. I have seen something of Ireland, in which the condition of affairs bears some resemblance to those of this country but the condition of the agricultural population of Ireland is vastly superior to the condition of the similar classes in this country."

Here is Lord Lawrence, once Viceroy of India, saying "that the mass of the people were so miserably poor that they had barely the means of subsistence." Here is Sir William Hunter telling us this. He is the best defender of British Administration in India. He says "that 40,000,000 of the people of British India go through life on insufficient food."

That is your trusteeship. You are welcome to your trusteeship.

Mr. President : Order, order.

Mr. Chaman Lall : I did not catch the interruption.

Mr. President : The Honourable Member must address his remarks to the Chair and not to the Treasury Benches so repeatedly.

Mr. Chaman Lall : I want a definite reply from the Honourable the Home Member when he gets up to speak. I want him to enlighten the House as to how he has fulfilled his trusteeship to the people of India. Statements have been made in the House of Commons that in India the trusteeship of the British people in India is so construed as to mean that no support, no sustenance is to be given to the poor people of this country, that the masses are to be ignored and that the masses are never to be taken into consideration. Here in this House you have 20 representatives of the vested interests in India. Have you one representative of the masses and yet you call yourselves the trustees of the Indian people. Never have I known such a hypocricy of trusteeship. In the House of Commons, it was stated that out of a thousand children born in 1922, 667 died within a year of their birth. What was the trustee doing then ? Sleeping a sound sleep ?

"When I consider life (Reforms) is all but a cheat,
Yet fooled with hope and men favour the deceit,
Trust on and to-morrow will repay,
But to-morrow is falser than the previous day."

This is the condition of British Government in India. Politically, constitutionally and socially this administration is a bankrupt administration. As I have said on another occasion it has no sanction behind it but the sanction of brute force. No doubt you hold the sword in your hand. The time will come when the people of India may be driven not to actual violence but to something worse than actual violence and you may repent that day when that situation arises. I do not want that situation to arise. Let me be clear about it. My leader does not want that situation to arise. He has held before you the hand of friendship. If you turn that gesture down, it will certainly be a day which the British Government and the Government of India and the whole British Empire will repent. I do not approve of violence. We are pledged to non-violence. It is the British Government in India that hold the brief for violence, which always dangle their sword before us. We ask you to remember that in presenting this case, Pandit Motilal Nehru has done so in a meek, mild and humble fashion. It is the first occasion when the Swaraj Party as a party

[Mr. Chaman Lall.]

has come out and accepted the programme not only of Independents in this House but actually of the National Liberal Federation. It is to show the British Government in India that we as a party stand united with all parties in India and the difference between us and the Moderates and other parties in India is this, that when the time comes for the sanction to be enforced we shall be there to enforce it. The National Liberal Federation and the Moderates at the present moment say exactly what we are saying.

Mr. President : The Honourable Member has already exceeded his time limit.

Mr. Chaman Lall : I have no intention to continue, but I will just say one parting word and that last parting word is this—that in my opinion, in the opinion of my Party and in the opinion of the leader of my Party, we and the British Government are at the parting of the ways now. The struggle is bound to continue if this hand of friendship which is held out to the British Government is not accepted. In one hand the British Government hold the sceptre which is the symbol of tyranny and on the other hand they hold the sceptre which is the symbol of friendship. We ask you to hold out to us the hand of friendship, because we are offering you our friendship. You want our co-operation. We are willing to co-operate only on the condition that you accept the principles underlying that co-operation. We cannot place our life and our liberty in the hands of the British Government, of Lord Birkenhead or Lord Reading or any system of Government that may be in existence here or in England. We want a definite announcement on the part of the authorities that they are prepared to accept the principles that are laid down in the amendment of Pandit Motilal Nehru. If that is conceded, if that is accepted, I see no difficulty whatsoever in a reconciliation being arrived at, but if it is not, take it from me that we shall go to the country and raise up a storm against you—a storm that you shall never be able to meet with any sort of gesture except the gesture of defeat writ large upon your face.

Mr. President : Before Sir Basil Blackett speaks, I may explain that the Chair does not object to a Member occasionally addressing the Treasury Benches. That may well be construed as addressing the Treasury Benches through the Chair. But when a Member addresses the Treasury Benches repeatedly and all the time he is speaking without any regard to the existence of the Chair, the Chair must intervene and take exception to such conduct.

The Honourable Sir Basil Blackett : I have no desire to ignore the Chair. Indeed the present occupancy of the Chair is one of my strongest arguments in answer to the rather pessimistic claims that are put forward by some of the more vociferous speakers on behalf of the other Benches that there has been no progress and that the reforms are worth nothing and that the Government do nothing but sit still. (*An Honourable Member* : "That is in spite of you.") I do not rise for the purpose of making a long speech and I shall do my best to keep within the time limit. One or two challenges have been thrown out to the Finance Member in the course of the debate which I feel it is perhaps desirable that I shall not entirely ignore. Let me begin with my Honourable friend Diwan Bahadur Rangachariar. He quoted Sir Alfred Mond's rather pessimistic

remarks about the working of the reforms. They were based on Sir Alfred Mond's experiences of the budget debates of March 1924. Sir Alfred Mond, the Welsh statesman, was nearly as pessimistic as the Madras statesman, who has a special aptitude for pessimism (*Diwan Bahadur T. Rangachariar* : "Robust.") Robust pessimism. But I think that those who look back to the debates of February and March 1924 and contrast those debates with the debates of to-day and with what has happened in the meanwhile will realise that there has been a very great change.

Even my Honourable friend who has just spoken, and who has such a magnificent gift of eloquence and so little to say—(Laughter) has learnt quite considerable lessons since February 1924, and Mr. Abhyankar also has come on quite considerably ; they have both retained their old style, but there is very much more substance in what they have to tell us. They have learnt a good deal by co-operation, for I think that the real lesson of the last 18 months is that there has been a very great deal of co-operation. (Hear, hear.) There was co-operation in passing the Steel Protection Act, there was co-operation in effecting the separation of the railway from the general finances, there was co-operation in connection with the last Budget, and I believe that the historians of the second Assembly will eventually say that it had as good a record as the first in the matter of co-operation. So I refuse to be pessimistic.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : It depends on what you are going to do.

The Honourable Sir Basil Blackett : Several speakers have referred to that passage in the amendment which deals with the transfer of control of the purse from the Secretary of State in Council and the British Parliament to the Governor General in Council and the Indian Parliament. Now Mr. Rangaswami Iyengar spoke as if there was no kind of control of the purse in India, as if the Secretary of State in Council were the absolute, autocratic master in this respect. Mr. Rangaswami Iyengar has been sitting for the last month on the Public Accounts Committee, and I take this opportunity of saying that he has been an extraordinarily valuable colleague. He has I think in connection with the Public Accounts Committee obtained very many proofs that the reforms *have* transferred a very potent weapon to this Assembly, for control over Government finance, even in the non-voted portions.

Mr. A. Rangaswami Iyengar : May I say one word of explanation, Sir. What I said was not that this Assembly had not any statutory powers under the present Government of India Act ; what I said was that despite those powers which have been conferred on the Assemblies in India, the Secretary of State in Council to-day possesses the power of overriding the whole Budget of the Government of India under some other rules or provisions.

The Honourable Sir Basil Blackett : My answer would be that he cannot quote a single case in which that has been done, and that any arbitary attempt to exercise that power would immediately bring its own retribution.

Mr. A. Rangaswami Iyengar : But, Sir, the law is there and there were instances in the past.....

Mr. President : Order, order. Sir Basil Blackett.

The Honourable Sir Basil Blackett : Sir, I have only a quarter of an hour, and I will do my best to keep within it, but I cannot if I am continually interrupted. Therefore, I say that whatever the technical explanation of the position may be, there has been a tremendous advance and a tremendous advance is going on all the time. I have not got the figures, but I am sure that figures comparing the numbers of Indians in high responsible positions in the Government of India five years ago and to-day would show very remarkable results.

Let me now come to Sir Purshotamdas Thakurdas. He was anxious to prove that it was necessary in the interests of the commerce of India that there should be a Government responsible to the people. He quoted several instances. Now I do not want to go into those particular instances just now. We shall have a discussion on the cotton excise duty, before very long apparently, and the other subjects are not strictly germane, if one gets deep into them, to the discussion now going on. But I should like to ask my Honourable friend, Mr. Devaki Prasad Sinha, or my friend, Sir Sivaswamy Aiyer, whether they are quite sure that a Government responsible to this Assembly would have done what Sir Purshotamdas Thakurdas apparently wishes, and guided our currency and exchange policy entirely according to the views of the particular section of Bombay. I have a much better opinion of the Indian capacity for self-government than that. I am quite sure that if there had been a ministry responsible to a Parliament, that ministry would have endeavoured to conduct its currency and exchange policy very much on the lines that this Government have conducted it for the interests of the people as a whole. If then Sir Purshotamdas Thakurdas is really right in the complaint that he makes against this Government that it has not done exactly what a particular section of Bombay has wanted in various matters, that surely is a strong argument, a much stronger argument in Sir Purshotamdas Thakurdas's mouth than it ought to be, for a ministry representing something more than this Assembly at present represents : for if Sir Purshotamdas Thakurdas is right that a ministry appointed by this Assembly would have neglected the interests of India as a whole to the extent that he desired, then Sir Charles Innes must be right in saying that a Government such as now exists is required which represents the people of India somewhat more widely. I do not agree with that argument in this case because I do not believe that Sir Purshotamdas Thakurdas was right in saying that the present Government have neglected the interests of India in the matter of commerce, or that a Government responsible to this Assembly would have been so unwise as to adopt entirely the views represented by the Bombay Merchants' Chamber and Bureau. I have a great affection for that Chamber—(Hear, hear)—for I know whenever I visit Bombay that I shall have a lively discussion and shall meet some live friends there. But I do claim that the Government of India have the right and have successfully exercised the right of representing wider interests than those which are sometimes pressed with great vigour by that particular body.

The amendment before us to-day is rather a difficult one to understand. I am waiting with great interest to hear how Mr. Jinnah will explain how it is in accordance with the views of the minority report on the Reforms Inquiry Committee. Of course it has one great virtue : it

is open to a Swarajist interpretation, to an Independent interpretation, and to a Moderate interpretation, and as far as I can make out the three interpretations are not the same. (*An Honourable Member* : " They are incompatible.")

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : It is a crowning achievement.

The Honourable Sir Basil Blackett : They are entirely incompatible and will thereby salve the conscience of a large number of people holding entirely different views when they vote for the same Resolution and mean entirely different things. (*Several Honourable Members* : " No, no.") But let me try and put this amendment in the form in which I imagine it really is meant to go. I do not pretend that it says so. (*An Honourable Member* : " Would you like it to say so ? ") But it has I think a least common denominator. It begins by saying,—" We do not object to most of the detailed recommendations in the majority report, but we do not think that they are of great importance. We do object to the principle of the majority report, that is, we do not agree that it is worth while making a further effort to work the existing constitution and tinker with it (*An Honourable Member* : " Quite right.") Our view is that the constitution is faulty—and here I have to interpret a little—and we ought immediately to appoint a statutory commission or a Royal Commission or some other suitable agency for I think the words " other suitable agency " in the amendment are meant to hint at a Royal Commission to reconsider the constitution. (*Mr. M. A. Jinnah* : " A bad constitution.") There is no need to insert additional epithets. Then it goes on to say : " The idea of the new constitution we have in mind is something on the lines laid down in the clauses of the amendment and we should like the statutory commission, when appointed, to consider that line as being the most hopeful line of advance. We should even be willing to insert a provision for a veto here and there and other things suitable in a transitional stage." That is how I interpret the amendment, as Mr. Jinnah perhaps would put it. I do say that that is not the amendment as it is down on the paper. If that had been the form of the amendment and if this Assembly had come forward and said : " Of course this cannot be done all at once, and for the rest of the life of this Assembly and for the beginning of the next, we will co-operate to the best of our ability ", then instead of being, as I see it, in form an entire rejection of the invitation from the British Government and from Lord Birkenhead and from His Excellency the Viceroy to co-operate, it would have been a material contribution to discussion.

Mr. A. Rngaswami Iyengar : Will you frame an amendment and propose it ?

The Honourable Sir Basil Blackett : I am not good enough at drafting amendments. That seems to be the particular gift of the Whip of the Swarajist Party and others. I do not wish to exceed my time limit or to go further into the matter than that ; it does seem to me that there is really a great opporunity before us at the present time. It is not so very long before in any circumstance the statutory commission must be appointed. There are an immense number of details in the working out of a new constitution which require study before that statutory commission comes. This amendment—this is another striking point about it as I understand it—states quite definitely that we are

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satisfied that constitution on western lines is what India wants. (*An Honourable Member* : "No.") That is what the amendment says. I do not know of course what anybody who votes for it may want. The amendment says that the future constitution of India must be on western models. Now, it has often been said that the present constitution is an experiment. It is an experiment to my mind not nearly so much on the question of the capacity of Indians for self-government, as in the possibility of adapting to the conditions of a very great Continent in the East the ideas and methods of western responsible democratic government.

Mr. A. Rangaswami Iyengar : This is a hybrid affair.

The Honourable Sir Basil Blackett : It may indeed be said that the amendment is hybrid, but, as I understand it, the united wisdom of the three parties in the House comes forward and says we want a constitution on the western model and this is our general idea of it.

There are details in this constitution that I should like to deal with. It suggests that provincial autonomy should be immediately granted. I think "provincial autonomy" is a nice phrase that hides two quite different thoughts. There is the question of making the Provincial Governments absolutely responsible to the provincial Legislatures in the provincial sphere. There is the quite separate question of what powers should be granted to the Provincial Governments. Provincial autonomy is a subject which has taxed the wisdom of the framers of all constitutions, federal constitutions, in the world. It has been well said that the constitution of the United States of America all but broke down over the question of State rights when it was being framed ; one of the most disastrous civil wars was fought on the question of State rights and the question is entirely unsolved to-day. That is..... (*An Honourable Member* : "Slavery" *Another Honourable Member* : "And yet they go on.") The question of slavery was the immediate occasion, but it was quite incidental according to the views of American historians and the real cause was the question of State rights. The question of provincial autonomy is one of the subjects on which we might seriously think in the interval before it is possible to take the next step. There are many other subjects of the same sort ; one of them is Mr. Rangaswami Iyengar's own subject, the question of the financial relations of provinces to the Central Government and of the Central Government to Parliament. However, I see, Mr. President, that I shall shortly be putting myself under your ban if I continue. I will therefore content myself with making one more appeal to the House. Let them think again about this offer of co-operation. If they really mean an offer to co-operate by this rather catholic (though catholic is perhaps dangerous adjective to use to-day) amendment, let them think whether they cannot frame it or at any rate explain it in a form that will not be what it is at present, a direct rejection of the offer of the Secretary of State to consider any constitution that may have had behind it wide support of Indian opinion and a direct rejection of the Preamble of the Government of India Act, which says that the manner of any advance must be determined by the British Parliament.

Mr. M. A. Jinnah : I am very doubtful whether this debate will be at all fruitful in the end. Sir, I feel at this moment that the atmos-

phere is very gloomy and the political horizon is certainly very dark. But in the first instance, let us try and understand what is the question before the House to-day. Sir, the history of this question is a very old and long one, but I do not propose to go into that history beyond 1919. In 1919, when the Government of India Act of 1919 was passed, I think the Government know perfectly well, that there was a large body of people who were not satisfied with the Act of 1919, but, nevertheless they said that they would try to work it for what it is worth. The Government knew that perfectly well and Lord Birkenhead could not be so badly informed—although he has not referred to it in his speech—and I am sure that in those conversations which he had with Lord Reading in England he must have been fully apprised of those factors and situation. Not only that, but they are mentioned in the Muddiman Committee's Report, which, I believe, His Lordship Lord Birkenhead must have read. The reasons why the non-co-operation movement started, and found its existence and was carried on were the extraordinary events which moved the blood of every man, woman and child in this country. (Hear, hear.) Sir, the Punjab question no longer exists : Jallianwala Bagh we cannot forgive, but we are willing to forget. The Treaty of Sevres is gone ; the Khilafat question does not exist in that acute form. But, Sir, the question of Swaraj remains. Now let us recall the recent history of this question in 1921, what did this Assembly, composed of men who came here to co-operate with the Government at the risk of obloquy and odium of public opinion, do in 1921 ?

In 1921 a Resolution was moved and the Government practically accepted that Resolution. That Resolution ran as follows :

"That this Assembly recommends to the Governor General in Council that he should convey to the Secretary of State for India the view of this Assembly that the progress made by India on the path of responsible government warrants re-examination and revision of the constitution at an earlier date than 1929."

Well, Sir, to that we got a reply from His Majesty's Government and there were three objections raised. The first reason was that the progress was possible under the existing constitution. 'This House will mark the words that the progress was possible under the existing constitution.' The second reason was that the merits and capabilities of the electorate had not been tested by time and experience. And the third reason was that the new constitutional machinery had still to be tested in its working as a whole. To that the answer was given by this Assembly by a large vote on a Resolution in February 1924, which was accepted. That Resolution, as amended by the amendment of my friend Pandit Motilal Nehru, was accepted by every section, almost without exception, on this side of the House. The House will remember that at that time I for one made it quite clear that the round table conference was merely an agency. What we wanted was that steps should be taken to establish responsible Government in India. It was not a question of a round table conference or a square table conference, about which we make bones. It was not a question that we were going to get responsible government now here at this moment. The question raised by the House was that the Government of India Act was unworkable and that the time had come when this Act should be revised and reviewed. Sir, to that question the answer was—I am not going into details—that the Reforms Inquiry Committee was constituted under the aegis of the Labour Government. The terms of reference of that Reforms Inquiry Committee were unfortunate ; they are well known to all the Members of this House. Sir, it was asserted that progress of a

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substantial character was possible within the policy and the structure of this Act. We joined issue. Then we were told : " Very well, that is your position. At any rate, we want to make an inquiry. And, if our inquiry shows that substantial progress was not possible within the structure and the scope of this Act, then the question of revising or reviewing the constitution is a separate issue which will be considered hereafter." Remember that was a clear and a definite term of reference to the Muddiman Committee, namely, that, if our inquiry showed it, we were to say that substantial progress was not possible within the Act and the constitution should be revised. Well, Sir, here I refer to the speech of Colonel Crawford, who went to the length of saying in this House and on the floor of this House with all the responsibility that he carries that the impartiality of the minority was damaged at the very outset of the inquiry. Sir, I am sure if the gallant Member had tried to understand the constitutional aspect and if he had read those observations which he quoted in order to establish the proposition that the impartiality of the minority was damaged, he would have been the last person to have made such a reckless allegation. What are the observations upon which he relied ? The observations on which he relied are to be found on page 132 of the Muddiman Report. I shall quote those observations and I appeal to Colonel Crawford again to read those observations carefully, and I also appeal to him that he should withdraw the suggestion which he made against the minority. (Hear, hear.) Sir, what did we say ? We said :

" We beg to point out that, having regard to terms of reference, we felt at the very commencement of our work that although it was open to us to traverse a large ground so far as the inquiry was concerned, yet in the matter of remedial proposals our scope was very much limited by the language used in clause (2) of the terms of reference."

Now, is that not a fact ? Is that not true ? Does Colonel Crawford now realise what we meant ? Although the terms of reference gave us the power to inquire into the defects and the difficulties inherent in the Government of India Act from A to Z, yet we were precluded from examining those defects and recommending the remedies ? That is what we meant.

Colonel J. D. Crawford (Bengal : European) : On a point of explanation, Sir. In view of what the Honourable Mr. Jinnah has said, I desire to withdraw—(Applause)—any charges of partiality that I may have made against the distinguished members of the minority report. My intention was really to emphasise the fact that in my opinion the members of the minority had given undue attention to the political aspects overshadowing altogether the administrative aspects of the problem, and I felt that it was the administrative aspect and not the political aspect with which the man in the street and those engaged in trade and commerce were mainly concerned.

Mr. M. A. Jinnah : I am not going to quarrel with the point of view of Colonel Crawford at the moment. I grant that there are differences of opinion. But that is not what I am going to deal with at this moment.

Sir, now I shall proceed further. Now, what is the question before this House ? The question upon which I again want the House to rivet its attention is this. Is this constitution to be revised, to be reviewed at an early date, or are we going to wait until 1929 ? That is the real issue and that is the question which we have got to consider. Now, Sir, we maintain

and there can be no doubt—even Lord Birkenhead and the Honourable the Home Member cannot gain say it—that the inherent defects of dyarchy make any real progress towards responsible government impossible within the structure and the policy of the Act. What does Lord Birkenhead say on this point :

"What then is it possible for me to say at this stage of the future? The wisdom of Parliament declared that after a period of ten years the Montagu-Chelmsford constitution should be revised by a Royal Commission. It will undoubtedly require such revision, and it cannot be too plainly stated that everything will necessarily be thrown into the melting-pot. Dyarchy itself is very obviously not a sacred principle. It must be decided by results. The conception was always doctrinnaire and artificial. A great measure of success may justify it where a smaller would not."

And then he quotes at the end of his speech a passage which is a well known passage and which has been quoted over and over again as a true and accepted estimate of dyarchy.

And he says that he had no quarrel with that description and estimate of dyarchy.

I will repeat that passage for I feel it would bear repetition :

"The Governor in Council in words quoted by the noble lord who moved has, it is true, placed it on record that in his opinion the dyarchy is a cumbrous, complex, confused system having no logical basis rooted in compromise and defensible only as a transitional expedient, my lords, I have said enough to make it plain that whatever other controversies may separate the noble lord and myself this will neither be one of the most better nor the most protracted."

Now, Sir, if so far I am right and we are right that dyarchy cannot possibly, having regard to its inherent defects, enable us to make any progress within the structure and policy of the Act—and we go further and say that if you make any amendments within the scope and structure of the Act, it does not meet the needs of the country, and certainly, I say it most emphatically, it does not satisfy a single section of the political minded people of this country—then what is the answer? The answer is, trot out all the arguments which in my judgment amount to nothing else but scandalising the Indian people. The first argument is that we are not a nation, therefore we must wait till 1929. Then I suppose suddenly we shall become a nation. Sir, the argument was advanced in 1919 when Mr. Montagu, the late Secretary of State for India, for whom I had the profoundest respect, said on the floor of the House of Commons :

"That pronouncement was made in order to achieve what I believe is the only logical, the only possible, the only acceptable meaning of Empire and Democracy, namely, an opportunity to all nations flying the Imperial flag to control their own destinies. (*An Honourable Member*: "Nations.") I will come to nations in a moment. I will beg no question. The Honourable Member raises the question of nations. Whether it be a nation or not, we have promised to India the progressive realisation of responsible government. We have promised to India and given to India a representation like that of the Dominions on our Imperial Conference. India is to be an original member of the League of Nations. Therefore, I say, whatever difficulties there may be in your path, your Imperial task"——

for which, Sir, the Honourable Sir Charles Innes is not ready :

——"to overcome those difficulties and to help India on the path of nationality, however much you may recognise"——

And I propose to ask the House to consider them :

——"the difficulties which lie in the path."

Sir, India is not a nation, we are told. We were a people when the Great War was going on and an appeal was made to India for blood and money. We were a people when we were asked to be a signatory to the Peace Treaty in France. We are a nation when we become a member of the League of

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Nations to which we make a substantial contribution. We are a nation or a people for the purpose of sending our representative to the Imperial Conference. We are your partners, but we are not a nation. We are not a people nor a nation when we ask you for a substantial advance towards the establishment of responsible government and parliamentary institutions in our own country.

Then, Sir, we are told—and I say again it has reached the point of scandal—what are our electorates, look at them. Then we are told, "Look at your education", "look at your position with regard to the defence of your country." Lord Birkenhead has done the greatest injustice in that statement of his in the House of Lords. We are told that we cannot give ten boys for the vacancies allocated to India for the King's Commission. I repudiate that as an entire falsehood. I can give you ten thousand if you want. You have closed that door to the Army to the people of India. You only opened that door under the stress of war in 1918 and allowed an Indian to be in a position to take the King's Commission, and now you turn round and say, "But nobody in India suggests that we can dispense with the British troops." You have placed a garrison, you have kept the sons of the soil out for a hundred years or more, and you now tell us we are not able to take up the defence of the country. Sir, it is well known, the Government know it, and if they don't know it, then I say they are not fit to govern. Lord Birkenhead may have indulged in pomposity but he has shown—I speak with the greatest respect, for after all he is Secretary of State for India—utter ignorance in the one-sided picture he has painted for the House of Lords, which is a slander of India's fair name.

Now, Sir, the next charge is education and here I come to my Honourable friend, Mr. Cocke. He has taken a very businesslike view. He did not pretend that he was capable of understanding constitutions and he pointed out what strikes the ordinary man. I am not going to exaggerate on the floor of this House, although I hold very strong views that there are difficulties, undoubtedly there are difficulties. A man who says there are no difficulties is not speaking the truth, but do not in the name of heaven scandalise us. We say that there are difficulties, but meet them and let us solve them as comrades together. That is what we want.

I do not want really to take up more time, but I want to deal with the next point, what is the answer of Lord Birkenhead, His Excellency the Viceroy and the Honourable the Home Member. They all say there is one condition. The minority report means that we want a Royal Commission, but says the Honourable the Home Member, there is a clear condition before the Royal Commission can be announced. Before Government do that there is one clear condition. He did not add the word "precise" which Lord Birkenhead did, but I will add both "precise and clear", and the condition is that responsible leaders must co-operate. I again here ask the Government, I ask Lord Birkenhead, I ask Lord Reading, what is your answer to those men who have co-operated with you? None. Your answer to me as one who has not non-co-operated with you is this.

1 P.M. Will you bring a section of the politically minded people, who happen to be the largest political party, will you bring them down on their knees? Will you bring Pandit Motilal Nehru to bow down to the throne at Viceregal Lodge, and

say "Sir, I am humble, I crawl before you, and will you now be graciously pleased to give me a Royal Commission? Is that what you want? What has Pandit Motilal Nehru been doing in this Assembly? Has he not been co-operating with you? What more do you want? I want to know what more you want, and may I know what evidence, what proof, documentary or oral, do you want me to produce or adduce that the responsible leaders are willing to co-operate with you? Have you no eyes, have you no ears, have you no brains? (*An Honourable Member*: "No hear".) Sir, so much for co-operation.

Now I come to the next point. I think if Sir Basil Blackett had confined himself to the financial aspect of this question we would have done much better, instead of interpreting a constitutional document and trying to give some meaning to it. Well, Sir, I will not say anything more. I say that document is clear: it speaks for itself. But if Lord Birkenhead and His Excellency the Viceroy, and even the Honourable the Home Member, had stopped at this, that as soon as the responsible leaders show evidence of co-operation and show that they are willing to work this constitution for what it is worth, we shall certainly appoint a committee at an early date, if they had stopped at that, I could understand it. But what do we find? The pomposity and pedantry of Lord Birkenhead does not stop there and it is repeated here. He says further:

"It has always seemed to me that a very simple answer may be made to such a contention. We do not claim in Great Britain that we alone in the world are able to frame constitutions, though we are not altogether discontented with our humble constructive efforts which we have made in this field of human ingenuity."

I certainly admit, Sir, that dyarchy was a human ingenuity. Then he goes on:

"But if our critics in India are of opinion that their greater knowledge of Indian conditions qualifies them to succeed where they tell us that we have failed, let them produce a constitution which carries behind it a fair measure of general agreement among the people of India."

Here we are peoples of India:

"Such a contribution to our problems"

They are their problems, not ours:

"to our problems would nowhere be resented. It would, on the contrary, be most carefully examined by the Government of India, by myself, and I am sure by a Commission, whenever that body may be assembled."

Lord Birkenhead therefore says, well give us an idea of your constitution. Now I turn again to my friend the Honourable the Finance Member, and I say that, if he will be kind enough to read that amendment, he will see that that amendment lays down the definite lines on which the constitution should be amended. Am I wrong in saying on the floor of this House, as an answer to Lord Birkenhead, that these are the fundamental changes that I want to be embodied in this constitution? Am I wrong in that? You may say that my proposals are wrong; you may say my proposals are defective: you may point out to me where I am wrong, and certainly I for one make it clear that I am open to conviction.....

The Honourable Sir Charles Innes (Commerce Member): Will the Honourable Member explain whether he accepts what Pandit Motilal Nehru said yesterday, that not a comma of this amendment must be altered?

Mr. M. A. Jinnah: I am used to the mischievous attitude of the Honourable the Commerce Member, and he will not draw me into his parlour. I have known the spider too long and the fly is not going to be caught. Now I shall proceed, untrammelled by any mischief. I say this amendment is an answer to Lord Birkenhead.

Well now, Sir, let me come back to my Honourable friend Sir Charles Innes. What did he say? He said the Preamble can go to the winds; that does not matter.

The Honourable Sir Charles Innes: What I said was that Preambles could be altered.

Mr. M. A. Jinnah: Yes, therefore they can go to the winds. Well, surely they are not sacred; they can be altered as we like.

The Honourable Sir Charles Innes: Not as you like.

Mr. M. A. Jinnah: You and I. Anyhow, Sir, I have been in the legal profession for a long time and I always thought that no Preamble was sacred, no Statute was sacred, no provision of a Statute was sacred. As a matter of fact let me tell Sir Charles Innes, if he does not know it, that the Preamble has always to recite the evil it is intended to cure; the Preamble merely states the object with which the legislation is undertaken and nothing else.

The Honourable Sir Charles Innes: Thank you.

Mr. M. A. Jinnah: But really to me, Sir, this is a futile controversy, an utterly futile controversy. The question really is this. Take your section 84-A, to which the Honourable the Home Member referred. Well, what will the Royal Commission, when it is appointed, do? It will examine the question, and supposing the Royal Commission came to the conclusion, on an examination of the question, that all that we are saying in our amendment can be done, having regard to the growth of public opinion, having regard to the efficiency of the electorates, having regard to the educational condition of this country. And let me tell you that more people are educated in this country to-day, if you rely on percentages, than there were in England when you had a Parliament there first—and having regard to all the circumstances of the case, supposing they thought that the people of India were competent and fit and that the proposals embodied in this amendment should be carried out, would you object to it?

The Honourable Sir Charles Innes: Not at all, but the decision would rest with His Majesty's Government. That is what the Honourable Pandit will not admit.

Mr. M. A. Jinnah: Now I come to the decision. Let me tell you, if I may address the Honourable the Commerce Member, let me tell you something in your history. I dare say hard-worked officials like Sir Charles Innes sometimes forget history. Now let us get back to history. He talked about the manner, the measure and the time, and said His Majesty's Government is going to be the final arbiter of that. That was his contention. Now let me ask the Government and particularly the Honourable the Commerce Member who was the arbiter in the harbour of Boston? Not His Majesty's Government. You have that instance in history.

The Honourable Sir Alexander Muddiman : That is hardly an instance from the history of peaceful constitutional reform !

Mr. M. A. Jinnah: They also wanted constitutional reforms there. My Honourable friend the Home Member will allow me to proceed a little. Who was the arbiter when unasked you gave self-government to South Africa ?

The Honourable Sir Charles Innes : His Majesty's Government.

Mr. M. A. Jinnah : Who was the arbiter when you gave self-government to Canada ?

The Honourable Sir Charles Innes : His Majesty's Government.

Mr. M. A. Jinnah : And what about the revolution which preceded His Majesty's Government's decision ?

The Honourable Sir Charles Innes : The revolution was before that.

Mr. M. A. Jinnah : And so His Majesty's Government made up their minds to give self-government. Do you want that here ?

The Honourable Sir Charles Innes : Do you ?

Mr. M. A. Jinnah : If you want it, you shall have it. Who was the arbiter in Ireland ? His Majesty's Government ? (*An Honourable Member* : " De Valera ! ") The gentlemen who carry on the Government of India with all their sense of responsibility utterly lack imagination.

The Honourable Sir Charles Innes : They have too much.

Mr. M. A. Jinnah : They may be earnest administrators but what can you expect from that ? My Honourable friend said " I have spent 27 years in hard work "; I grant it ; conscientious work, I grant it ; good work according to his lights; I grant it. But, Sir, he has been brought up in that atmosphere where it is impossible for him to get out of it. Those very 27 years that he has spent disqualify him from examining the constitutional question. What does he say ? First he talked about the British claim. Claim to what ? Trusteeship. Sir Charles, it is an old exploded theory and I assure you, you stand on no moral ground if you talk of your trusteeship. Sir Charles says " we are not only the trustees of the intelligentsia or any one section of the people but of the entire people of India." Well, Sir, the less we talk about it the better. It is no use to anybody. Sir Charles sees nothing but cliffs and abysses or precipices ; he is so frightened that he will tumble down.....

The Honourable Sir Charles Innes : That you will tumble down.

Mr. M. A. Jinnah : Then he says to us : " We have not known chaos and anarchy for a century ; we have not known "—I think he said " the horror of chaos and anarchy for a century." I grant it, that is a good argument, as far as it goes ; but what have we seen ? (*An Honourable Member* : " The horrors of plague and poverty !") We have not seen the horrors of chaos and anarchy, but what have we seen, I ask again ? Sir, the horror of being a disarmed people ; we have seen the horror of being kept out of that ring of monopoly in the administration and the Government of our own country. We have watched, and we

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have experienced the horror of helplessness in the defence of our own country for a hundred years. We have seen the horror of keeping a large body of people in darkness, denying them even elementary education. No country in the world that claims to be a civilised country would tolerate that. After a hundred years' rule, can you compare your education policy with any civilised country? We have seen those horrors and we say that these horrors are much worse than anarchy and chaos. We want to free ourselves from these horrors; and there is one way and one way alone for India to free herself from these horrors, and that is to replace that irresponsible bureaucracy by a Cabinet responsible to the Legislature of the representatives of the people. And we want you, we want you honestly as men to come forward and help us. I know the difficulties. We know the difficulties there are.

Now, Sir, I have done. I say in conclusion that you have got two alternatives placed before you. There is a minority report which I say has made out a case to the hilt for a revision of the constitution and they recommend certain reforms and examination by a Royal Commission or some other body. Here again I may say that Lord Birkenhead has run away from the point in his speech and has evaded the real issue when he says:

"The obligations of the Government must be admitted to the experienced men who contributed so much labour and produced so competent a report."

For this reference, standing on the floor of this House, may I express my gratitude to His Lordship. Then he proceeds:

"We do not anticipate, for reasons which I have already made plain, that we shall be able, as the noble Lord desires, to accept the report of the minority at this stage. The problem of provincial autonomy has not indeed been adequately thought out by those who are to-day pressing it so strongly upon our attention. Provincial autonomy contemplates a complete transfer to all the provinces of law and order and it would render necessary far-reaching changes in the central Government of India which I have never yet seen closely analysed and very rarely even cursorily examined."

Who prevented this course who is responsible for it? Sir, when can they be closely examined? The Reforms Inquiry Committee's terms of reference deliberately precluded us from closely examining them. We say so. In the concluding part of our report,—the minority report,—we say further:

"In conclusion 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 provision for automatic progress in the future so as to secure stability in the Government and willing co-operation of the people. We can only express the hope that a serious attempt may be made at an early date to solve the question. Whether this attempt should be made by the appointment of a Royal Commission with freer terms of reference and a larger scope of inquiry than ours or by any other agency is a question which we earnestly commend to the notice of Government."

Sir, therefore, to sum up the situation within the next two minutes or three minutes, that are at my disposal I submit to this House that the question stands thus:

First, are Government prepared to appoint a Royal Commission at an early date to examine the entire constitution? I see the Honourable the Home Member remains absolutely quiet.....

The Honourable Sir Alexander Muddiman: Sir, I shall reply to the Honourable Member in considerable detail later on.

Mr. M. A. Jinnah : Second, do you honestly, sincerely desire us to submit to you the fundamental principles upon which a constitution ought to be built ? Lord Birkenhead in his speech has said that he would earnestly consider proposals. There is the amendment. Consider it.

Sir, one word more. Let me tell you this. India to-day is in a very critical condition. Believe me I do not say this as words of menace or threat. But let me tell you, India is determined to win her freedom. The manner and the measure and the time, either you determine in a reasonable spirit or else she will determine for herself.

Seth Govind Das (Central Provinces : Landholders) : Sir, I rise to oppose the motion of the Honourable the Home Member and support the amendment of my Honourable leader, Pandit Motilal Nehru. Sir, I represent the landholders of the Central Provinces, a class of people who are generally abused both by the Government and by the public. I may remind you, Sir, at the very outset that the landholders of my province at least have always served the nation to the best of their ability, even when such service meant a temporary set-back to their own interests. The landholders have now come to realise that their interests are not opposed to the interests of the rest of the nation. A contented tenantry, a prosperous agricultural population and a thriving trading community is the very basis of the prosperity of the landholders in this country. The landholders, no less than the commercial or professional communities, desire wholeheartedly that their country should advance all along the line of progress, in social, economic and political matters. They have been accused in the past, Sir, of supporting the Government blindly, and to-day one of them is before you, prepared to repudiate such a charge. We are no less patriotic than the other communities in this country, and therefore, Sir, I wholeheartedly support the amendment of my leader, Pandit Motilal Nehru, on my behalf and on behalf of my fellow-landholders.

The reasons for supporting this amendment are two-fold—first, on general principles and second on the merits of the question itself. Now, with reference to the general principle, I may say, Sir, that constitutions cannot be superimposed on a people—they have to be made by the people themselves to suit their national genius, culture and traditions. If this principle of self-determination is to be accepted as applicable to the Indian people, then the only constitution worth the name that can really work is the constitution that will have to be made by the Indian people themselves, assembled in a constitutional convention. That has been the practice wherever constitutions have been made in recent times. The people of Ireland, Australia and Africa and of the new countries of Europe like Poland, have all adopted this practice of framing their own constitutions, in a constitutional convention expressly summoned for the purpose. I ask, therefore, Sir, why should India alone be treated differently ? Are the tenets of democracy and self-determination applicable only to countries situated in a particular latitude ? I may venture to assert that India will never be content even with the best of constitutions, if it is not framed by herself in accordance with her traditions and her special experience. If that be so, the majority report of the Muddiman Committee will be a stumbling block in the realisation of India's aspirations.

[Seth Govind Das.]

Now, Sir, the Central Government in India is a despotic body, subordinate and responsible only to a distant Secretary of State who has frequently to think much more of the Government, Parliament and people of his own country than of Indians who are unknown to him and cannot reach him. Every one knows, Sir, that such a question as the drainage system of a city like Liverpool or Manchester takes more time and energy of Parliament than the affairs of the three hundred million people of India. A debate on Indian affairs in Parliament attracts not more than a handful of retired Anglo-Indians who then ventilate their grievances, real or imaginary, of the steel-frame services. Lord Curzon's recent book on "British Government in India" gives many instances of the reality of the Secretary of State's control over the Governor-General of India. We all know how this control was exerted on questions like the excise and fiscal policies and the problem of Indians overseas, and the question of the Imperial Services when they affected British interests as opposed to Indian interests. If the Government of India were made responsible to this House, and freed from the control of the Secretary of State, then I venture to say, Sir, that Indian interests would be adequately protected, as has been the case in the self-governing Dominions.

The issue, Sir, is a transference of power from the British Parliament to the Indian Legislature. What does this transference of power mean? It means that the superintendence, direction and control of revenues and the administration of British India should vest, not in the Secretary of State for India in Council or acting singly, but in the Governor General in Council responsible to the Indian Legislature.

Now, coming to the question of dyarchy, Sir, I may mention that much has already been said by my Honourable friend, Mr. Shanmukham Chetty and others. It is, therefore, needless for me to discuss this aspect of the question in detail. I may, however, add that it has been an absolute failure in my own province, namely, the Central Provinces and Berar. It seems to me, Sir, that the chief reasons why dyarchy has failed everywhere is, because the constitutional relations between the Governor and His ministers, as defined in the Act and explained in the instrument of instructions, are extremely unsatisfactory to the weaker of the two parties. The Ministers in our dyarchical form of Government are like step-children in a joint family. They have been looked upon both by their non-official and official colleagues with suspicion, by the former because the powers of Ministers are so limited and the control of Governors is so great.

To sum up, Sir, I may say that both Lord Birkenhead and Lord Reading stated that any scheme produced by Indians would be considered by them or by the statutory commission when it is appointed. There is a scheme now before the House proposed by my Honourable friend, the leader of the Swaraj Party, Pandit Motilal Nehru, and accepted by nearly all the elected Indian Members of this House, including Hindus, Moslems, Christians, Landholders and Labourites, and the bulk of Indians outside this House. If the British Government want to ascertain that this is the case, they may do so by a referendum or ordering fresh general elections in the country with this programme

and policy as the chief plank of the election campaign. The Honourable the Home Member has said yesterday that unless we co-operate with the Government they are not prepared to grant any reforms. Just now my Honourable friend Mr. Jinnah said that Pandit Motilal Nehru and we were co-operating. I say, Sir, that we are not co-operating and we will not co-operate until some change of heart is shown on the part of the Government. Why are there non-co-operators or Swarajists in this country? Are they not the offspring of the policy of repression of the Honourable the Home Member himself, and of his prodecessors? If there had been no Rowlatt Act, no Punjab horrors followed by the failure of the Government to impose suitable punishment upon the offenders, there would never have been the non-co-operation movement. A policy of timely reform, unaccompanied by repression, will change our hearts and make every one including even Mahatma Gandhi a co-operator and a loyal subject of the Empire. It is for England to choose whether she wants a peaceful, prosperous and contented India or another Ireland perpetually seething with discontent and disloyalty. In this connection she will do well to recall the words of one of her greatest statesmen, the late Mr. Gladstone :

"I hold that the capital agent in determining finally the question whether our power in India is or is not to continue, will be the will of the 240 millions of people who inhabit India. The question who shall have supreme rule in India is, by the laws of right, an Indian question; and those laws of right are from day to day growing into laws of fact. Our title to be there depends upon the first condition, that our being there is profitable to the Indian nation; and on a second condition that we can make them see and understand it to be profitable."

Now, I ask, Sir, what is the condition to-day? Have the British people made Indians feel that their rule is beneficial to India? I will frankly say that they have not been able to prove this successfully to Indians up to this time. Now, Sir, it is in their hands to do it. If they will extend their hand, if they will accept the amendment of the Honourable Pandit Motilal Nehru, they will prove this, and then Indians will have faith in them. I trust they will accept the amendment of Pandit Motilal Nehru and give us the reforms we ask for unanimously without any further delay. With these words, Sir, I support the amendment of my leader, Pandit Motilal Nehru.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Time after time, almost incessantly for half a century, the demand for full self-government has been made. However heterogenous this country may be in language, colour or creed, still, Sir, I can confidently assert that India is politically a nation and as a united nation demands that form of Government which has been put forth in specific terms by Pandit Motilal Nehru in his amendment. Sir, I must frankly confess that a good deal of eloquence has been wasted both yesterday and to-day in repeating the same point over and over again in beating a dead snake. How was this demand received by the Government Benches yesterday? So far as I could catch the Honourable the Commerce Member yesterday, he took it partly with flippancy and partly with provocation. He has been speaking to us as though he has been sitting in judgment here over an elocution competition when he began to describe the speeches of the various persons. Is this the seriousness which the Government are prepared to attach to the

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serious and earnest statement made by the leader of a most prominent and powerful party in this country? It has been insinuated by the Honourable the Home Member and made plainer still by Sir Sivaswamy Aiyer that much of the obstruction to progress has been due to the non-co-operation movement but I am glad that Mr. Chintamani in his recent speech in Bombay has made it much plainer, much more straightforward. He said in his speech that the complicated circumstances which followed, which had nothing to do with the scheme of reforms embodied in the Government of India Act of 1919, suggested to Mr. Gandhi's apt mind, schooled in South Africa, the non-co-operation movement, the very failure of which, after having wrought much public mischief produced the Swaraj Party whose policy is volatile and when consistent is barren and harmful. Another small extract I will quote from his speech. He said that it was his unfortunate conviction that the Swaraj Party's principles, policies and methods would not succeed any more than the undefiled Gandhism of the two earlier years in accelerating progress to Swaraj. I consider these two statements as a piece of gross ingratitude on the part of an ex-Minister. If he had only carefully studied the surroundings, he should have known that whatever success these Ministers pretended to have achieved was due to the non-co-operation movement outside the Legislature. In fact, a leading and prominent Member of the first Assembly actually wrote to the newspapers that whatever hearing they had from the Government Benches in the first year of the reformed Assembly was all due to the vigorous non-co-operation outside. We all know with what friendly feelings that steel-frame of India, the Heaven-born service, received the reforms when they were promulgated by the Montford scheme and yet what is it that we find when that scheme was put into effect. There was a kind of co-operation, a manner of co-operation, which was certainly due to the non-co-operation movement outside. Why go so far? I have got here Mr. Chintamani's own evidence which will indicate what I have said. He said before this committee that his official relations with the permanent services were not on the whole good. They were good in the beginning but during the latter part of his tenure of appointment as a Minister, they were not good. Mr. Chintamani admits that in the early part of his regime as Minister his relationship with the public services was good but in the later years it was not good. Now what is this to be attributed to. Sir Sivaswamy Aiyer raised this question yesterday but he answered it differently and wrongly. I will give the correct answer to it. In the first year of his regime it was the non-co-operation movement that was working outside. The Treasury Benches of the various Governments thought that they must co-operate with those who came into the Councils in order to prove that the reforms were a success but the moment the leader of the non-co-operation movement was incarcerated what was the result? There was a slight setback to the non-co-operation movement and there was a tendency on the part of the public services to treat with contempt the Ministers themselves. That, Sir, is the real answer and if Mr. Chintamani tries to allocate the responsibility for the failure or otherwise of these reforms to the non-co-operation movement I can confidently say that he is wrong.

Now, Sir, I am not inclined to proceed on the very same lines on which the previous speakers have proceeded because it is likely to create the impression in the Honourable the Home Member that there has been absolutely no criticism of his report, that the Assembly wanted a Moon which he was not able to give but otherwise the Assembly had nothing to say against the work that he has turned out on the Muddiman Committee. Therefore, I desire to put some questions to the Honourable the Home Member. I see he is absent for the time being but is represented by Mr. Tonkinson. He is the accredited representative of the majority and we have a right to ask him what he has done even within the limited terms of reference of the Committee. I admit that the terms were limited. I admit, Sir, that the terms of reference were narrow, but all the same, did he do all that he could possibly have done if he really had a *bona fide* intention to meet the desires of the people in this country. He was convinced, Sir, as we find from his own statement in the Report, that a considerable volume of Indian opinion recognised that the transfer of more subjects would effect a constitutional advance. If that, Sir, is the conviction he was driven to by the evidence that was placed before him, I ask him what is it that he has done in order to satisfy that section of the public at least, if he had that *bona fide* intention? Sir, he has miserably failed even to do that, and he has escaped to-day without any criticism because all the attention of the House has been directed to constitutional questions and constitutional questions only. Sir, I ask you what is the recommendation that he has made. First, take the foremost subject, the question of enlarging the group of transferred subjects if not altogether the establishment of provincial autonomy. No doubt I am aware that they brushed aside the demand for provincial autonomy on the ground, the technical ground, that those who pleaded for provincial autonomy did not understand the fullest implications of that term—not the vertical and the horizontal lines. I may now ask him plainly, if he was not prepared to give provincial autonomy what has he done to satisfy at least that small section of the Indian public which will be satisfied with a little more advance? As regards the transfer of more subjects, Sir, he has given Fisheries, Law Reports, Boilers, and Gas. He knew that there were boilers in the country already, and he wanted the Treasury Benches to infuse a little more gas. (Laughter.) Are these the subjects to be handed over to the Ministers? Is that the way in which you want to bring your Ministers into closer touch with the people? Is it not a fact that in order that the Ministers' Departments should be a success, you must bring them into closer touch with the people? And I must mention prominently one subject which he had no reason to withhold from the Ministry any longer, and that is the subject of Land Revenue. So far at any rate as my Presidency is concerned, it must be taken as the most important subject: and what is the answer that the majority report has to give in regard to the transfer of Land Revenue to the Ministers? They say:

"We consider that this subject is the basis of the administration, and further that as the agency is the same both for it and for law and order, this subject should only be transferred if law and order is transferred."

Sir, this presupposes that law and order cannot be entrusted to Ministers. Secondly it says that the subject of land revenue must be

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only in the hands of those who wield law and order. I consider, Sir, both these propositions to be faulty and illogical. Sir, with reference to industrial matters likewise, I should like to ask my Honourable friend whether he is not aware that this is a Department where the Ministers are likely to know the condition and the feelings of the people better than those who sit on the executive side—and that subjects like factories, the welfare of labour, the settlement of labour disputes, etc., should all be transferred to the Ministers. What is the answer that is given on this point in the majority report? They say that these are all subjects for which the Central Government must also have their control, while there must be uniform legislation for the whole of India, and as such, they must pass wholly to the reserved side over which the Central Government have got the control. Assuming, Sir, for the sake of argument that uniform legislation may be necessary in certain matters, does it mean that a law which has been framed by the Central Legislature cannot be administered by the Ministers? Sir, I find no logic in it.

Then, Sir, there are points which I regret to find have been ignored by both the majority and the minority reports. If the majority of the members of the Committee had carefully studied the memorandum which was appended to the terms of reference, they would have found that the Government of India themselves formulated in that memorandum a certain amount of scope for further reforms which would satisfy at least a section of the Indian public. Let me take, Sir, the Governors' Executive Councils and the Governor General's Executive Council. It is open to His Excellency the Governor to add three Members from among the elected Members of the local Legislative Council to the Governor's Executive Council, because the qualification of service that is necessary is only with regard to one of the Members. Similarly, with reference to the Governor General's Executive Council, a rule can be made under section 36 (5) that three Members out of the six Members can be chosen from among the elected Members of the Legislature and made Members of the Executive Council. I would not consider it much of a constitutional advance, but it was open to the authors of the majority report, if it wanted its report to be accepted by the Members of this Assembly, in connection with which point the Honourable the Home Member has preached us a long sermon asking for co-operation, to make some such suggestions. I do not consider that is particularly important from my point of view. But at the same time that would have satisfied a section of the public as an eye-wash. If they had tackled this point about the Governor General's Executive Council, they would have at least conferred on Members of the Governor General's Council so appointed from among the elected Members of the Legislature both a legal, a theoretical, responsibility to the British Parliament and also a moral responsibility to the people of India, who elected them. As for the term "responsibility to the British Parliament", that has always appeared misleading to me. I fail to see the distinction between "responsibility to the British Parliament" and "responsibility to the people of India". Is not the British Parliament responsible to the people of India on your own theory of trust? And if you are responsible to the British Parliament, and the British Parliament is

responsible to the people of India, I consider that you also, through the Executive, are responsible to the people of this country : and as a gradual step towards the reformation of your Council I thought the report might have recommended the addition of Members to the Executive Council also from among the elected Members of the Legislature. That, as the memorandum of the Government of India appended to the reference clearly shows is quite possible under the rules.

Now, Sir, with reference to the borrowing powers of Local Governments, you are not prepared to relax the rule for the simple reason that the Central Government and the Local Governments must often go and tap the same money market. Is that a ground, Sir, that you should enforce rule 3 of the Local Governments' borrowing rules—that the local Government's needs must not come in conflict with the Central Government's needs and that the former must be subordinated to the latter for the simple reason that there would then be a conflict in the rates of interest ? I will not detail the various ways in which they could have made recommendations which would have satisfied some section of the public at any rate. Even with regard to the classification of subjects, it seems to me that out of the central subjects the cotton excise duty, income-tax, salt, civil law, commerce, trading companies, might all very well be transferred to the provincial subjects, and, if the Government choose, if the Secretary of State and the British Parliament like it, they might be transferred to Ministers also. These are all subjects about which there may be varying conditions in the different provinces, and there is absolutely no need why they should always be retained under the control of the Central Government. Sir, the argument that is advanced is curious—namely, that the Central Government must exist, and that the Central Legislature must exist,—that in order to give sufficient work to the Members of the Legislature when they come to Simla and Delhi, such subjects must be retained in the hands of the Central Government. Is that the ground upon which you are going to do it ? Can you not take away these subjects also as provincial subjects and still retain the dignity of this Assembly and the dignity of the Central Government ? If it is a question of the allocation of revenues, then I submit, Sir, that even if the Local Governments collect the revenues.....

Mr. President : Order, order. The Honourable Member has exceeded his time.

Mr. C. Duraiswami Aiyangar : I shall take only one minute, Sir. I am not going to say anything more about this. But let me conclude by saying that there was much that could have been done by this Committee and which they have not done : and therefore let not the Honourable the Home Member go home with the impression that this Assembly is satisfied with this Report.

There is only one matter which I wish to mention and that is with reference to the amendment proposed by Pandit Motilal Nehru, in which I want to make a mental reservation. When I vote with him fully and entirely, I have to make a mental reservation with reference to the three exceptions in clause (*b*). Sir, I am not for that exception. On the 8th February 1924 when I spoke about it, I said full responsible government carries with it also the control of the Army. Unfortunately, Sir, to-day I have not got in this Assembly that strong voice to support

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me in the strongest terms, that voice being simply engaged now in saying "Order, order." But, Sir, I must reproduce that voice by reading a small passage which will emphatically put my case on that point. It is this :

"Great stress has been laid by my friend the Honourable the Home Member on the question of defence. Yes, there is that question. Some of my friends do feel nervous about it. Speaking for myself and speaking as representing the Congress, I say here that we have fully considered the question and we find no difficulty whatsoever. Let us have immediate self-government. Let us have immediate responsible government. What is there in the army ? Who controls the army at present ? Does my friend who sits opposite to me ?....Does my friend the Honourable Sir Narasimha Sarma take no part in the deliberations of the Cabinet which controls the Indian army at present ? Does not the Honourable Sir Muhammad Shafi take any part ? Does not my friend the Honourable Mr. Chatterjee take any part ? It is the civilians forming the Cabinet that control the Indian army. No one else. His Excellency the Commander-in-Chief is one of the Members of that Cabinet. But after all, the general policy is being dictated by the whole Cabinet and that Cabinet, instead of being responsible to the Parliament, we say, should be responsible to the people of India."

Sir, I satisfy myself with quoting that passage. Only one word more about the original Resolution. The Honourable the Home Member wants us to accept the principles of the majority report. Are there any principles in it ? Are there any ? I do not want to say that it is unprincipled, but, Sir, are there any principles in his Resolution, except two, perhaps continuous obstruction and non-co-operation. You want to continually obstruct the progress of reforms in this country, the progress of responsible government. You do not want to co-operate with the people and the leaders of this country. Therefore if any principles can be taken out of that Resolution of the Honourable the Home Member, it is only two principles, obstruction and non-co-operation. Sir, I oppose that Resolution and support entirely the amendment of Pandit Motilal Nehru.

The Assembly then adjourned for Lunch till Three of the Clock.

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

Dr. S. K. Datta (Nominated : Indian Christians) : Sir, I am a member of a minority community. I do not dare to assert that I am a representative of minority communities, but being a member of a minority community I have, at least the opportunity of understanding and appreciating their demands and their desires. Sir, there are two types of minority communities in India. There is the "qualitative" type and there is the "quantitative" type. My friends representing the European population of this country, are representatives, it seems to me, of a "quantitative" minority, but I do not think any one of us will say that they are the representatives of a "qualitative" minority. The weight attached to their opinions in this House is so great that they may as well be a majority community. On the other hand, you have the case of the Indian Christians. There are 3 millions of them in British India who are both "qualitatively" and "quantitatively" minorities. The total Christian community in British India—I am not talking about the Indian States where there is a very substantial number of Indian Christians,—consisting of Indian Christians, Europeans and Anglo-

Indians is 3,300,000. I have the honour to represent the 3 millions of them here. The other 300,000 are represented by various Members who sit in different parts of this House. I, therefore, hold that we are both "qualitatively" and "quantitatively" a minority.

Now, Sir, these communities demand representation. I will not say actual physical representation within this House, but they desire to be able to express themselves on every matter that concerns not only themselves but the welfare of the nation. Now, in what way can they obtain that representation? The majority report makes three recommendations with regard to these minorities. The first recommendation and the most concrete proposal is with regard to European constituencies. They tell us that the residential qualification for candidates to the Legislatures should be abolished and that the European should be a member-at-large of India generally. Furthermore, they say that even a prolonged absence from India is a matter which he ought to be able to cure quite easily. They go on to add that the European can go out of India, can stay away for months from India, can come back and still have a domicile in this country which gives him certain privileges. If I have read that section of the majority report aright it would mean that a European could be a Member of the House of Commons in England and at the same time a Member of this Assembly in this country. I do not see that anything can prevent him from doing that. What are the two other recommendations? Generally speaking, they say that factory labour should be represented in this House and the provincial Legislatures. Local Governments are going to be asked how they can do it. I need not deal with that point. My friend Mr. Joshi, I trust, will do so at a later stage of this discussion. Then they come to the depressed classes. How are these classes to be represented in this House? Again the matter goes back to the Local Governments. How will it emerge from there? Probably we will be told that it is one of the most difficult things for this community to be represented.

Now, Sir, I hold that the majority report—and, if I may put it, even the minority report—have not given consideration to the question how these unrepresented classes are to be brought within the orbit of influence of the new democratic institutions which have come to be built in this country. We desire to emphasize that this question is fundamental in any demand for further progress. In the second place, in what way are we going to meet the needs of these unrepresented classes? Has the question of education been considered as a basis of franchise. No recommendations have been made that the franchise for the classes should be on the basis of education. Take my community which consists of 3 million people, of whom 300,000 are in school. You say: "You have no money and therefore cannot be represented in this House or the provincial Legislatures." Whatever little money we had we have spent it on education. We have spent it on the education of our children and we ask that that fact at least should be recognised. We maintain that the communities that are trying to come up should obtain representation in this House as well as the provincial Legislatures on the basis of what they have accomplished.

Now, Sir, with regard to the protection of minorities. We have continually been told in this House that the present system is going to protect minorities. I do not believe it for one moment, and I will tell you why. Whenever there is a majority and a minority which circum-

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stances bring together, they must come to an understanding as to future progress. If you have a third party, which is the protector of the minority, you will find that trouble will arise. It has always arisen in every part of the world. It was Russia who championed the cause of the Armenians and what happened ? The Armenians looked beyond the frontiers of Turkey into Russia. England also championed the cause of the Armenians. Political conditions are such and the events are of such a nature that invariably the situation arises when the protector is compelled to sacrifice something to secure his own position and it is always the minority that is sacrificed. Therefore, the best thing for the minority is to come to an understanding with the majority and not trust to a third party. Well, Sir, let me take up the case in this country. Government have said that they are the protectors of minorities. Under the old system it was true that they could assert their authority. But to-day what happens ? Between the clash of the major communities the minorities—the smaller minorities—have to go to the wall. There is no other alternative for them. Take the experience of the last few years. Only in one province was a Christian Minister appointed. And what province was that ? It was Bihar and Orissa which was at that time governed by Lord Sinha, who was himself an Indian. I hold that normally it would be impossible for a European Governor to go out of his way and appoint an Indian Christian to high office. And why ? Because the European Governor will always have it at the back of his mind whether the particular move is going to pay or not. He will have no regard for justice. An Indian Christian was appointed a Minister under the regime of a man who was an Indian who understood the situation and who was determined to see that justice was done. I believe, therefore, that it is a dangerous thing for minorities to be protected by an outside body. We have to come to an understanding ourselves with the majority.

Mr. K. Ahmed : And if you do not come to an understanding ?

Dr. S. K. Datta : Now, Sir, I would confine my remarks to my particular community and I would not make any further statements with regard to other communities.

The roots of the Christian community lie in two very widely different communities in India. First the depressed classes or the community of the agricultural labourer. One of the roots of that community lies there, the other lies in the aborigines of this country. What is the movement ? The movement is an uplift movement among these great communities who lie at the bottom of Indian society who look forward to bettering their own condition. That is what the significance of the movement is, and I therefore couple in my demand for the future the demand that those two communities should not be forgotten, the agricultural labourer on the one hand and the aborigines on the other. I have had experience of some of these communities. I was in the Chota Nagpur Division in 1919, and in that Division there were 200,000 Christians consisting largely of aborigines, and the great Christian Missions, both Catholic and Protestant, had for their education something like 400 schools. An enormous number of these aborigines go to these schools. I say there is the basis for going forward in the political education of these

people and making it possible for them to be represented, to bring their needs and demands to the door of the nation's consideration.

Now with regard to the larger problems which we have been debating in this House. In the first place, Sir, I can only speak as an individual. I cannot do otherwise, but there are those of us who believe that the future of the nation, the needs of the nation are always greater than the needs and demands of single communities. We who represent the minorities have always to take this into consideration. How far this is going to help us to contribute to the larger and bigger life of India I do not know, but there is no other criterion of action for a community. Every other criterion is false. That is one thing which I should like to place before this House. In the second place I believe that those of us who are minority communities must come to some understanding with those of the majority. We come to co-operate with them and ask that opportunities be given to us to co-operate with them, and we are willing to do so. In the third place, I do not believe that the present system will satisfy the needs and demands of these minorities, particularly the minority to which I belong. And I will tell you why it is not going to do it. Naturally every minority, to use a common expression, is looking to see on which side the cat is going to jump, what is the future going to be, on which side do our interests lie? It is impossible under such conditions to do any constructive work. We desire to go forward and we do trust that opportunity will be given us to go forward. In the next place we have put money and time into the education of our people. We believe they ought to have a larger life, and therefore we want all barriers to be lowered, so that our people may take their place in the larger life of the nation. In the next place we have not merely educated our people. We have done something else. Ecclesiastically we have taught them the exercise of the vote. In hundreds of church councils thousands of people, ignorant in many ways, have been asked to exercise the franchise within these ecclesiastical courts. I am glad to see my friends, the Sikhs, are also going to exercise the vote in their ecclesiastical courts. The capacity for the exercise of this privilege is a tremendous asset in the future of the nation; and that experience is one of the things we desire be given to the nation.

Now, Sir, lastly, we come to the problem which has always been before us, namely, this problem of dyarchy. In some ways I have been a convert to the idea of dyarchy. The author and founder of the system of dyarchy I count among my personal friends. I heard him talk of dyarchy with the fire and inspiration that only comes to one in the realm of religion, and I was caught by the inspiration of that fire. As I look round one wonders at the fruits of dyarchy. You must judge it by those fruits. I am not a politician but the defectiveness of dyarchy is one of the things brought home to one as one watches the affairs of this nation. Dyarchy, Sir, is an experiment very old in Anglo-Indian history. It is not an experiment of to-day. In 1765 Lord Clive embarked on what was one of the greatest experiments in dyarchy. The Muhammadan political thinkers divided the functions of Government into the *dewani* or the collection of revenue, and the *nizamat* or the administration. What did Lord Clive do? In 1765 the East India Company said they would take over the *dewani*, or the collection of revenue of Bengal and Bihar and Orissa.

Mr. President: Order, order. The Honourable Member must bring his remarks to a close.

Dr. S. K. Datta : What happened next. The administration or the *nizamat* was left in the hands of the Nawabs of Murshidabad. Sir William Hunter tells us in his history of the breakdown of the administration because of division of the two sides of government. I trust that we shall go forward because under the present system I believe that the whole of the administration is threatened and there will be a breakdown of the administration. I therefore will support the amendment which has been moved by my Honourable friend, Pandit Motilal Nehru.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I propose to address myself directly to the amendment now before the House which has been moved by my Honourable friend, Pandit Motilal Nehru. Before I examine, as I hope I shall examine in some detail, the terms of that amendment, I will permit myself a few general observations on matters which appear to me to arise on its perusal.

In the first place, unless I am entirely mistaken, I see in that amendment an attempt to bring very different schools of thought within the scope of its terms. That is one very interesting reflection. (An Honourable Member here interrupted, but the interruption was inaudible at the Reporter's table.) I did not hear my Honourable friend, but as I was saying it seemed to me that an attempt was made to bring together within its terms very different schools of thought. The second observation of a general character which I should like to make on this amendment—I think it has been lightly touched upon by my Honourable friend the Finance Member when he was speaking this morning on this amendment,—is that if this amendment is intended, as I understood from the statements that have been made from various parts of the House, as a considered proposal from the persons who made it, for the future constitutional development, then I gather from its terms that those persons speaking with such authority as they have, have come to the conclusion that they envisage the future constitution of India as based entirely on Western ideas and Western conventions ; that they have adopted the idea of Western representative government ; that they propose to advance on that path, and on that path alone. I have found no trace of anything that is to be introduced from any constitution other than a Western constitution in this amendment. Now, Sir, if this amendment had only been moved for that purpose, that would dissipate doubts on one point on which we have never been clear. We are therefore, I gather, to understand that all parties, at any rate in this House, who subscribe to the amendment, consider that it is not their creed to discard in any way the foundations on which those institutions have been based throughout the world, and that briefly is on the constitution of the English Parliament, and of the English Dominions under that Parliament. Am I to understand that that is in effect the intention of those who frame this amendment ? The point has so far never been clear to me or to others I believe. I remember my Honourable friend, the late Mr. Montagu, shortly before his death, was discussing this question with me. He said : " I have brought forward in my reforms a scheme entirely based on Western representative institutions. I am not prepared to say that it will be the wish of India to proceed on those lines, but I have at any rate given the opportunity to the people of India to indicate their views in that direction." Am I to assume that this amendment finally rivets down the direction of the future progress of India so far as this matter is concerned in the minds of those who are responsible for it ? If this is so, at any rate it has cleared the ground in one respect. If there is no

desire to go back to any development of indigenous institutions or of Oriental conceptions of Government and we are asked to proceed on democratic lines to the counting of heads by the rule of the ballot box, then we know at any rate where we are.

Now, Sir, I have considered this amendment with the attention that it deserved, not only because of the reputation of the Mover, but also from the general evidence in support of it that has come from many parts of the House. What are the actual terms of the amendment? It involves, as I read it, three distinct stages. The first is that Parliament is to be asked to make a declaration dealing with certain points which are specified in the amendment. Now these points involve, and I do not doubt that this is intended, whatever the reservations, whatever the restrictions may be, a demand for full dominion self-government. That seems to me the only possible construction I can put upon it. That is to say we are now to go to the English Parliament and ask them to make a declaration which I presume would at any rate have to be supported by the assent of Parliament, that complete dominion self-government, subject to the very minor restrictions of a temporary character, which are contained in the Resolution, should be granted. After that there is to be another step. Those who have moved and supported the amendment recognise apparently that the legislative bodies, as at present constituted, are not sufficiently representative to deal with a problem of that magnitude....

Mr. A. Rangaswami Iyengar : They have no mandate.

The Honourable Sir Alexander Muddiman : I am told they have no mandate. At any rate it is recognised that the legislative bodies as now constituted are not constituted to deal with the problems which are referred to, and I may say somewhat lightly referred to, as details, and which are to be referred to a convention or a round table conference which is adequately to represent all Indian, European and Anglo-Indian interests. They are to deal with the details of the scheme, and they are to do so with due deference to the interests of minorities—and here I must pause to comment that in the declaration that Parliament is to make there is nothing referring to minorities—they are to frame a detailed scheme, after making such inquiry as may be desirable. Thereafter, from that large and representative body, for if it was to be constituted in the manner laid down in the amendment it would be a very large body, from that large and *ex hypothesi* representative body, the matter is to be again referred back to this House, not to the Indian Legislature even, but to this House. This House is then to approve of it, and then the scheme as approved by this House is to be submitted to Parliament to be embodied in a Statute. That, Sir, is the scheme as I have been able to discover it, of the amendment.

Now the first observation I would make on this is that it involves the repeal of the Government of India Act as it exists at present.

Mr. M. A. Jinnah : No, amendment.

The Honourable Sir Alexander Muddiman : Repeal and re-enactment. My Honourable friend interrupts me and says it does not involve repeal.

Mr. M. A. Jinnah : Certainly not; it can be done by an amendment.

The Honourable Sir Alexander Muddiman : It does involve at any rate, and that was a point I was going to develop, the virtual repeal of

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section 84A of the Government of India Act, for, unless I have misunderstood my Honourable friends opposite, they have now changed their ground, and those who signed the minority report of the Committee consider that great constitutional advances may be made in India without any necessity for the authoritative inquiry which they themselves recommended. If I can gather anything from this amendment, it is that it proposes that His Majesty's Government should take this final step, without inquiry, that which I venture to think no person could consider would be possible under the Government of India Act as it now exists without the statutory commission which is laid down in section 84A of the Government of India Act. Then, Sir, there seems to be some difference of opinion on the point, and I should like to have cleared up the question whether these remarkable demands—I say remarkable in this sense that they must be admitted to be an extraordinary change in the existing constitution of the Government of India—whether these remarkable demands, which are specified in clauses (*a*) to (*h*) are handed to us as an ultimatum. I confess I should myself have read them as such, but my Honourable friend spoke of them as an "offer." I will accept his words. When he makes that offer, does he make that offer in the sense that these are the only terms which can be offered, that they are, as my Honourable friend Sir Charles Innes said, to be accepted or refused without alteration of a comma, dot or semi-colon? That is a point of some interest to me. If I am correct in assuming that I have correctly stated the proposition and that you do intend to discard the idea of any statutory commission before a great constitutional advance is made, and you do intend to present these demands without alteration and without change, then I should like to ask one further question. This, Sir, is said to be an offer. I assume the language is used with due consideration. If so, Sir, and the offer was accepted, what contract would result? What is the contract that would result if the Government accepted this offer?

Mr. M. A. Jinnah: Frame the constitution accordingly.

The Honourable Sir Alexander Muddiman: *Do ut des.* We give this; what do we get in return?

Mr. C. S. Ranga Iyer: Co-operation.

The Honourable Sir Alexander Muddiman: Co-operation. (*An Honourable Member*: "Full co-operation!") Well, Sir, it is just as well that we should know what the offer is supposed to lead to.

Now, Sir, I pass to another point. In the course of the debate the word "self-determination" has occurred not frequently but occasionally and it is, I think, an idea that lies at the back of many of the speeches that have been made. Now I suppose, if I understand it rightly, self-determination in an individual means the right to live his own life. Self-determination in a nation I suppose means the right to settle its own form of government. Now, Sir, which of us can live our own lives independent of outside influence? I have not heard of anyone, I have not heard of any nation. Phrases of this kind need accurate examination. They need checking. They may contain, and they do contain, a great truth, but they cannot solve any constitutional position, they cannot be used as an answer to practical criticism. Now Sir, what is the actual practical position? That is what I always try, if I can, to bring before the House. It is admitted—I do not desire to reiterate it—that constitutionally any advance can only come from the English

Parliament. It can come in no other way except in a way that I do not propose to contemplate. And in this connection I recognise with pleasure that Members generally speaking have refrained from using language that might be, at any rate in some quarters, regarded as threats. But constitutional advance must come through Parliament and with the goodwill of Parliament. It cannot come otherwise. Therefore why, when we discuss matters of this nature, do we use words that are calculated to prejudice the claims of India before that Parliament? Why do we say, "We will not take this from Parliament". Why do we say "We do not want boons" from people who *ex hypothesi* have to give them to you if you are to get them? That, Sir, is a difficulty that I think is very real. I heard this morning in one part of the House a charge made that the English had been robbers and thieves. Sir, is that the sort of charge that will help the cause of India in Parliament?

Diwan Bahadur T. Rangachariar : That was rhetoric.

The Honourable Sir Alexander Muddiman : It may have been rhetoric, but I deprecate the use of such rhetoric. English people are very plain people, very apt to take words used at their proper meaning: and they do no good to any cause. One speaker, I forget who it was, said that the Government, not this but I gathered almost any Government was like "Humpty Dumpty," to be thrown down. Sir, I will remind him of the nursery rhyme :

"Humpti Dumpti baitha par chath
Humpti Dumpti gir gia phat
Raja ki pultan Rani ke ghore
Humpti Dumpti kahin nahin jore."

If you throw down all Government you may find it rather difficult to pick up the pieces and make a new Government. Now I am quite willing to believe that this amendment has been put forward in perfect good faith. If I was a man of a suspicious nature I should be inclined to think that there might be a more Machiavellian aim in it. But I am not and I will take the offer as made in good faith although we have annexed to it impossible conditions.

Mr. M. A. Jinnah : No, no.

The Honourable Sir Alexander Muddiman : My Honourable friend says "No." My Honourable friend's position is to be one of very greatest difficulties in dealing with this amendment. My Honourable friend has said in the minority report that what he wanted was an authoritative inquiry and he apparently at that time recognised the fact that from the practical point of view it would be perfectly impossible to ask Parliament to accept any large proposals except as the result of the investigations of the highest tribunal in the British Empire, a Royal Commission.

Mr. M. A. Jinnah : Sir, may I rise to a point of personal explanation. At that time I was not aware that Lord Birkenhead on behalf of the British nation would disclaim a monopoly in the art of framing constitutions and invite us to submit our proposals.

The Honourable Sir Alexander Muddiman : I think Lord Birkenhead's remarks were quite clear. You will see that that was exactly the point I endeavoured to develop in the earlier part of my speech. What

[Sir Alexander Muddiman.]

Lord Birkenhead was talking about was the development of a constitution not on the well-known English basis.

Mr. M. A. Jinnah : No. Anything we think proper. Provided it received general support in the country.

The Honourable Sir Alexander Muddiman : But a constitution which would give more free scope to that imagination which is so characteristic of India. His actual words were :

> "It has been the habit of spokesmen of Swarajist thought to declare in anticipation that no constitution framed in the West can either be suitable or acceptable to the peoples of India."

and I think that bears out my contention as to his point.

Now, Sir, nothing has struck me more in the course of the discussion that has taken place than the fact that till Mr. Jinnah addressed the House I never heard any mention of the word "electorate". Mr. Jinnah used it, but I never heard it used in any other speech.

Pandit Motilal Nehru : It is in the Resolution.

The Honourable Sir Alexander Muddiman : I agree with my Honourable friend it is in the Resolution, but I never heard any one use it.

Mr. M. A. Jinnah : I used it.

The Honourable Sir Alexander Muddiman : I have just said so. Now, Sir, when we are asked to take a step forward constitutionally one would have thought that the Assembly would surely regard the electorate as of great importance. I quite admit that the House is probably getting very tired of hearing the replies that are given from the Government Benches where we point out difficulties, and I agree with Mr. Jinnah that it is our business as far as we can to remove those difficulties and to remove them with your assistance and not to regard them as so many fences that are laid down barring for ever further progress. I am not one of those who hold that at all, but it is not the faintest use not facing facts, and one of the great difficulties—and all of you who have really thought on this matter recognise it as clearly as I do—is the question of the electorate. The evidence recorded in the course of the inquiry of which I was the unfortunate Chairman is very clear on this point. It is idle to say when we use the word "electorate" we are scandalising not the court but the opposite Benches. Sir, I have never scandalised any court in my life and I trust I never shall. By pointing out these difficulties I suggest it is not scandalising the court ; I must point out that one of the greatest difficulties in the way of the progress of India is the backward state of the electorate.

Now, Sir, you ask for a large thing. You are regardless of the smaller matters. My Honourable friend returned with thanks—I think those were the words he used—any small recommendations of the majority report. Sir, is it not well sometimes to take what is offered, not necessarily—I should be foolish to suggest that—in a spirit of thankfulness but at any rate to take it ? Is it not wise sometimes, when asking for large concessions, to show that small humble offerings are not unworthy of consideration ? Is it not wise, Sir, to regard this problem from a practical point of view ? If to-morrow I were authorised to stand in my place in this House and say "We will accept this : we will go to Parliament", what reasons could I give, what reasons could the Government of India give ? What could they say ?

Mr. M. A. Jinnah : Quote my speech.

The Honourable Sir Alexander Muddiman : I have no doubt that would be very interesting : but I was considering an argument which would be likely to be effective. Could any of the arguments suggested be valid ? Could we point to the history of these new institutions since their commencement and say, " Now the time has come when without inquiry, without going through the procedure without which no great reform as far as I know in connection with India has ever been carried out, we recommend these great steps to be taken " ?

Sir, you have heard the speeches of the Secretary of State ; you have learnt the terms on which he made his offer—and it was an offer he made. He made it clear that acceleration of political progress was a matter of co-operation. He made it clear that to refuse to work what you have got is not in itself a claim for further progress,—it is indeed likely to obstruct further progress. He laid down the position that the Government at home were not unsympathetic—that they did recognise that to stick to dates is not necessary, wise or desirable. He gave what my Honourable friend, if he was not speaking ironically, described as a very generous offer. Sir, I say, do not close the door by making the position more difficult. Do not give us an ultimatum under the guise of an offer. Do not say " We will grant you the fee of Blackacre if you empty the sea ". Do not suggest terms of that kind. It is neither wise nor, I suggest, likely to be effective. I earnestly hope that you will believe me when I say that we are not merely giving you a blank answer to what I recognise is an attempt to put down on paper what we have never seen on paper before—the united amendment of both parties.

There is one other matter, Sir, and that is this. We were charged in one of the speeches with doing nothing in connection with the examination of provincial autonomy. I think it was my Honourable friend Mr. Jinnah who quoted from the Secretary of State's speech and said quite correctly that it was useless to charge the Reforms Committee with not making an investigation into the possibilities of provincial autonomy, because they were not within the scope of the Report. I agree in those observations, and I agree also that an investigation of that kind could hardly be made by a committee of that nature or by any committee ; and in this connection I may tell the House that the Government of India have recently availed themselves of the opportunity of the late occupant of your Chair, Sir, still being in India. They have invited Sir Frederick Whyte, and he has accepted the invitation, to investigate and report to us on the relations between the Central and Local Governments in other parts of the world, with special reference to conditions in India. In that and other directions, Sir, much research work must and ought to be done. My Honourable friend, Sir Basil Blackett, also proposes, I understand, to have the problem investigated more particularly from the financial point of view. In my judgment that is the way in which we can prepare, what I referred to in my first speech, the necessary evidence which is to be laid before and must be considered by the Royal Commission whenever that Commission may be appointed.

Pandit Motilal Nehru : May I interpose just for a minute, Sir ? The Honourable the Home Member has put certain questions. I do not know if you will give me an opportunity to answer them now or at a

[Pandit Motilal Nehru.]

later stage of the debate. He has expressed his inability to understand some of the clauses of my amendment and he has put certain questions in connection with them. I do not know if it is permissible to me to answer those questions and if so at what stage of the debate.

Mr. President : I do not know whether the Honourable the Home Member desires the Honourable Pandit to answer his queries. If he does, the Chair would permit the Honourable Pandit to speak at this stage.

The Honourable Sir Alexander Muddiman : I put the questions as one does in a speech, and I assume that they will be answered in the course of debate by some one on behalf of the Honourable Member.

Pandit Motilal Nehru : If my Honourable friend does not want me to answer his questions, I am satisfied.

Mr. Jamnadas M. Mehta (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I rise to support the amendment of Pandit Motilal Nehru ; it would show a sign of returning wisdom on the part of Government if they too accept the amendment. We have been told that what Government are yearning for is co-operation. Here is an opportunity for them to get it. Their attitude towards this amendment will be an acid test whether their protestations that they are anxious to secure the co-operation of this House and of the country are genuine. If they accept it, then it is a clear indication that they were genuine; if they do not accept it, then they will well deserve the title which Lord Olivier gave, that Englishmen are the champion hypocrites of the world ; Sir, the very fundamental condition of co-operation to-day is wanting. Who can co-operate ? People who are on equal terms, who can offer honourable help to each other. On what terms are Government demanding our co-operation at present ? They carry a bludgeon in one hand, a sword in another and a pistol in their pocket and armed with these weapons of vetoing, certification and brute force they give us a challenge and say, "These are our weapons, we shall use them. We shall use them whenever necessary and we demand your co-operation on these terms". Sir, it requires no moment's thinking to say that no honourable man with a sense of self-respect can agree to co-operate in working a system like this which would only mean co-operation in the continuous enslavement of the country ; it is clear from the speech of Pandit Motilal Nehru that the co-operation which this House and this country are willing to give is co-operation only on the terms of reciprocity and not co-operation of a one-sided kind.

Then, Sir, what is wrong with this amendment that you cannot willingly accept it. It does not affect the British connection with India. It does not affect the sovereignty of Parliament. It maintains the continuance and the permanence of British rule, and consistently with that permanence we demand the fullest freedom. On these terms you are getting our fullest co-operation but the only answer that we have so far got is a blank negation.

Then there is this further thing about this amendment—it contemplates the elevation of the Government of India themselves. To-day the Government of India are insignificant in England. They are impotent abroad. They are tyrannical only at home. That is the correct descrip-

tion of the Government of India. Lord Curzon described it as a subordinate branch of the British administration six thousand miles away, and as regards the impotence of the Government of India to save Indians from humiliation and injustice in the Dominions and Colonies it is so notorious that even they are themselves ashamed of it. Pandit Motilal Nehru's amendment proposes to remove the thraldom to the Secretary of State in which the Government of India find themselves to-day. Sir, the Government of India cannot create an appointment of more than Rs. 500, without the previous sanction of the Secretary of State (*An Honourable Member* : "No.") or it may be a similar amount. In the Bombay Corporation, we can make an appointment not only of Rs. 500 but of any amount. Here is a subordinate body which makes an appointment which the Government of India cannot make without consulting the Secretary of State. The Acworth Committee gave an instance of how the Government of India were slaves to the leading strings of the Secretary of State. In railway administration the Government of India were guided by a set of rules—115 pages of text, 25 pages of index under 400 heads—rules delegating to the Government of India powers which really belong to the Secretary of State—rules which the Government in turn could delegate to the Railway Board. This is the condition of the Government of India, and if they accept this amendment they will become for the first time a really independent Government so far as the internal affairs of the country are concerned. To-day they are a subordinate and a very secondary sovereign body. But it seems, Sir, that we are not going to get even that co-operation in elevating the Government of India themselves, which this amendment desires.

Sir, I must now come to this Muddiman Committee report. The Home Member is a gentleman, clear-headed and sincere, and from all his speeches we can find that he has a genuine desire to come to terms with us. But what is it that this Committee does ? I am reminded of a poem by Lord Tennyson, the late Poet Laureate, entitled Maud. His critics described it as "mad" or "mud." With great regard to the personality of the Home Member, the Committee which is distinguished by his name was surely a muddy committee. The Committee had evidence from Ministers, Executive Councillors and men whom they delighted to honour. These people told the Committee that it was impossible to work dyarchy and yet the only change that they recommended is the transfer of such trivial things as Gas. This is the limit of their generosity. Sir, keep this gas to yourself. Give us some freedom, some breeze of freedom and not mere gas. The Government of India are to-day working as a bureau ; and the speech of Sir Charles Innes was the clearest indication that bureaucrats are unfit to be statesmen. Like experts, they are good as advisers but very bad when they are masters of the situation. Sir Charles Innes' speech was a further indication that bureaucrats like *purdanashin* women have no access to the free air of nature. They live behind closed doors. They do not care to know opinion from outside and they are so self-opinionated that they will not accept advice given by others. Instead of greater freedom we had the other day from Lord Birkenhead a most fire-eating speech. He rattled the sword. He told us that we were slaves who had been conquered with the sharp edge of the sword. The speech which His Excellency the Viceroy delivered on the opening day of this Session merely covered the iron hand with a velvet glove and the pronouncement of Sir Charles Innes yesterday leaves no

[Mr. Jamnadas M. Mehta.]

manner of doubt that you are not prepared to take one forward step until it pleases you ; that is the quarrel which this House and this country have with you and we are driven back to the Preamble of the Government of India Act. Sir, that Preamble is the most arrogant expression of power that one could come across. It is a declaration of the divine right of the British nation to govern this country which this country denies ; this divine right cannot subsist in any country in this 20th century. I do not know what the fate of this amendment will be when it is carried, as I am sure it will be carried. All appearances are that the Government will sit tight over it and as usual while professing the greatest solicitude they will do nothing (*An Honourable Member* : "It goes without saying.") If it goes without saying, it also goes without saying what those who support this amendment will do. They know what to do. Behind this amendment, there stands the combined strength of Indian opinion which will compel Government sooner or later, sooner than later, to accept the demands behind this amendment. Otherwise there is no doubt that the position in India will soon develop into one of extreme seriousness.

Mr. K. Ahmed : No.

Mr. Jamnadas Mehta : Mr. Kabeer-ud-Din Ahmed will have no share in that ; but people who come here as representatives of thousands of voters are not going to sit idle when their most considered advice is flouted. When they feel that their representations do not meet with the response which they deserve, the only course left open to them is to go back to their own electorate and demand a further mandate in the matter. The matter cannot be allowed to rest here. It shall not be allowed to lie here, and unless within a reasonable time a fair response is forthcoming on the part of Government I think with the greatest reluctance on our part we will be compelled to resort to some sort of direct action. Sir, the position is anomalous ; when we reason, we are not listened to. We have given reasons for the demands embodied in the amendment. You turn a deaf ear. When we warn you that unless you comply with our reasoned request we must take some direct action, you complain of a threat. Now, you cannot argue both ways. You will not listen to reason, and when nothing but direct action is open to us, you call it a "threat". What are we to do ? If you do not want direct action, it is your duty to listen to fair and reasonable representations of the leaders of parties in this House. If you do not, then, Sir, nothing is left to honourable men but to go to the country and demand its mandate in this matter. Charles Dickens mentions in one of his novels the story of an experimental philosopher, who wanted to know on how little a horse could live. The philosopher went on day after day reducing the hay which he was giving to the horse,—first one sheaf, then something less and less until it came to merely one piece of straw a day. The philosopher was glorying in the prospects of success of the experiment. "Here I have made an experiment. I shall to-morrow declare to an astonished world that a horse can live on nothing a day." To his great amazement and confusion, the horse died. (Laughter.) The experimental philosopher was a fool ; he should have known that a horse cannot live on nothing a day. Similarly, the patience of the people of this country cannot be taxed *ad infinitum*. We must have something tangible ;

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if you cannot give us that, then the patience of the people of this country is sure to be exhausted ; and they must naturally resort to the only honourable course left to them, namely, to seek the suffrages of their electors in any further action that they may desire.

Sir, there is only one word more, and I will then take my seat, and that is this. Sir, Lord Birkenhead and His Excellency the Viceroy have told us again and again that if only co-operation is forthcoming, then they will sooner or later get us a Royal Commission ; some such promise is held out. As I said at the start, Sir, this amendment is the offer of co-operation on the most honourable terms, guaranteeing the permanence of the British connection, releasing the Government from the thraldom of Whitehall. It is for you to decide whether you will take it or reject it, and thereafter it will not be open to you to say that there was no intention of co-operation on the part of the people of this country. Our difficulty is that if we are divided, then the Government say, " You are not agreed ". Here however is an agreed amendment, but then the Finance Member was anxious to point to....

Mr. President : Order, order. The Honourable Member's time is up.

Mr. Jamnadas M. Mehta : I will not take very long, Sir. I will only say this that you cannot breathe hot and cold about the same matter. If we unite, you call it a marriage of convenience. If we differ, you say that....

An Honourable Member : May I point out, Sir, that the Honourable Member is not addressing the Chair ?

Mr. Jamnadas M. Mehta : I *am* addressing you, Sir,—I was simply finishing my sentence, and if you will permit me, I will....

Mr. President : Order, order. The Honourable Member's time is up.

Mr. Jamnadas M. Mehta : I shall only say this, Sir,....

Mr. President : Order, order. Will you kindly resume your seat.

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, what is the significance of the various speeches made here to-day and yesterday ? The only significance which must not be forgotton by the Government is " mistrust of the British intentions " and nothing less. Why should it be that among all sections of non-officials there should be such mistrust ? Because it is plain that their conduct in the past as well as in the present evokes mistrust and nothing else. The Honourable Sir Alexander Muddiman has referred to self-determination. He says, most people do not understand its significance. But may I be permitted, Sir, to point out to Sir Alexander Muddiman that it is a very difficult word, after 1918, for the British nation to digest. I may mention that when President Wilson said that there should be self-determination for the weaker nations and that all should join in putting down the militarism of Germany, then the Prime Minister, Mr. Lloyd George, stated, " We are prepared to grant self-determination to the weaker nations ". But may I remind the Honourable Members that in the very article which was originally drafted by President Wilson on this of self-determination,

[Mr. B Venkatapatiraju.]

in the original article 3 as drafted by President Wilson there occurred the words :

"Such territorial readjustment if any as may in future become necessary by reason of changes in present racial conditions and aspirations, of present social and political relations pursuant to the principle of self-determination may be effected if agreeable to those people",

—that is to the subject races—

"and the contracting Powers accept without reservation the principle that the peace of the world is superior in importance to every question of political control or boundary."

That was the article which President Wilson announced to the world, The difficulty was that opposition came strongly from no other quarter but from the British Empire. Even the British Dominions did not oppose it, but the British Empire stated : "How can we get on with India, if you give self-determination ?" And therefore, most unwillingly, President Wilson had to drop it, and for it other phraseology was substituted, the result being that when this came to be discussed in both the Upper and the Lower Houses in America, you find people saying, in effect : "How can we let the British nation have their own way in keeping their subject races in such a miserable condition after making high promises that they would give them self-determination ? They have rejected even President Wilson's advice", and that is the reason that they have not joined the League of Nations.

Sir, in one of the quotations of Pandit Motilal Nehru he referred to the maxim "whatever is best administered is best" of the 18th century which Lord Crewe stated that he would adopt when he was discussing the subject of the South African Union. Now I say, why everyone on this side of the House says that we want a change in the administration is because it has not come up to our expectations, it has not given us any satisfaction, and therefore we say that we want to change the system of administration. The Government were all along unpopular, but at the present moment they are much more unpopular than they were ever before. I do not complain that this is due to anything particularly done now, but it is an inherited sin, for as early as 1858 when J. S. Mill wrote the apologia of the East India Company in a memorandum presented to Parliament after the Mutiny when surrendering the Indian Empire, he stated that the East Indian Company—just as Sir Charles Innes and Sir Alexander Muddiman are claiming for this Government now—had established a Government :

"not only one of the purest in intention but one of the most beneficent in action ever known among mankind, and that it had been one of the most rapidly improving Governments in the world."

But he adds :

"Nevertheless it was their hard destiny to make unloved an Empire."

Not only then, Sir, but also later, it was clearly admitted by Lord George Hamilton as Secretary of State for India :

"The Indian Government was not popular and would never be popular"

because they never cared to know the aspirations of the people, to meet them and how best to satisfy them. They are indifferent and that is the reason why they are unpopular even at the present moment. Perhaps some of the gentlemen on the Treasury Benches think that they glory in

their unpopularity because the other day they said they want men for the committees who are unpopular, because they have the strength of conviction behind them. What my friends Sir Alexander Muddiman and Sir Charles Innes complained of is that we should have treated the Government with better respect and not have imputed motives to them. I say so far as Indians are concerned, they do not generally impute motives; they are mere charitable. What they do say is that they will judge the Governmental action by its effects alone. What is it that was said of them, not by an Indian, but by an American of importance, Thomas Villard, in his work "Conflict of policies in Asia"? This quotation would also afford a reply to Mr. Cocke. He says:

"British policy in India....the deep political purpose of an alien Government is not revealed by the material improvements it makes or those that occur under its administration of a country; railways, roads, imposing public buildings, factories and other betterments conduce and in modern times are essential to profitable economic development as also are peace and public order."

He adds:

"Betterment of this character cannot be attributed altogether to a purpose of the Government to improve the condition of its inhabitants. The guiding motive may be profitable economic exploitation and a policy of political and intellectual repression to move side by side."

This is what a disinterested observer of British policy in India has stated. He is not an Indian. But even as late as 1923, Mrs. Egan, who was a great friend of Mr. Montagu, after visiting India has written to say that the real British policy is to perpetuate British domination without caring for the people's interests. This is what she says:

"To be firm in the imposition of a benevolent despotism and to keep the natives in their place have been from the British point of view the fundamental requirements of the British position."

That is exactly the reason, Sir, why we ask for fundamental changes in our amendment. Sir Alexander Muddiman complains that we add this as an ultimatum. But we say that after the speech of His Excellency the Viceroy if the question is referred to any Committee appointed by the British nation the verdict will go against them, and therefore to fortify ourselves we will say whatever you may do, whatever you may not do, we want these things if you want satisfaction on our side and expect hearty and cheerful co-operation from us. Give us responsible Government. We do not want to put up any longer with bureaucratic rule which is not responsible either to us or to any others practically. But I may state if the Government are in a mood to understand the real position and to come to terms, of course all parties will be prepared to discuss the question with them. But so long as the British nation depends upon the advice of the Treasury Benches for guidance, I am sure we will not get anything, because a certificate was given to them by more than one member of Parliament in discussing the Government of India Bill that no reform proposals can ever emanate from the Civil Service and they further added that it would be an evil day for them if any changes are made, because they take it a misfortune to themselves if any privileges are granted to the people, and therefore we cannot expect any better recommendation from them. Consequently we appeal to the British nation to judge the matter for themselves, because they are lovers of freedom always.

I will only take a few minutes more. I will just mention one other point. It has already been mentioned, but sufficient importance is not

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given to the statement made by Lord Birkenhead with reference to the Indianisation of the Army. We know that the Government have appointed the Sandhurst Committee, but Lord Birkenhead wants us to understand that there are certain limitations. This is what he stated :

"An essential in India's advance towards responsible government is to Indian minds the possession of a national army."

I controvert that proposition. It is a statement made by Sir William Vincent in this House. "How can we get responsible government without an army" is a statement made by members of Parliament, to which Mr. Montagu replied :

"Do not deny to India self-government because she cannot take her proper share in her own defence and then deny to her people the opportunity of learning to defend themselves."

British statesmen and European officials in India are stating that we cannot expect self-government so long as we rely on British arms for support. Lord Birkenhead further states that we are in the region of an experiment and of a very delicate and dangerous experiment. For whom ? I fail to see. It cannot be for us. The method which has been adopted is that of the complete but gradual Indianisation as an experiment of 8 units. And he admits it is both slow and limited in scope. The process must indeed necessarily be slow : he says the length of time that ordinarily takes the British officer to reach the command of his regiment is 25 years. Now I ask if 8 units take 25 years for complete Indianisation, knowing as we do that there are 146 units, it will take more than even 250 years to Indianise the army. It will take nearly three centuries. Lord Birkenhead adds that they had difficulty in finding enough Indian cadets up to the Sandhurst standard to provide subalterns even for these 8 units, to which my leader, Mr. Jinnah, has already replied. Not only can we provide 10 or 16 cadets, but any number if properly arranged. Lord Birkenhead significantly referred to the fact that the Government of India have recently appointed a Committee under the presidency of the Chief of the General Staff to examine the whole question of training for the army. They *may* recommend the creation of an Indian Sandhurst. If they do so, the British Government will consider their recommendation "with every desire to make the experiment of Indianization a success *within its limits.*" If the words "within its limits" have any meaning, they mean with reference to the Indianization of the 8 units.

Mr. President : The Honourable Member will bring his remarks to a close.

Mr. B. Venkatapatiraju :

"But until it has been shown to be a success within those limits, it is not our purpose to go beyond them."

He says he is not prepared to go beyond that. It is really surprising in view of this statement what would be the result of the Sandhurst Committee, and therefore we say from all sides that the suspicious conduct of the Government engenders distrust in every section in this House.

Lala Duni Chand (Ambala Division : Non-Muhammadan): Sir, I rise to support the amendment of my Honourable leader Pandit Motilal

Nehru. I want to say a word as to why I do not propose the amendment that stands in my name. As the amendment of Pandit Motilal Nehru has been adopted as the main amendment, all subordinate amendments, like mine, must give way to it. Another and greater reason is that as the whole debate has centred round the issue of a national demand as made in the amendment and as united India is going to tell the people of England, and for the matter of that the whole world, what the minimum demands of united India are, it will be rather out of tune for me to move my amendment. The amendment of my distinguished leader is couched in the most moderate and statesmanlike language and contains a demand which falls much short of the demand for Swarajya. It is an honourable, patriotic and conciliating reply to the invitation extended by Lords Birkenhead and Reading to the responsible leaders of Indian political opinion to co-operate with the Government. A number of the younger members of the Swarajya Party and even the middle aged members like myself do not feel enthusiastic over the national demand made in the amendment, and it is only considerations of loyalty to and implicit faith in our great leader and our sense of gratitude to the memory of the great departed leader Shrijut Chittaranjan Das who extended an olive branch of peace to the British Government shortly before his death, that has reconciled the Party to the proposed amendment. Even if this most reasonable demand is not responded to, both parties will be entitled to revert to their respective positions, the Government to the pursuit of the policy of repression and suppression of all legitimate aspirations of the people of this country and the Swarajya Party to the only business left to itself of creating a situation in the country that will make it difficult for the Government not to concede the birthright of the people of this country.

As to the terms of peace that have been offered by the Government in the form of the recommendations of the Reforms Inquiry Committee Report they are nothing short of an insult to the people of India. There can be no denying the fact that the long-suffering people of India, by reason of the operation of the laws of nature, were driven to the necessity of waging truly a war though of a non-violent character against the present system of Government. No Government howsoever mighty can afford to treat it as a mere childish freak or an abnormal ebullition of human passions. The outburst was the inevitable result of the state of serfdom and subjection that had been created in this country during the last hundred and fifty years of alien though professedly benevolent rule. Though seemingly you have succeeded in suppressing the forces of non-co-operation, at heart the people of this country are still non-co-operators. Even assuming that we are vanquished foes, which we deny we are, I put the question to you : Are these terms worthy of being offered even to vanquished foes ? The recommendations like the transfer of fisheries and excise in Assam and of forests in certain Provinces, of provincial law reports, stores and stationery and so forth as proposed in the Inquiry Committee Report, will not satisfy anybody. An offer of this kind is nothing short of a cruel joke cruelly indulged in at the expense of the people of India. When the most reasonable and reasonably balanced men like the authors of the minority report refuse to agree with the majority, the Government should pause and ponder over the situation. The keynote of the speeches of the two statesmen, Lords Birkenhead and Reading, is that unless and until responsible leaders of Indian political opinion resume co-operation and undertake to work out the unworkable reforms, they

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will refuse to listen to them. The words of the Secretary of State as reproduced by Lord Reading are as follows :

"We desire and request good-will, nor shall we be niggardly bargainers if we meet with that generous friendship which is ever near and dear to our hearts."

Sweet words like these cannot satisfy India. An ounce of practice is better than a pound of theory, an example is always better than precept. India is prepared to meet you halfway. Let there be a genuine desire on the part of the English nation to respond to the aspiration of the people of India. Co-operation implies the idea of mutuality of obligations. If England is anxious to secure the good-will and co-operation of 300 millions of the people of India and their friendship as an asset of some value, 40 millions of the people of England should come forward with an offer of a substantial measure of freedom. If the reforms were declared by the self-respecting and patriotic section of Indian people as inadequate, disappointing and unsatisfactory in 1919, how can it be fairly and reasonably expected that in 1925 the people of India, who have been through the ordeal of fire of repression and persecution, can be false to themselves and proclaim to the world that the reforms are satisfactory and adequate ? The Government are probably encouraged in their attitude of supreme indifference towards the national demand by the fact that the non-co-operation movement has spent its force and the Hindus and the Muhammadans are breaking each other's heads. I may warn the Government that it should not allow itself to be lulled into a false sense of security. The Hindus and the Muhammadans cannot continue to fight eternally in order to keep the foreign bureaucracy installed in its position of authority and power. I am quite sure that the qualities of good sense and patriotism among Hindus and Muhammadans are not altogether wanting and are bound to reassert themselves in the near future against the forces of communal tension and religious feud. It is true that the visible activity of non-co-operation is suspended but non-co-operation is driven deeper into the very bones of the men and women of India. In my opinion the present time is most favourable and most opportune for an honourable settlement. If the Government do not avail themselves of this time they may have to rue the day. There was a time when His Excellency Lord Reading found himself perplexed and did not know what to do and how to meet the onrush of non-co-operation. There was also a time when His Excellency Lord Reading was prepared to invite Mahatma Gandhi to a round table conference with a declaration that the four-anna franchise men of the Congress would have representation in proportion to their importance and neither party would claim any victory; but Mahatma Gandhi would have a round table conference on his own terms. In certain influential though rash quarters severance from the British Empire was openly preached. Even the date for the declaration of the establishment of a republic in this country was fixed. I am reminding the Government of these things simply in order to show the depth and intensity of the feelings of the people of this country against the present system of the Government. It is not long ago that you could find very few friends in this country and you looked upon the few friends that you had as enemies in disguise. The whole aspect is now changed, the fury of the non-co-operation movement has subsided. The most uncompromising non-co-operators are inclined to co-operate with you on reasonable and honourable terms. Swarajya within the British Empire has been

declared by all reasonable leaders as the early if not immediate objective of India. The late Mr. C. R. Das extended to you the hand of fellowship and dispelled your fears with regard to the cult of violence. The great and statesmanlike leader of the Swarajya Party has not missed a single opportunity since he entered the Assembly to extend the olive branch of peace and the grasp of the hand of fellowship. It is due to him that the most restless souls are being moulded into a body of peace-makers. He and the illustrious dead, Mr. C. R. Das, have ample proof of constructive statesmanship in order to demonstrate their fitness ; they have ever run risks of taxing too much the adherence of their followers. Mahatma Gandhi, who is still the leader of leaders, has preached the gospel of love towards you in return for the sentence of 6 years' imprisonment passed upon him. What has been your policy in contrast to this ? Sir William Vincent was prepared to give greater consideration to the demand of an ordinary Member of the Assembly like Rai Bahadur Mazumdar in 1921 than Sir Malcolm Hailey was prepared to treat the joint demand of stalwart leaders like Messrs. Nehru and Jinnah in 1924 or Sir Alexander Muddiman is prepared to treat them in 1925.

Mr. President : Order, order. Will the Honourable Member adjust his remarks to the time limit ? He has nearly reached the time limit.

Lala Duni Chand : I will not exceed my time limit. Have I exceeded it, Sir ? I have got good reasons to believe that in 1921 you were prepared to concede provincial automony to buy peace. You should not allow yourself I say again to be lulled into a false sense of security. If there was enough patriotic material in India in 1921 to start a movement of non-co-operation, the quantity of that material has infinitely increased since then. If a Rowlatt Bill or Jhallianwala Bagh could rouse the inert mass into a volcanic outburst, there is no knowing whether a little match applied to the gunpowder magazine of the too much taxed patriotism of India may not create a worse situation. The British tiger should not think that the Indian lion has fallen to rise no more. The wounds caused without any attempt to apply the healing balm are bound to increase the fury and the ferocity of the wounded lion.

I have made it clear as best I could that the present time is best suited for settlement. Lord Birkenhead wanted a constitution which should have a fair amount of support of different sections of the Indian people behind it. Messrs. Nehru and Jinnah have already given you a very fair and definite idea of the constitution in the form of the amendment, the framing of which, I believe, did not take them more than a few hours. Distinguished leaders like Pandit Madan Mohan Malaviya, Sir Sivaswamy Aiyer and others representing different schools of political thought, are virtually parties to it. What further proof need Lord Birkenhead or Lord Reading require of the fair measure of support behind it ? Certainly they do not require the storm of 1921 as a proof of the required support. The calm and considered support of the recognized leaders of India should be regarded as ample proof of the measure of support needed. If the declaration of Lord Birkenhead that such a constitution will receive the best consideration at his hands and at the hands of other statesmen of England is not an empty shibboleth, he is put to a test and let us see if he rises equal to it. The preamble and the several clauses of the amendment have been worded in such a way that they should be acceptable to all the political parties of India. The greatest merit of this amendment lies in the

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fact that it provides for a transitional stage of political freedom. It opens avenues of service to the people of India in order to substantiate their claim of fitness to govern India and at the same time it gives you sufficient space of time to watch and see if we are fit to govern ourselves.

Mr. President: Order, order. The Honourable Member has exceeded his time limit.

Lala Duni Chand : No, Sir, there is one minute more.

Mr. President : Order, order. Mr. Abdul Haye.

Mr. Abdul Haye (East Punjab : Muhammadan) : Sir, I am thankful to you that even at the fag-end of the debate I have been afforded an opportunity to express my views on this all-important question. Sir, before I proceed, I want to impress upon this Assembly that we who occupy the back benches in this House lie under a great disadvantage. On almost all important occasions I have been on my legs, but have failed to catch the eye of the Honourable President. I would not have given expression to these views but for the speech of the Honourable Sir Frederick Whyte which he delivered at the time when the dinner was given in his honour. My grievance is that as I rise to give expression to my views the Treasury Benches are empty. It is only my friend the Honourable Sir Basil Blackett who is there. I hope this Honourable House will bear with me if I talk in parables to-day, because a Persian poet has said :

"Khushtar án bashad ke sirre dilbarán,
Gufta ayad dar hadis-i-digrán."

which means:

"When we have talk of those whom we love, it is better to talk in parables."

Sir, to me it looks as if in this unfortunate country the bureaucracy had built a very lofty and palatial house for itself. As we, the sons of the soil, entered that compound we noticed that almost every nook and corner of that building was labelled "For Europeans only". But it was the duty of the bureaucracy to accommodate us also. One gentleman, *i.e.* the agent of the bureaucracy, patrolling in front of the verandah, bluntly told us that our proper place was there at the outskirts of the estate where thatched houses were erected out of mud and sundried bricks. We were housed there. We lived there for generations, and all the time, I assure you, we continued swearing at the bureaucracy, although the bureaucracy evidently thought we were quite contented. It so happened that in the year of grace, 1914, the big palace caught fire. At midnight the lord of the house was on the top of the palace and was crying. He said, "People of my house, my brethren, our house is on fire." It was open to the lord to say, "Strangers, neighbours, I am in trouble, come to my assistance out of sheer humanity." The impression created at the time was that it was "our" house that was on fire. We stirred in our beds. In the darkness of the hour, half-naked, with buckets of water on our shoulders we left those dingy *kothries* and proceeded to the scene of the fire. Sir, the bureaucracy will excuse me if I say that our half nudity did not offend their sense of delicacy at the time. We laboured hard, we co-operated with the bureaucracy, we fought shoulder to shoulder, and the fire was brought under control. I am sorry, Sir, that His Excellency the Commander-in-Chief is not

in his seat, otherwise a gallant soldier as he is, His Excellency would have borne me out when I say that it was no mean part that we played in bringing the fire under control. The fire was quenched. With a sign of relief the bureaucracy was taking notice of the damage that was done to the palace. We who were intruders, we who were under that roof for the first time, were noticing what had remained of that big palace, and we thought that we were co-sharers in the building. What happened next? Smiles were extended and, Sir, a little while after that we were politely told that our people in the outhouses were waiting for us. Just at the time when we were thinking that the bureaucracy would also bring our people under that roof, we were told that our place as usual was there in the outhouses. Like a Drill Instructor the order was pronounced "As you were!" But mind you, Sir, we have refused to obey that order. We are not to-day in those outhouses, we are still in the verandah of that big building although we are being hustled out of it by men like my Honourable friend Sir Basil Blackett and the Honourable the Home Member.

Sir, in the heat of this discussion let us not forget certain stern realities that obtain in this country. It is my painful duty to strike a note of warning. Let it not be taken as a jarring note. I have never struck a jarring note on the floor of this Assembly so far, and if I am true to my religion and to my country, I deem it my duty to fight shoulder to shoulder with my Honourable friend Pandit Motilal Nehru and my Honourable friend Mr. Jinnah. But, Sir, a lot of argument has been advanced against this amendment. It has been said that one of the greatest obstacles that lie in our way is the Hindu-Muslim question. Sir, I have no hesitation in saying that the danger of the Hindu-Mussalman question has been magnified. (Hear, hear.) Sir, even if these differences continue, we are bound to fight for Swaraj on the floor of this House. We shall have responsible government established in this country in spite of those differences. Sir, in this fight for liberty there are millions and crores of Indians that are arrayed against the bureaucracy. When in the face of these facts you find the noble Lord Birkenhead and His Excellency the Governor General refusing to recognise the justice of our cause, it is no doubt mainly due to the fact, as my Honourable friend Mr. Chaman Lall has put it, that they have at their back the power of the howitzer and the machine-gun. But apart from this, let me remind this Honourable House that they are also counting to a great extent upon our mutual differences. Sir, the bureaucracy knows that when the order for attack will be pronounced, and the time for making a charge will come, in all probability the Hindus and the Mussalmans of India, instead of directing their attack against the bureaucracy, would prefer to kick one another. Sir, I have already said that this argument of the bureaucracy does not hold good, but is it not our duty to meet them on their own ground by composing our differences at the earliest possible opportunity? (Applause.) Sir, may I not address a few words to the Honourable the Leader of the opposition? (*An Honourable Member*: "You cannot do that here".) When we came first to the Assembly, it was in February 1924, if the Honourable Members remember, the position was this. The memorable Resolution about the establishment of responsible government in this country was to come before this Assembly for discussion. We had some preliminary meetings in which some responsible leaders of Indian thought outside this House also participated. I deem it my duty to remind the Honourable Pandit Motilal Nehru that at the time amongst the Muhammadan Members

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of this House, there was a section that was diffident in moving along with us. What they said was that although they had no objection to taking a step forward, yet they wanted that the rights of the Mussalmans should be settled beforehand. The time at our disposal was very short, and I was one of those who thought that we should not make such settlement a condition precedent. I implored them to stand by the side of Pandit Sahib and to vote for the Resolution. Sir, I want to make it known to this House and through this House to the country abroad, that an assurance was given to us that early attempts would be made to compose all those differences, especially those that still obtain in the Punjab. Sir, to my great regret, no attempts have been made in that direction so far. Let it not be understood that I want in any way to lag behind. All I want to impress upon this Honourable House is the necessity of composing those differences, and on behalf of my community I want to make it known perfectly well that we want no favours. We want our legitimate rights to be protected. We are here to-day without any settlement of those rights, and still I am prepared to vote with you, but Sir, delay in these matters is dangerous. If you are going to sleep over these matters, I am afraid you would be sitting upon a volcano that may burst at any moment.

Mr. K. Ahmed : Hear, hear (raising his hand towards Pandit Motilal Nehru.) (Laughter.)

Mr. Abdul Haye : I only hope, Sir, that if ever that volcano bursts it will not be so big an affair as my Honourable friend Mr. Kabeerud-Din Ahmed is. With these few remarks I heartily support the amendment of my Honourable friend Pandit Motilal Nehru.

Mr. Devaki Prasad Sinha (Chota Nagpur Division : Non-Muhammadan) : Sir, the political aspect of this question has been dealt with repeatedly by almost each Member coming from the provinces of Madras and Bombay in lengthy speeches. I propose to deal only with the economic aspect of the Resolution because to my mind Swaraj is as much an economic necessity for the masses of our countrymen as it is necessary for meeting our political aspirations. My learned and gallant friend who represents the European community of Bengal has told us that in his own drawing room and in the office of the European Association of Calcutta he has acquired a far greater experience of the masses of the people of this country than we who live and move amongst them. He told us that, whatever may be the differences here regarding the acceptability or the non-acceptability of the principles of dyarchy, the masses of the people in this country are not bothered by it. Well, Sir, that may be true, or it may not be true ; it is for those who pose as the representatives of the masses of India to say ; but there is one great fact from which my Honourable friend Colonel Crawford cannot escape. If he turns to examine the figures of famine and floods, the figures of disease and death, and the figures of the rise in prices without any corresponding rise in wages, the figures of the economical progress of the country within the last four years that the reforms have been in operation, he will be driven irresistably to the conclusion that the so-called reforms, the principle of dyarchy, has brought no relief to the masses of our countrymen whom he poses to represent. Well, Sir, I will read out to him an extract from a paper which is published as a semi-official docu-

ment, and it is very interesting reading for my friend Colonel Crawford. Describing the conditions of the Indian food problem, the writer says :

"It is just possible that one-third of the above number, two-thirds of the population, may be getting a little less than 90 per cent. of their requirements, and the rest two-thirds, or one hundred millions, in spite of hard labour, may be getting for a better part of the year less than 60 per cent. of food grains that are given to the worst sort of criminals in the jails of the United Provinces and the Central Provinces."

Well, Sir, that is the theory of trusteeship as it works in practice. And, Sir, if further evidence were necessary to prove how this theory has egregiously failed to bring about any relief to the masses of our countrymen I can quote no better authority than the Honourable Sir Charles Innes himself. In a report of which he is the author and which is called a "Report on the operations of the Food Stuffs Commissioner" he says :

"These high prices have caused the greatest distress and embarrassment in India. They have pressed most hardly on the poorer classes of people living on small fixed incomes in the towns but the effect of them has been felt by every section of the community as well as by Government and by other large employers of labour. It is small comfort to the Indian to be told that on the whole he has kept more alive than the people of most other countries."

Therefore, Sir, if we look at this question, from the economic point of view, from the point of view of the masses of India who have every day to face an economic struggle, who have every day to wage war against starvation and disease, we are driven to the conclusion that the present system of government has entirely failed to bring about any relief.

Colonel J. D. Crawford : Can the Honourable Member give me any figures before British rule in India ?

Mr. Devaki Prasad Sinha : My Honourable friend refers me back to the days when neither he nor I, neither his ancestors nor my ancestors were responsible for the administration of the country. Well, Sir, if he wants the British Government in India to be compared to the Government of India during the Tuglak period or during the period of the Pathans, if he wants the achievements of the British Government to be compared with the achievements of non-Aryan races, I believe, Sir, I cannot convince him of the futility of his argument. I hope, Sir, his own British compeers will give him up as a hopeless proposition. We want to compare the British Government not with the bad governments of the past but with the good governments of the present time in other countries and with the good government which we hope to establish in India in the future.

It has been said in this House that the amendment proposed by my Honourable leader virtually accepts the theory that the western form of government is most acceptable to the needs of our country. Well, Sir, speaking for myself I do not read that meaning into the amendment of my Honourable leader, and I have absolutely no hesitation in averring that the principles embodied in the majority Muddiman Report and the principles underlying the Government of India Act, 1919, are not at all suited to the genius of our people and not fitted to meet the requirements of the Indian nation. Well, Sir, the amendment does not say that we must have either this form of government or that form of government. The amendment lays down certain general principles. The determination of the exact constitution of the country will be left in

[Mr. Devaki Prasad Sinha.]

the hands of those who sit at a round-table conference. I personally believe, Sir, that in our country, western institutions are unworkable, and even if they were workable they would not be of advantage to our people. Small units of government based upon democratic control are institutions that would in my humble opinion be more suitable for a country like India. We are at present asked to give our opinion as to whether or not the principle of dyarchy that has been in operation for the last 4 years and which my Honourable friend the Home Member's Resolution seeks to perpetuate for all time to come is good for this country. Our one answer is an emphatic "No!" Well, Sir, the Honourable the Commerce Member, with the instincts that prompt the administration of affairs in his Department, told us that the British people has for the last 150 years invested so much capital and energy in this country and naturally they are entitled to enjoy their dividend in the shape of rights and privileges. Well, Sir, I am not one of those who overlook the fact that we owe many things to our connection with Great Britain and with western countries. But if it is contended that in return for the obligations under which they have placed us we should grant them a lease in perpetuity whereby they will be able to exploit our natural resources for years to come, then I submit that they are labouring under a great delusion. In the field of politics, either in this country or in any other country, public memory is very short and obligation for things done in the past can be no sufficient inducement for forgetting the omissions, the misbehaviour and the misrule of the present generation.

Well, Sir, I support this amendment because we believe that neither the British Parliament nor the British nation are capable of devising a system of government which will be beneficial to the people of this country. This is no reproach them. In the nature of things they cannot understand the needs of the people of a country whose civilisation and mode of living are entirely different from theirs. If any illustration were necessary it will suffice to say that the kind of Swaraj, the kind of self-government, the progressive realisation of self-government which is foreshadowed in the Preamble to the Government of India Act of 1919, the kind of self-governing institutions which they promise to give us, is nothing but a system of government under which their own dividends in this joint stock company are ensured at the point of the bayonet. If they show us grace and if they are forced to give us further reforms it means only this, that they are prepared to take into partnership with them in this joints stock company a few landed and commercial magnates of this country. Well, Sir, self-government for the vast bulk of the people of this country is no mere fair equitable and just distribution of profits and dividends between Indian capitalists and European capitalists. Self-government is an ideal which stirs the masses of the people with the hope that it will bring them economic relief, that it will free them from the dangers to which they are subjected every day of their lives. And, Sir, it is certain that if that belief actuates the masses of the country an amount of energy will be generated which will be difficult for any Government, in spite of all its power and pomp, to resist. To-day across the floor of this House we are told that neither His Excellency the Viceroy nor His Lordship the Secretary of State for India will be coerced into granting further reforms by threats given by our leaders. Well, Sir, as has been observed by other Honourable

Members of this House, this assumption of self-complacency on the part of anybody who is responsible for the administration of Indian affairs is due entirely to the fact that at present they realise—and I hope it is a temporary phase—at present they realise that the nationalist movement in India has been temporarily divorced from the mass energy that at one time backed its demands. Well, Sir, if these economic forces are allowed to go on working and if the appeal for co-operation is made without its being accompanied by any programme which will bring economic relief to the country, the natural result will be that discontent will go on increasing. The time will come when the mass energy generated by the necessities of the economic situation would be yoked to the political aspirations that guide in the determination of the affairs of institutions that are called nationalistic, and when that time comes the British Army, the Navy and their armaments and also the Imperial conceit which the British nation possess will be of no avail to them. It was but a glimpse of that prospect which in December 1921 drove terror into the hearts of those who are responsible for the Government of India at present, and not only were they willing but they were eager to convene a round table conference and to consider proposals for further reforms. Well, Sir, if the Government of India continue their policy of total indifference to and total disregard of the needs of those whom they profess to represent and whose trustees they claim to be, I have no doubt that in due course the time will come when the mass energy, that would be generated by the appeals of those who base their claims upon the principles of national self-determination, will assume such a volume and shape that it will be impossible for the British nation or for the British people, much more for the Government of India, to resist. With these words I support the amendment.

5 P.M.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province: Nominated Non-Official): Sir, having listened to the very eloquent speeches of the Honourable Members who have preceded me, perhaps the House might like to hear the common sense point of view of a resident of the North West Frontier Province. It is very seldom that we hear any mention of that unfortunate province made in the debates of this Assembly. At this late hour, Sir, I should like to mention one or two points only. I first speak as a Mussalman of the North West Frontier Province. As such, Sir, the Muslim point of view has already been expressed in this House by some of the Muslim Members, particularly Maulvi Muhammad Yakub and Mr. Abdul Haye.

Mr. Devaki Prasad Sinha: Not by Mr. Jinnah?

Nawab Sir Sahibzada Abdul Qaiyum: The Muslim point of view, I say. Well, I expected that Mr. Jinnah would also mention something of the resolutions of the Muslim League that were passed at Lahore, but perhaps he thought it advisable to leave it to Maulvi Muhammad Yakub, who was also a member of the League and who, I believe, took part in its deliberations. The Muslim point of view was also expressed in a statement sent by the Muslim Members of this Assembly to the Muddiman Committee and I believe it is in the Report. I need not however worry myself much with the Muslim point of view, except that, as Mr. Rangachariar said, there is not a single Mussalman who does not want advancement by constitutional methods. However far I may

[Nawab Sir Sahibzada Abdul Qaiyum.]

be coming from, I too want advancement in that direction. But both the Muslim League and the Muslim Parliamentary Party in this House have expressed their views under certain conditions and with certain essential provisions ; and if those provisions and conditions are fulfilled the advance will be most-welcomed by the Mussalmans. What the Muslims are really afraid of is that their condition might be that of the Indians in South Africa when Dominion status is achieved by India, and until then, Sir, the Muslims do not want to be left out of the administration and the government of the country, as they at present are to a great extent. Those are the only two conditions to be fulfilled, conditions which the Muslims are most anxious to be satisfied about and secure before any advancement is made. But, as I have said before, it is not this that I am driving at. It is the North West Frontier Province, that unhappy and unfortunate province, to which I should like to draw the attention of this House. In the Muddiman Report, both in the majority report and the minority report, I do not find any mention of my province. In the Resolution before the House and in the amendment proposed by the Honourable Pandit Sahib there is no mention of that province.....

Pandit Motilal Nehru : My amendment applies to the whole of India.

Nawab Sir Sahibzada Abdul Qaiyum : There is just a slight mention of minorities ; but it is too vague. You do not bring in the question of the North West Frontier Province which is very very important and which should have been dealt with more clearly by the Muddiman Committee and by everybody.....

The Honourable Sir Alexander Muddiman : I should just like to explain, Sir, in reference to this that the Reforms Inquiry Committee dealt only with Governors' provinces. That was their reference.

Nawab Sir Sahibzada Abdul Qaiyum : Then do I understand, Sir, that the North West Frontier Province is not part and parcel of the British Empire. The mention of the depressed classes and of labour is there. The Committee recommend some franchise for the depressed classes and some extension of the franchise for the labourer, but not for those stalwart robust people across the Indus. That is what surprises me very much, Sir.....

Maulvi Muhammad Yakub : They are too formidable for the franchise to be given to them.

Nawab Sir Sahibzada Abdul Qaiyum : I will come to that point, Sir. The reasons which to my mind can be brought against the disfranchisement of that province can only be these.....

Pandit Shamlal Nehru : We want to give you complete self-government.

Nawab Sir Sahibzada Abdul Qaiyum : But that will be only after you attain Swaraj. The reasons can be that we are either backward in education, that we are troublesome, that there is no money to be got for running the expensive machinery of a Council, or that there is no demand for Reforms. Those to my mind can be the only reasons for the disregard of our rights. The present Government of India Act

allows some sort of constitutional advancement and a Council for the North West Frontier Province but even that is denied to the Province. Sir, I think the reasons can only be these. As regards education I can assure you that we have made a great advance in education recently. We have got three fine colleges in the Province. We turn out a large number of graduates, if graduates can be of much use in this world, and we also give solid common sense education to our people. If you only go and see the rifles and other articles manufactured by some of our people you will know what kind of capacity they have got for practical education and practical knowledge. You will want these people one day and you may need to use them in the defence of the country one day. Sir, as regards the ordinary degree education, we have made a great advance in that direction. Not only that, Sir, but if you will compare us with the sister province of the Punjab and especially the western districts of that province, you will find they are more backward in education. Students from the Mianwali and other districts of the Punjab receive education in our institutions. Why should they enjoy reforms and not we? Simply because an administrative line is drawn between them and us and we are deprived of the benefit of these reforms.

The second argument perhaps is that we are turbulent. Turbulent we may be, Sir, but do you mean to say that we are more turbulent than the Bengalis? They go in for murders and dacoities not for gain but simply for political reasons. They are worse than us, because they do not gain anything by that materially. We only raid and commit offences when we want to get something to live upon, and when we have plenty to eat we do not go in for these offences.

The third reason may be an economic one, or the question of expenses. As a matter of fact there will not be much initial expense. The estimate that was made by the Frontier Inquiry Committee was not a very big one. It is a very modest one, Sir. I think in the long run there will be a saving and a good deal of money may be saved by starting some sort of reforms to secure the sympathies of the people there. You need not give daily allowances to the Members of the Council. You need not pay the Ministers at all. Somebody may come forward and work as honorary Minister. You may hold the meetings in one of the Houses now available there. Practically I do not think there will be much to spend in the initial stage and not much expense on the recurring side.

There is still one great objection which I believe is now passing in the mind of the Home Member and that is that he perhaps believes that there is no desire for reforms. I can honestly tell him and tell him through you, Sir, because you have said that the remarks must be addressed through the Chair, that there is a great demand or an earnest desire for it. If you want to make sure about it, you have only to turn to the pages of the Frontier Committee Report and you will find there an almost unanimous demand for advance. The only difference comes in when the shape of the advance is discussed. Some support the majority report and some the minority report, but there is a unanimous opinion of both the majority members and the minority members that the Frontier people are quite fit for advance. Well, as to the desire, Sir, there is a good deal of correspondence on this subject in the Press

[Nawab Sir Sahibzada Abdul Qaiyum.]

of the Punjab. We have not got any Press or else I should have quoted to you opinions from our own Press. We depend upon the Punjab Press. The Punjab Press publish some of our letters and articles but not much. If you wish that there should be another inquiry to show whether the people want the reforms or not, I can tell you that there will be a cent. per cent. demand, although there was 99 per cent. at the last time. I hope you are not waiting for the time when the people should protest about it in the form of a *hijrat*, or something of that sort. But I hope that things will not come to that pass and that some sort of reform will be given to that province. I appeal to the Members of this House : Will you not really put in and support a Resolution recommending some reforms for that unlucky province ? If you will not, then you will be lacking in patriotism in regard to a province which claims to be a part of British India. If you are asking for further reforms for yourselves, without our being given an opportunity to try the present reforms, I am not going to support your demand. So long as my province is left out, I do not believe that the rest of India deserves any advance.

Mr. President : The Honourable Member has exceeded his time limit by three minutes.

Nawab Sir Sahibzada Abdul Qaiyum : I have not got much to say, Sir. All that I want to say is that either we must have some reforms or we should be left out of the Indian Empire. I think the rest of India should not be allowed to go any further until they also carry us along with them. I assure you, Sir, that if given reforms or a local Council we, the frontier Pathans, will prove to the world how a great majority can be tolerant, just and even generous to small minorities. There are numerous troubles in the country ; communal differences, and various other things. Only three years are left between now and 1929, and those three years can be most usefully spent in reconciling all those differences and troubles and in making a unanimous effort towards paving the way for an advance for everybody—the depressed classes the frontier Pathans, the Baluchis and others—by giving them the necessary education, etc., etc., and in preparing the whole country for an advance within these three years. I am sure that after these three years, during which we can set to work composing differences, etc., as suggested by Mr. Abdul Haye, there will be the time for substantial advance. I will not detain you further. (Laughter.)

Mr. M. S. Aney (Berar Representative) : Sir, it is rather late for me to take part in this debate ; and the Resolution has been discussed from so many points of view that for one who comes rather late, the task is somewhat difficult. The first thing that strikes me in this Resolution is that it is bald and blank. It puzzled me very much. The Resolution that has been moved by my Honourable friend Sir Alexander Muddiman has undoubtedly puzzled me as being rather a bald Resolution. There is no prelude to it showing the reasons on which the particular proposition is being supported. Probably the Honourable Member who moved the Resolution had no such reasons to support the Resolution. It is also blank because he wants us to say that the principle underlying the Report should be generally accepted, and that the Government of India should be allowed to deal with the recommendations in the vague manner laid down therein. It is asking us practically for a blank cheque : no attempt is

made to define the principle underlying the Resolution. What can be the principle of this Report as a matter of fact? The majority report—if an attempt is made to find out any principle—can be properly described in the terms of my leader as a report without any principle at all. That is the position. So in asking us, without making any attempt to define the principle to which the consent of this House is asked, the Home Member is virtually asking us to give a blank cheque to the Government of India to deal with the recommendations of the majority generally in the manner laid down in the Resolution. I do not think, Sir, that is the proper way of moving a Resolution on the Report of an important inquiry, a document like the Muddiman Committee Report, when that Committee has laboured for months together and formulated certain definite recommendations. Again, I was surprised to some extent when I found that the Government have really made up their mind as regards the recommendations contained in the minority report, but that as regards the recommendations contained in the majority report they have not yet made up their mind. I do not really know the manner in which the Executive Council discussed these questions. It has not been my privilege to peep into the mysterious working of that secret chamber. But I imagine they must have placed both these sets of recommendations side by side, and they must also have considered the evidence that was recorded and they must have in the light of the evidence recorded examined the recommendations. The recommendation on the same point by the minority, and the recommendation on the same point by the majority must have been placed by them side by side before themselves, and if they could at once come to the conclusion that the minority recommendations could be rejected, certainly they must have also come to the conclusion that the majority recommendations should be accepted or should be accepted in some modified form. Without coming to that conclusion they cannot reject the minority report if they have tried to understand the minority recommendations in the least; and the only conclusion I can draw from their rejection is, to my mind, that they have rejected the minority recommendations without caring to go into the evidence on which those recommendations are based. They must have left the majority recommendations and the recorded evidence over for consideration later on. And therefore the judgment they have pronounced on the minority recommendations is probably a judgment formed on certain pre-conceived notions rather than a careful consideration of the evidence. It cannot be the result of weighing and considering the evidence which was put before them: and in that case I should be pardoned and excused if I say that they have approached the questions with a certain amount of bias and that they have not examined them in the proper light and in the way in which they ought to have been examined.

Secondly, Sir, while dealing with this Report what strikes me is that the Government really are on the horns of a dilemma. The Government are in this difficulty. The experiment of dyarchy has been tried in this country. Now they do not know what to say—whether they should say that dyarchy has succeeded or that dyarchy has failed, because they are still faced either way with a tremendous difficulty, and they do not know how to overcome that difficulty. If they say that dyarchy has succeeded, then this House has every right to ask them to grant a further advance on the present situation. They do not want to consent to such further advance at all, so they say that dyarchy has partially succeeded, knowing

[Mr. M. S. Aney.]

that if they say that it has completely failed, then the responsibility is on them to make counter proposals in reply to the proposals which we have made. They are not prepared even for that. They are on the horns of a dilemma. This conclusion only forces me to say that the Muddiman Report is in my opinion the result of a muddled mentality and nothing else. That is the spirit in which the whole Report has been written.

Then, Sir, coming to another point, I mean the amendment, the questions are really comprehensive and have been already dealt with, and therefore I do not want to go into them ; but there is one general remark which I wish to make. I do not want to take the time of this House very much at the fag end of the day. The thing is this. If you say that you have not fairly tried the system of dyarchy, then what is the atmosphere in which you think it can be fairly tried ? If you go upon the evidence of those persons who have, in spite of public opinion against them, made up their minds and taken their courage in both hands to enter your Councils and done whatever they could do during these three years, what does it point to ? These persons come and make statements before you that they have tried their best but they think they could not succeed ; if the co-operation of these persons is not to be taken as the test of the success of the scheme, what other situation could be conceived in which the scheme could be given a better trial ? In this connection I would certainly like to draw the attention of this House to a passage in the minority report. It is a very telling passage, and to that passage no attempt has been made to give any satisfactory reply. So long as that passage remains unreplied to, so long as there is no proper reply given by the Mover of the Resolution or those who support the Government Resolution, I say that the verdict that the scheme has not been fairly tried is not one which could be accepted by this House. This is the passage to which I shall draw the attention of the House—it is on page 151 of the minority report :

"We do not agree with the criticism that the Reforms were not given a fair trial. We do not see how the Reforms could have been worked in a better spirit at their inception if instead of the men who offered to take advantage of them, others who were frankly opposed had entered the Councils. Actually the very abstention of the latter was helpful...."

—that is the verdict of those who have actually worked it—

"Actually the very abstention of the latter was helpful, and we venture to think that if they had entered the Councils with the opinions they held at the time, the Reforms would have broken down at a very early stage. We do not wish to overlook the fact that the atmosphere which prevailed outside the Councils was one of hostility to the Government : but we do not think that such outside atmosphere prejudiced the working of the Reforms inside the Councils."

Now, Sir, this is the opinion given by people who have done everything in their power to work the Reforms and they think that the abstention of those who were opposed to the Reforms was really an element that helped them in working the Reforms in the best possible manner. So the trial was made under circumstances which were entirely congenial to the working of the Reforms. The conclusion which they have drawn is that even under those favourable circumstances the reforms have not been worked successfully, because in their very nature they are unworkable. My Honourable and gallant friend Colonel Crawford stated that they are capable of being worked by reasonable men in a reasonable spirit. That is not the test of any constitution. You have to see that a constitution

which is given to a people is one which is capable of being worked by representatives who will be elected by the people. You will not take notice of the people and the sort of representatives that are likely to be elected by the people. I do not think you are the persons who can frame any constitution at all, if you say that the constitution can be worked by reasonable men in a reasonable spirit. What is the type of your reasonable men and what is the reasonable spirit ? We will always be in the dark about that. You always make the assumption that, whatever you do is right, but we do not work in a reasonable spirit and we are not reasonable men. What is the reasonable spirit ? What is the reasonable way ? Who are the reasonable men whom you expect to work those reforms ? The important point is this. If your constitutions have been properly worked, as they were undoubtedly worked, and have even then been found wanting, the only inference is that you were not capable of taking into consideration the conditions which prevailed in the country and the sort of constitution that the people demanded. The reforms have been, as I have shown, worked with the best of intentions by those persons who for the time being sacrificed their convictions just to give a trial to them. When you had got that type of men, are you prepared to say that they were not worked properly ? The men whom my Honourable friend Sir Sivaswamy Aiyer referred to in his speech as the men for whom you had sometime before expressed a very high opinion and to whom you paid a tribute for having done their work in the best possible manner, are you now turning round to say that these men were an unreasonable set of men ? Then you take it for granted that in India everywhere you will only find unreasonable men. An Indian is being looked upon by you as always behaving in an unreasonable spirit. You do not take into account when you frame your constitutions the real conditions prevailing in the country, the point to which aspirations have gone and the height to which the legitimate aspirations of the people have soared. You do not take that into account. And if you do not take that into account, anything that you may frame, anything that you may suggest must fall short of it and is bound to share the same fate as the present constitution. The amendment of my leader Pandit Motilal Nehru has got one virtue. It will save you from this humiliating position hereafter. Hereafter it will be a question for us to say that we have a constitution of our own. We shall prepare it, of course we shall previously discuss it with you. If there be a failure, the failure in that case will not be yours, it will be ours. Hereafter we do not want to blame you. We are tired of using strong language against you. (Laughter.) We are tired of saying anything that will be unnecessarily offensive. We want to avoid that if possible, and the only way in which it can be effected is by your making a generous concession. I ought not to use the word " generous ", but I wish to give you a little bit of pleasure, you are being so severely criticised and censured. We want you to make a timely and generous concession to the very reasonable amendment that has been put forward. It is our reply to the invitation which has been given by Lord Birkenhead. Whatever may be his motive, or the underlying thing that was working in his mind, we have understood him in a particular way and this is our reply to him and I believe you will consider that reply in the spirit, in the generous spirit in which we have come forward to extend our hand of fellowship to you. If you fail to do that, it is not for a small man like myself to say anything about what may happen. Men who can speak authoritatively in the name of the nation,

[Mr. M. S. Aney.]

men who have worked for the masses, men who are idolised by the people in this country, have got to take this up. Do not ignore these warnings. These Resolutions which we are moving should be taken by you as symptoms of a mighty revolution in the land that is likely to come if you do not do justice in time. (Applause.) It is for you to accelerate it or to avert it. It is not for us to do anything. My only suggestion, I say submissive suggestion, is "catch time by the forelock." If you allow time to go, mind you, it is likely to inflict a stab. It is likely to stab you with the scythe in its left hand, and probably you will have to rue the day on which you did not give proper consideration to a reasonable proposition of this kind. With these words, I support the amendment.

Sir Darcy Lindsay (Bengal : European) : Sir, I have listened with close attention to the arguments put forward in favour of the amendment moved by my Honourable friend Pandit Motilal Nehru, but many of the speakers appear to have strayed from the issues before the House and there has been really very little said on the merits of the amendment, except that the vote in support of it was going to be unanimous. It appears to me, Sir, to be a child of premature birth and of doubtful parentage. It is rumoured that the Independent Party lay claim to parentage. We have heard from my Honourable friend Lala Duni Chand that the scheme was prepared in a matter of two or three hours and this probably accounts for the want of enthusiasm with which my Honourable friend Pandit Motilal Nehru moved his amendment. Whoever the parent may be, it serves the purpose of putting forward the views of some Members as to how India can best be governed until she obtains full responsible government within the Empire. Like the Honourable Pandit whom I understood to state he would not waste the time of the House in discussing the recommendations of the majority report, for he did not want the advance the recommendations may give, I do not propose to debate the pros and cons of the proposals he puts before us, not for the reason he gives, but because no time has been given to consider matters of such moment to India and of very far-reaching effect. It, however, appears to me, Sir, that when one wants to get something done it is not altogether wise to commence by kicking the person from whom favours are sought, be the cause ever so righteous.

Pandit Motilal Nehru : No favour is sought. (*An Honourable Member* : "Natural right").

Sir Darcy Lindsay : As pointed out by the Honourable the Home Member, there is no getting away from the fact, unpleasant as it may be to some, that the British Parliament have through the Secretary of State first to be won over to the cause of India if more rapid progress towards the ultimate goal is to be secured, and it is not by heroics and beating the big drum that a people thousands of miles away are likely to be convinced that the demands are just and must be acceded to at once. The House, I am sure, realises that extravagant speeches cut no ice and are likely to do harm to the cause of India. Sir, extravagance in speech is at times dangerous and apt to be misunderstood by those who are unable to realise that some Members do not always mean all they say. In reply to the Honourable the Home Member I heard an Honourable Member remark that it was mere rhetoric. Do not alienate the good-will that undoubtedly exists. You have only to read the speech of Lord

Birkenhead delivered in the House of Lords to realise the close and sympathetic interest he takes in Indian affairs, and his desire is to aid India if she will only respond. (*An Honourable Member* : "Question.") What he asks is that we should co-operate in working the present Act instead of refusing to have anything to do with it as is now happening in Bengal and the Central Provinces. (*An Honourable Member* : "Is the present Act workable ?") Certainly, Sir. Even assuming that there are defects, is that any reason for its entire rejection in the demand for immediate Swaraj ? In inviting us to produce a new constitution which carried behind it a fair measure of general agreement among the people of India, he certainly imposes upon the political leaders a herculean task. It is not certain that if at the present time it were possible to frame a constitution reasonably acceptable to all in its protection of minorities and that could be worked successfully for the real benefit of India, we would have already produced the same ? The best we can do at the moment is to put forward the scheme as outlined in the amendment which, as I said before, has received a very lukewarm blessing. By all means let it be considered by a Royal Commission or any other agency, but would it not have been better to bring it forward at another time and after fuller investigation by all parties in the country and not merely as a proposal put forward by the Members of the Assembly ? Several speakers, including the Honourable Pandit and Sir Sivaswamy Aiyer, have asked for a change of heart on the part of Government. But might I suggest that a little reciprocity in this direction might be beneficial. At present it is more take than give. (*An Honourable Member* : "What have you given ?") Also why should the National Party have the monopoly of distrust referred to by these speakers ? There should be no talk of distrust and it is here where a change of heart is required. To my mind it is the germ of distrust that is responsible for most of our trouble. I say again, Sir, co-operate in working the reforms for all they are worth and prove that we understand responsibility in its true sense. It is by these means and these means only that the goal will be reached. You, Sir, have set us a fine example in your decision to co-operate in working the Reforms (Hear, hear) and I hope your earnest appeal to us also to co-operate will bear good fruit. The other course, namely obstruction, only helps to put the clock back, and where is the satisfaction to any of us ? I suggest to the Honourable Pandit that co-operation should be mutual and not all one-sided as he appears to want it. I refer to the statement that his amendment forms the very minimum his Party can put forward. Other speakers endorsed this and in fact present a pistol at the head of Government with what appears to be threats. That is not my view of co-operation. The great advance India has secured under the present Act must surely by now be recognised by the large majority of those who condemned the reforms because in their view immediate self-government and nothing else would suffice. It is well-known that the present Assembly are doing real good work, especially in Committees (*An Honourable Member* : "Is it not co-operation ?") in the exercise of the powers they hold and there is an advance all along the line that was never possible under the old regime. The Members have discovered that the Act gives very real powers to the Assembly and Councils towards progress and that it is preferable to exercise same rather than adopt a policy of obstruction. In other words, grasp the substance instead of losing same by fighting for the shadow. I think it was the Honourable Pandit who said :

[Sir Darcy Lindsay.]

It is waste of time to try and work the reforms. Will he place his hand on his heart and say that he truly believes it? (*Pandit Motilal Nehru*: "Yes, I do.") Who can deny that the first Assembly made good use of their new powers and brought about important changes that will be of lasting benefit to India. Did we not in the very first Sessions drive home the necessity for retrenchment in every direction, and as an earnest of this all Demands for Grants were cut by 10 per cent. This brought about the appointment of the Retrenchment Committee with that great man Lord Inchcape as Chairman to whom India ought ever to be grateful. He and his Committee, the members of which were chosen from the very best India could give including our good friend Sir Purshotamdas Thakurdas, who was then a Member of the Council of State, took off their coats and worked untiringly in their investigations. The result was the production of a report of much value that has become a standard work of reference to many Committees. We know how many crores have been saved to the country in addition to which economy is now the order of the day. Other important measures were introduced and I think it has been proved up to the hilt that the reforms have in many respects been a success and of much value so far as the Central Legislature is concerned. Surely my Honourable friend Diwan Bahadur Rangachariar must admit this in spite of what he said about coming here month after month only to know our votes do not count. It is largely due to the Lord Meston Award which left no money to many of the provinces that the results there have been unsatisfactory. But I do not quite agree with my Honourable friend Mr. Shanmukham Chetty who assured the House in solemn terms that dyarchy has absolutely failed and that it was but a camouflage of democracy.

To return to the main question before the House, namely, the consideration of the Report of the Reforms Inquiry Committee, the minority appear in some measure to endorse the main proposals of the majority for certain amendments within the Act and I accept the same and intend to vote for the Resolution. The debate has been so much on the political issue that few Members have made any effort to comment on the recommendations of the majority report. The very real and notable advance made in those recommendations has therefore escaped the notice of the House. I refer particularly to the relaxation of control by the Secretary of State to additions to and alterations in the Devolution Rules and Instrument of Instructions enjoining joint deliberation, joint responsibility of Ministers and alteration of the power of control of Governors. These recommendations if accepted will mean a real and notable advance in responsible government and are worthy of the earnest attention of the House. To vote for the amendment gives a direct negative to these recommendations.

It is true the minority ask for a Royal Commission or other agency with freer terms of reference and larger scope of inquiry. But I fail to see how we are at present in a position to put forward an unanswerable claim for advancement and proof that the country is really ready for the same. Judging by the amendment, the demand is for a very material advancement. If I were other than I hope a good friend of India I would support the demand for the early appointment of a Commission. To my mind the risk is great and the results of the

inquiry might prove far less satisfactory to Indian aspirations than an inquiry at a later stage—not necessarily 1929—when by co-operation and mutual trust the country can prove that it is more ready to advance.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, not being a constitutional politician, I propose to confine myself to my usual sphere. Considering the report of the majority of the Muddiman Committee, I think it has failed to do its duty entirely. They were asked to consider the defects in the working of the present reforms. They could not discover that the real defect in the working of these reforms was that the machinery itself was defective. The machinery constituted by the Reforms Act was unsuited to protect the interests of the Indian masses and the working classes. Sir, there are many protectors of the interests of the masses and the working classes in this House. The gallant Colonel Crawford is one of them. The representatives of the Government of India call themselves trustees of the three hundred millions of his country. The question is, they may be the trustees, but have they discharged their duties properly, considering the progress made by the Indian masses in every sphere of their lives, such as agriculture, education, sanitation ? It will be the verdict of any impartial observer that the trustees have failed entirely to discharge their duties. Sir, I am interested in the welfare of the working classes. I assure my friend Colonel Crawford that I do not claim to represent them. If I had claimed to represent them I would not have given notice of the amendment which I have given. I want the working classes to be represented in this House by their true representatives. Now, Sir, having studied the problem of the conditions of labour in this country, and the remedies taken by the Government of India, I can say this that the Government of India have almost failed to do their duty by the working classes. No doubt there is some labour legislation on the Statute-book of the Government of India, but what is the history of his legislation ? The first Factory Act was introduced by the Government of India and passed, not because they cared for the interests of the working classes but because they cared to protect the interests of Lancashire. An amendment was introduced with the same object. Then there were some further amendments made, but they were not due to the desire of the Government of India to do good to the working classes of this country, but these amendments were made because the international world put pressure upon the Government of India. What is the history of the Indian Mines Act ? It was the Kaiser of Germany who called a conference at Berlin, which made the Government of India introduce and pass the first Mines Act. The Indian Mines Act was also amended not because the Government of India cared to do any good to the working classes of this country but because pressure was put upon them by the International Labour Conference at Washington. But there is some kind of labour legislation. One of them is the Workmen's Breach of Contract Act which was passed by the Government of India in order to give control to European employers of this country over their employees. They passed the Assam Labour and Emigration Act for the same purpose. This legislation is to the credit of the Government of India. If the interests of the working classes are to be protected, the first thing necessary to be done is the introduction of responsible government in this country, and when I talk of this, let me make clear what I mean. I want that responsible government based upon suffrage of the common people of this country.

[Mr. N. M. Joshi.]

This brings me now, Sir, to the question of the franchise. Although I am ready to support the amendment of the Honourable Pandit I must express my disappointment at the wording about the franchise in his amendment. He suggests that the franchise should be as wide as possible. I am not satisfied with it. I want that every adult person—man or woman—in this country should have the vote, that he should be enfranchised. It is wrong to base the franchise on the property qualification. In my opinion it is almost immoral to base any franchise on the possession of property. It only means that you give greater value to property than to human life. If this constitution is to be improved, the first thing necessary to be done is that every adult person in the country should be given the vote. There may be difficulties of creating constituencies but I am sure that these difficulties could be overcome. As long as that is not done, any Legislatures that you may create will not be representative of the people of this country. I hope that the Honourable Pandit will, therefore, amend his amendment and introduce adult franchise, so that the common people of the country will be benefited by it.

Then on behalf of the working classes of this country I also want to make one more proposal. The majority and minority of the Muddiman Committee agree that representation of the working classes in the Indian Legislatures should be increased and they also express their opinion that that representation should be by election, if possible. I say, Sir, that as long as the employing classes in the country have special seats reserved for them to be elected by their own organisations, the working classes should likewise also have their seats to be elected by their own organisations. So long as the employing classes are given special seats, there is no reason why you should not give special seats to the working classes in the country. The All-India Labour Congress have therefore asked for representation for the working classes in the country to be elected by the organisations of the working classes. They ask that in the Central Legislature they should have at least 12 seats reserved for the working classes. Under the present constitution there are about 20 representatives of the employing classes in this Legislative Assembly. We, therefore, say, give us at least 12 representatives for the working classes to be elected by the organisations of the working classes. They also claim that in the provincial Legislatures they should be adequately represented. They ask for 12 seats in Bengal and Bombay, 8 seats in the Punjab, Madras, Bihar and Orissa and United Provinces and Burma, 6 seats in the Central Provinces and Assam. Sir, this demand is a very moderate demand. Personally I should have asked for a larger representation. I also make it quite clear that whatever representation is to be given to the working classes through their organisations must be based upon the principle of election. They do not want any nomination any more.

Sir, I should like also to say one word about the representation of the depressed classes and the other classes whose interests are generally neglected. I claim that in their case also adequate representation should be given to be elected by their organisations. Even in their case I say the principle of nomination should hereafter be given up. Sir, if the Government of

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India give effect to my proposals for adult suffrage, and so long as the employing classes have got special representation, give special representation also to the working classes and to the depressed classes and the criminal tribes and the aboriginal classes, I am quite sure responsible government in India will be very helpful to the interests of the masses and the working class.

Sir, lastly, I would say only one word. When I ask for responsible government in this country in the interests of the masses and the working classes, I am not under a delusion that responsible government will immediately bring heaven for the working classes and the masses in this country. I am quite sure for many days to come, even after the introduction of responsible government and the granting of adult suffrage, the capitalist classes in this country will be very powerful. Still, Sir, what I feel is this, that under the present circumstances the capitalist classes are more powerful than they will be under any responsible government in this country. What is the position to-day ? We have got the European officials who are the servants of the European capitalists. We have got the Indian officers, who sympathise with the Indian capitalists.....

The Honourable Sir Alexander Muddiman : I am sorry to interrupt the Honourable Member, but did I hear him say the servants of the Crown are the servants of the European capitalists ? Will he repeat that ?

Mr. N. M. Joshi : Sir, they are in effect so.

The Honourable Sir Alexander Muddiman : I note that.

Mr. N. M. Joshi : Sir, to-day, whenever you discuss any question of protection or such subject, you find almost an alliance between the Government benches, the Indian capitalist and the European capitalist. When real responsible government is introduced, at least one section of this triumvirate will be weakened, and to that extent the work of Indian labour and the Indian masses will be easier. I am quite sure, even under Swaraj, the working classes will have to make a great struggle to come into their own, but under responsible government that struggle will be more direct, more straight and easier. It is in this sense I support the amendment of the Honourable Pandit.

Several Honourable Members : I move the question be now put.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, almost from the very time when the new constitution for the Government of India was ushered into existence, there has been a demand for constitutional development. In the first Assembly, in response to a demand for provincial autonomy and responsibility in the Central Legislature, a Resolution was finally adopted without a division and accepted by the Government of India, asking for a re-examination and revision of the constitution at an earlier date than 1929, in view of the progress made by India on the path of responsible Government. The Secretary of State for India refused to entertain the proposal for advance on grounds which are familiar to every student of Indian contemporary history. This was followed by an expression of dissatisfac-

[Mr. Amar Nath Dutt.]

tion in the Legislative Assembly and a demand for further reforms possible under the constitution. All these were in the first Assembly, which was boycotted by those who refused to accept the reforms, and consisted of Members who honestly wished to give the new constitution a trial, and framed the Resolutions when they found out the hollowness of the reforms in their actual working. In the present Assembly the very first thing that the leader of the Swaraj Party did was to ask for a round table conference for the framing of a constitution for India, and he was supported in his demand by the great body of men which represented the Independent Party in the Assembly. Thus there was practical unanimity between all classes of politically-minded people in India as represented by the two parties for the demand of a new scheme of a constitution for India. But this demand did not find any favour with the Government of India, which in their turn appointed an official committee for the purpose of examining the Government of India Act and its working, and of exploring the possibilities of amendments for the improved working of the machinery, followed by the appointment of a mixed committee of officials and non-officials presided over by the Honourable the Home Member, whose so-called majority report we have been asked to support, so that the Secretary of State for India may consider what further advance may be made before the year 1929 towards the progressive realisation of responsible government under the present constitution. This is where we stand. We ask for a round table conference to frame a new scheme of the constitution. The Government in their turn ask us to repair and whitewash this constitution, the foundations of which are built upon quicksand, and help them in keeping up the tottering fabric which must sooner or later give way. I ask the Government in all seriousness, is it worth our while to waste our time in this futile attempt? Have not the non-official members of the Committee, with the exception of two, in no uncertain voice declared that the constitution should be put on a permanent basis, with provisions for automatic progress in the future? I may be here permitted to point out that Sir Muhammad Shafi publicly expressed his concurrence with this part of the recommendations of the so-called minority report as soon as he was freed from the shackles of office, and thus turned it into a majority report, so far as this part of the report was concerned. An analysis of the composition of the Committee will at once disclose the real character of the majority report. There were three officials, a representative of the British mercantile community, and a Maharajadhiraja, who till lately was an official, who formed the majority, while an ex-member of the Governor General's Council, an ex-member of a Governor's Council, an ex-Minister, and a distinguished member of the Muhammadan community formed the minority. They are all Indians and represent the moderate school of thought in Indian politics. The Committee realised from the very beginning the limitations and restrictions imposed upon them by the terms of reference, in the suggestion of remedial measures, while they were asked to traverse a large ground so far as the inquiry was concerned with respect to difficulties and defects in the working of the Government of India Act. The Honourable the Home Member, when moving the Resolution, defended the Majority Report by taking shelter under the restrictions imposed by the terms of reference. But may I not ask him whether he was consulted

as a member of His Excellency the Governor General's Council in this matter, and did he try his best to see that the terms of reference were not so limited from the very beginning? With such restrictions and limitations, the majority of the non-official members, who were also the majority of the Indian members, were compelled under the terms of reference to maintain the principle of dyarchy by the retention of only law and order on the reserved side. This proves beyond a shadow of a doubt that dyarchy should at once end and all the subjects in the provinces should be administered by Ministers responsible to the Legislature. And the Committee felt that no recommendations within the terms of reference would satisfy Indian public opinion. I ask the Secretary of State to take note of this fact, that had the terms of reference to the Committee permitted, the majority of the non-official members would have recommended the abolition of dyarchy. As regards the powers of the Governor General, under section 67B, the non-official majority has recommended the deletion of the words "interests" and to limit the extraordinary powers of certification to cases of "safety and tranquillity of British India". The majority as the custodians of the Governor General's autocratic powers are opposed to the deletion of the word "interests" on the ground that the Governor General's responsibilities are not confined to the safety and tranquillity of British India but to what else they do not explicitly state. Probably they had in mind the interests of that great body of beneficiaries of the trust estate, India, namely, the British Services and British commerce. Further it is argued that the Governor General is responsible to the British Parliament and not to the Indian Legislature. Here they are begging the whole question, for we have been demanding that the Governor General in Council should be made responsible to the Indian Legislature. I am not aware that progressive realisation of responsible government by stages is at all possible by being irresponsible to the Legislature. In framing a constitution for India the one thing necessary—more than any other—is that the Executive should be responsible to the Legislature.

Sir, neither the time at my disposal will permit me to discuss the recommendations of the majority report at length nor is it worth while discussing the same, considering the trivial nature of their recommendations; but I cannot pass over certain retrograde suggestions about ousting the jurisdiction of courts of law and Ministers' salaries. To attempt to place the Presidents of the Indian and provincial Legislatures out of the jurisdiction of courts of law indicates a desire to make them more submissive to an autocratic executive than to the representatives of the people. As for the restriction to reduction of Ministers' salaries, the intention is to continue dyarchy without any obstacle against the vote of the representatives of the people. There have been other recommendations, among which the enfranchisement of women has our hearty support, although here too the majority report has made it dependent upon the vote of the Legislature. The existing disqualification from being a Member of the Legislature, which follows from a conviction in a criminal court, should in our opinion be retained only in cases which indicate moral turpitude in the convicted person, and even in such cases should cease after the lapse of a year from the expiry of sentence. Such disqualifications ought on no account to apply to persons convicted of sedition and such other offences. As regards joint deliberation, the conclusions

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of the so-called minority report, which is the non-official majority report, are worthy of consideration. They say :

"We are anxious to guard ourselves against conveying the impression that given dyarchy to work we do not appreciate the value of joint deliberation between the two halves of the Government but we maintain that it is an inherent defect of the present constitution that the Government should be divided into two halves."

The non-official majority report is no less emphatic about their views on the permanent services, when they recommend that they should be placed on the same basis as in England and this cannot be achieved by mere amendment of the rules or even by the delegation of certain powers under section 96B of the Government of India Act. The Committee felt themselves precluded from examining the question of responsibility in the Central Legislature as the same cannot be given effect to without a radical change of the constitution. The experiment of an irremovable executive and an elected Legislature, wherever tried, has failed and India is no exception to the general rule. Any alternative transitional system that may be suggested is also doomed to failure without a thorough overhauling of the present constitution which we have demanded.

The real question before us is the transference of power from the British to the Indians, the substitution of responsible government for the government by a bureaucracy which holds us under subjection. If this principle is accepted, the Secretary of State should not place any value upon the recommendations of the members of the bureaucracy or their henchmen, about the future constitution of India, for the simple reason of their being an interested party and it is impossible for them to think of India apart from the interests of the British Services and British commerce, apparently for the aggrandisement of which British India exists.

Sir, that is the spirit in which the majority report has been conceived and we can hardly be expected to support the Resolution that has been moved from the Treasury Benches by the Honourable the Home Member. The amendment that has been moved by the leader of the Swaraj Party contains the irreducable minimum of our national demands.....

Mr. President : The Honourable Member has exhausted his time.

Mr. Amar Nath Dutt : And if that is accepted the first thing that I would ask the Government.....

Mr. President : Order, order.

Mr. Amar Nath Dutt : Sir, may I have another two or three minutes ?

Mr. President : The Honourable Member cannot go on now.

Mr. M. C. Naidu (Burma : Non-European) : Sir, I admired the speeches of the Honourable Sir Sivaswamy Aiyer and the Honourable Diwan Bahadur Rangachariar and others in support of the amendment of the Honourable Pandit Motilal Nehru, but they seem to be only from a partisan's point of view. It is doubtful whether the amendment of the Honourable Pandit Motilal Nehru is consistent with the structure, policy and purpose of the Government of India Act. Though I agree with the Honourable Mr. Jinnah that the constitution should 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, after having heard the speeches of the Honourable the Home Member, the Honourable Sir Charles Innes, the Honourable Sir Basil Blackett and others in support of the Resolution, I consider that the amendment of the Honourable Pandit Motilal Nehru is rather premature and I am not fully convinced why I should not support the original Resolution at the present stage.

Though dyarchy failed in some provinces in India and though it seems that the people will be satisfied with nothing less than the disappearance of dyarchy and the substitution therefor of provincial autonomy, as I represent the Burma non-European constituency and as the views of the Burma Government seem to be that hardly any difficulties have been experienced and hardly any defects discovered in the working of the constitution as noted at page 12 of the Report of the Reforms Inquiry Committee, and as it was also noted in the minority report at page 132 that the Members of the Committee had not had the advantage of examining any persons who have held office in the Burma Local Government, I should not be misunderstood if I vote in support of the Resolution of the Honourable the Home Member.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I was very unwilling to take up the time of this House at this hour, but the very kind insistence of several friends that I should say a few words in support of the amendment has compelled me to seek your permission to do so. The Resolution has had a very full discussion for two days. Nearly all aspects of the question have been brought before the House, and I do not propose to travel over the ground which has been travelled over by many other speakers, so far as I can help it. I will draw attention to a few points which have not been dealt with because they came in very late in the debate. One was in the speech that my Honourable friend Sir Darcy Lindsay made. He drew attention to the great progress that has been made in this country, to the prosperity which has come in the wake of British administration. Another member, the Honourable Mr. Cocke, also laid stress upon that point. We do not dispute it. We gladly recognise that a great deal of progress has been made in material respects under the British administration. Our contention is that if we had a really representative Government, if we had a system of responsible government, the progress would have been ten times, perhaps twenty times, greater than it has been.....

Mr. H. G. Cocke : Perhaps not !

Pandit Madan Mohan Malaviya : While therefore we gladly and gratefully acknowledge the work that has been done by British administrators, while we acknowledge that many of them laboured honestly and honourably to the end of their lives in the service of this country and the Crown, without in any way derogating from the work done by them, we feel that if we had the chance to co-operate with them as real co-workers, as co-adjutors, as men possessing the same powers that they possessed, the face of this country would have been more bright, more smiling, more a matter of honour and satisfaction both to England and to India.

[Pandit Madan Mohan Malaviya.]

Sir, I will now briefly invite attention to the genesis of the statement which Lord Birkenhead made. That statement, as the House is aware, was made on a motion brought in by Lord Olivier. Speaking on that motion Lord Olivier said :

"This conclusion...."

that there is no half-way house between the present constitution and a wholly new constitution—

"is really implicit in the report of the majority, though they do not emphasise it, and this consideration the minority took up very seriously. Is it not expedient in the interests of all concerned that the recommendations of the minority, with which the Secretary of State and the Governor-General may agree, be now adopted, in order to ease the dissatisfaction of all parties with the present constitution, and give them hope that a real system of responsible government can be set up; and that the Government should at once take in hand the examination of all the known defects in the constitution ?"

That, Sir, was the point which Lord Olivier put before Lord Birkenhead in the House of Lords, and he asked for a direct answer. In the course of his speech on that motion Lord Olivier drew attention to a very important fact, and that was the statement made by Sir Muhammad Shafi, who had signed the majority report, to a representative of the Press, which Lord Olivier quoted at length. In that statement, free from the trammels of office, Sir Muhammad Shafi said distinctly that he felt that there should be that larger inquiry which the minority had recommended. I do not wish to take up the time of the House by reading the whole of that statement. It is quoted in the official debates of the House of Lords. Sir Muhammad Shafi made it very clear that while he agreed with the recommendations made by the majority, he also agreed with the minority that there should be the larger inquiry which they had recommended. He said as follows :

"While immediate acceptance by His Majesty's Government of the recommendations for action within the Act made by the majority would result in a smoother and more satisfactory working of the existing constitutional machinery, the institution of a larger inquiry as advocated by the minority into the defects and difficulties inherent in the constitution itself for the purpose of placing the constitution on a permanent basis with full responsible government as the final stage would satisfy by far the large majority of politically-minded Indians. Action on these lines is in my opinion certain to bring a two-fold result. It would in the first place oil the hinges of the existing constitutional machinery and, as I have said above, make its actual working far smoother and more satisfactory than is the case at present."

Now, Sir, I ask the Honourable the Home Member and every member of the Government, and every Member of this House, whether the Government of India can justly ignore the statement made by Sir Muhammad Shafi. If the Government of India must take note of that statement, is not the report of the majority converted into the report of the minority ? My friends opposite may say that that is not a sound rule to lay down ; that if a man signed a report while he was in office he must be taken to hold the view which he then expressed, and that no subsequent statement by him should affect the matter. I submit, Sir, that in the present case where the statement of Sir Muhammad Shafi is very clear, the Government are bound to take note of it, and to consider whether in truth the report which they call the majority report should not now be treated as the report of the minority. After Lord Birkenhead had made his great statement, Lord Olivier in concluding his remarks on that statement said :

"It is on that ground that I made my appeal to the noble Earl to take into consideration what I feel convinced is an accurate statement of the feelings of all

nationalists and propagandist parties in India in support of the minority report; and whereas the noble Earl said and said truly that the question of what provincial autonomy means has not been explored that is one of the very reasons why I want to see and all who are interested in the development of India want to see the question of what is to be in the future directly tackled. When such a man as the late Governor of Madras tells us that some parts are ready for provincial autonomy and others are not, I want to see these ideas explored in order to find out whether it is impossible to develop this idea of provincial autonomy."

This is how Lord Olivier concluded his appeal. In view of this appeal of a late Secretary of State for India, of the opinions expressed by the gentlemen who formed the minority, and of the opinion expressed by Sir Muhammad Shafi, I ask the Government of India to consider whether it is not fair to themselves, to the country and to the British Parliament that they should put aside the report of the majority and deal with the minority report as in reality the majority report. I submit that if in the face of this expression of opinion, the Government still insist upon asking this House to lend their support to the report of the majority, they are putting themselves and the House in an unfair position. Can the Honourable the Home Member, can any member of Government ignore the fact that by this subsequent expression of his opinion Sir Muhammad Shafi has supported the report of the minority? And who are the men who composed the minority? Sir Tej Bahadur Sapru who has been honoured and esteemed as one of the best lawyers who ever adorned the office of the Law Member of the Government of India: Sir Sivaswamy Aiyer, who is respected by foe as well as friend for having the courage of his convictions, and for saying only what he believes to be true: Dr. Paranjpye, who is also known to be fearless and sincere in expressing the opinions he holds: and last but not least my esteemed friend Mr. Jinnah who has all along been trying to co-operate with the Government in the best way he could. These are the men who formed the minority. When such a minority has been strengthened by the opinion of Sir Muhammad Shafi, I ask the Government to consider whether it is not a clear case in which they should withdraw the majority report and not ask this House to lend it its support.

Sir, I come now to another question which was mentioned in the debate by Lord Olivier. For a long time past a great deal has been said by some of our European fellow-subjects about this country not being fit for self-government, for the adoption of self-governing institutions. The first speech I made in the Indian National Congress was in 1886. I remember very well that in that speech I tried to answer some of this criticism. From that time up to this these arguments have often been repeated—that India is not a nation, that Indians are divided by insuperable differences into opposing communities, that there are communal and religious differences which cannot be got over, and that there is no national feeling among us. These arguments have been repeated *ad nauseam*, and I thought it would be unnecessary in this debate to answer them again. I am sorry that those arguments have been advanced, and I am more sorry that one of the Honourable Members on the Government Benches went a little too far when he said that the Government gave us what we had not a hundred years ago, namely, peace. He should have remembered—and I do not speak with any bitterness when I say this, I regret the circumstance that he should have referred to it in the way in which he did—he should have remembered that for several thousands of years India knew peace as she does not know at the

[Pandit Madan Mohan Malaviya.]

present day ; that in the days of Asoka and of other old Hindu Emperors, India knew peace which is certainly not equalled at the present day. I say this without any desire to take away or derogate anything from the merits of British rule. India knew peace in the days of Akbar and Shah Jahan, which is not unknown to students of history. India knows peace to-day in the Indian States where Hindu and Muhammadan rulers rule over a mixed population of Hindus and Mussalmans. I submit, Sir, it is too late in the day to advance such arguments. They do not support the case which those who use them wish to establish. They only hurt the feelings of hundreds, of thousands, of millions of our fellow-subjects whom I am certain the speaker would not wish to hurt. And I regret to say that in this connection Lord Birkenhead committed a great blunder. I do not wish to speak with any discourtesy of his Lordship, but I do not remember that any of his predecessors made such a blunder as Lord Birkenhead made in speaking on this subject. His Lordship said :

"To talk of India as an entity is as absurd as to talk of Europe as an entity."

I wonder if, when he said so, his Lordship had present to his mind a picture of Europe with all its different Governments and peoples warring against each other and of India under a unitary system of government, where all the provincial Governments are merely delegates or agents of the Central Government here. He further said :

"The nationalistic spirit which has created most of our difficulties in the last few years is based upon the aspirations and claims of a nationalist India. There never has been such a nation in the past. Whether there will be a nation, the future alone could show."

This is very much like a mistake which a former Secretary of State, a far greater man, Lord Morley, once made in speaking of Indian affairs. His Lordship said that if self-government were given to us Indians we would not be able to carry it on for a week. He had the good sense and the courtesy to withdraw that remark. You will find it deleted from the authorised version of his speech. I hope Lord Birkenhead will do the same. I am glad to find that Lord Olivier did not overlook this point. Speaking after Lord Birkenhead, Lord Olivier said :

"I should like to make one final observation. I think that the noble Earl may have a little under-estimated, as many people do, the strength of what may be called national feeling and national pride in India and the national disposition to claim that Indians shall have a great deal to say with regard to the framing of their own constitution. It is not enough to say, as the noble Earl has said and as has been said repeatedly, that you have got two great communities in India, that you have many religions, many languages and so on, and that therefore it is idle to speak of India as a nation. That is very much less true to-day than it was even ten years ago. Whereas ten years ago you might have said that the masses of India cared very little about national religion or about politics, it is, I am perfectly convinced from all that I have been able to learn in the last two or three years, equally unquestionable that this era has passed away, that there is a strong and universal sentimentally nationalist feeling in India upon which the leaders who speak in the name of Indian nationality can count."

I should be sorry if I had to rely only upon Lord Olivier's opinion, though I esteem it, to support the idea that India is a nation. I do not wish to go into a scholastic discussion as to what constitutes a nation. A people however divided they may be by religions and creeds, who live in one country, who are the subjects of one sovereign, who are governed by one system of Government, by one set of laws which affect

them equally, do constitute a nation in the opinion of every political philosopher who has dealt with the subject. And we are such a nation. We have long been a nation and shall continue to be a nation despite all the differences that divide us.

Now, Sir, that brings me to another question. I really fail to understand what the Honourable the Home Member, or rather the Government, intended or expected when they brought forward the present motion before the House. They know the sentiments of the country generally. They know that the bulk of the House can not be in favour of the modicum of reforms which the majority of the Committee have suggested. They have no doubt done what they considered to be the best in the circumstances of the case. I have no quarrel with them. They were bound by the terms of reference and they felt that they could not go beyond those terms. I have not a word of complaint against their action. But I wish the Government realised the position of this House better. It contains a large number of the representatives of men who have for many years been earnestly, honestly trying to persuade the Government to grant a much larger measure of reform than they have introduced, and for the Government to expect this House to support the Honourable the Home Member's Resolution, if they did so, was rather expecting too much.

And now let us see what is the complaint that is made against the amendment which has been brought before the House. In the situation in which we were placed, what were we to do? We could not support the proposal of the Honourable the Home Member. We have before us the statement of Lord Birkenhead, supported by the statement of His Excellency the Viceroy that we should suggest a constitution, and that if what we suggest has a fair measure of general agreement among the peoples of India, it would be carefully examined by the Government. Could we disregard this invitation? Could we throw away this opportunity? Can anybody reasonably blame us for putting forward at this juncture our ideas, such as they are, of the fundamental principles on which the constitution should be based, for the consideration of the Government? My friend the Honourable the Home Member and the Honourable the Finance Member also seemed somewhat surprised that we had definitely committed ourselves to the model of western institutions. I thought they must know that we decided to adopt western institutions long ago, but we have taken care to put in one clause in it, which will make all the difference in the world. We have said that the constitution should be framed in the first instance on the recommendation of a conference which will contain representatives of all sections of Indian public opinion, and secondly that it should be framed with due regard to the interests of minorities. That is the one great distinction that we have made. That is a guarantee that the constitution we shall frame will not be a mere copy of any institution existing in any other part of the world, and that we shall take note of the divergent interests that obtain in this country and will try to meet them. But, Sir, so far as the decision to select western institutions is concerned we made it long ago. In 1885, that large-hearted Englishman, Allan Octavius Hume, brought about the organisation of the Indian National Congress. Since that time we have been holding the Congress year after year. Representatives have been elected to it from all parts of India. Representatives of all classes and creeds have met year after year. We have carried on our deliberations

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on the most important public questions in a manner which I submit would do credit to any assembly in the world. For more than half a century the Government themselves have been training us to value these institutions. The British Parliament decided in 1858 that western representative institutions should be established in India. Since the Indian Councils Act came into operation in 1861, the Government have been regularly training us in the working of those institutions. For forty years we have from time to time asked for changes and reforms in those institutions. We pressed for the introduction of a really representative system of Government in the Congress of 1886, and that great Englishman Charles Bradlaugh came out to India in 1889 to attend the Congress at our request. He introduced a Bill in the House of Commons on the lines we desired, and the Government of the day in England then thought it wise to introduce a Bill of their own which became the Act of 1892. Many years afterwards the Minto-Morley proposals brought in the second instalment of reforms, and lastly came the reforms of 1919. Thus it has been under the direct pressure of the public opinion of India, Hindu, Muhammadan and Christian, that the Government have from time to time reformed the constitution of the Government in India. The constitution as it exists in India to-day is, I am sorry to say, a very bad copy of representative institutions in England and the other countries of the West. But it is to this that we have been invited by the Government to give our co-operation. We have come here to give our co-operation. I am surprised and pained to hear so much said against non-co-operation. Can anybody shut his eyes to the fact that there are so many men sitting in this Assembly who believed in non-co-operation, but who have yet taken the oath of allegiance to His Majesty in order to carry on the work of this Assembly, and who are here day after day to take part in your deliberations? What is it that you find of non-co-operation here? Do you object to a single motion being defeated? Do you object to any particular Bill or Bills being defeated? Can that rightly be described as non-co-operation? I submit not. It is nothing but co-operation. When we come here to take part in the work of the Assembly, we certainly co-operate with you, every one of us. But the attitude of those who adopted the policy of non-co-operation is certainly entitled to some consideration. That attitude of mind is due to the conviction that you do not take us Indians into your confidence, that you do not respect the opinions which we express, and that therefore we cannot heartily co-operate with you. It is for you to win our hearty co-operation. It is for you, as my friend said, to show a change of heart. Most certainly I plead, and plead with all the earnestness I can command, I appeal to every European and Indian to bring about a real change of heart. I pray for myself and I ask my friends to pray that I should myself undergo a little change of heart for the better. I confess myself guilty of having sometimes spoken in a manner which has irritated some of my European friends. I am sorry for it. But let me tell my English friends that ever since I joined the Indian National Congress and ever since I joined the Councils, I have spoken with the same freedom with which an Englishman would speak in the House of Commons. I cannot allow any English fellow-subject to say that I am not free to speak in the Legislature of my country even as he

speaks in the House of Commons. I may be wrong in my opinions. I may be mistaken in my views. That must be excused by every reasonable man. But I assure my friends that my intention has never been to hurt or to alienate the feelings of any of my British fellow-subjects. There has been no suggestion throughout this debate that there should be a separation between England and India, and the talk of peace being disturbed and the horrors of a hundred years back coming back into existence if the reforms we urge are carried out is entirely beside the mark. His Majesty's Government is going to continue. It is going to last for a long time. Our proposals imply that His Majesty will continue to rule over India, that his Government will work with us to ensure the protection of India. All that we are asking for is that, while matters of war and peace should be left to His Majesty's Government to decide as they may think best, that while even questions relating to the strength and the administration of the Army should, by an understanding between the representatives of the people and the Government be placed on a footing satisfactory to Government, in all matters of a domestic character the Government of India should take the representatives of the people into their confidence and be responsible to them. I ask my Honourable friends, the European Members on the Government Benches, I ask them most humbly, most earnestly, to say what would it matter to them, what difference would it make to them if, instead of the three Indian Members who have been selected by the Government of India—I mean no disrespect to them—if instead of the three Indian Members who have been selected by the Government of India, three Members were selected by His Excellency the Viceroy upon a consideration of the fact that they commanded the confidence of the largest body of opinion in this House? What difference would it make to them? Do they expect less co-operation from such Members? I cannot believe it. The whole of our request comes to this that in all matters of a domestic character, in matters which do not affect war and peace, in matters of internal administration, the Government should appoint members who command the confidence of the representatives of the people, and that they should be responsible to the Assembly, instead of the Indian Members who are at present appointed. Of course the rule of responsibility to the Assembly will apply to the European Members also, but that would not prevent the appointment of gentlemen whose knowledge and experience it may be necessary to secure for efficiently carrying on the work of the Government.

Sir, there is another point which the Honourable the Home Member urged against the amendment. It was that the amendment showed that we thought that this Assembly was not sufficiently representative of the people and that it was therefore that we suggested that another body should be created to frame a constitution. If I correctly understood my Honourable friend, he did not correctly appreciate the amendment. What is meant is this. You say that we Indians have differences among ourselves. We know unfortunately to our sorrow that we have. But we want a representative conference to solve these differences. The first thing we want to be assured of is that we are to proceed on a serious business. It is therefore that we ask that there should be a preliminary declaration of policy by Parliament. Unless such a declaration of policy is made, or unless there is a preliminary indication that Parliament will be prepared to consider the proposals which we urge, it would be a waste of time for public men to sit at a conference. That explains the first part

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of the proposition. The second part requests Government to bring together a representative conference, so that they may sit together and discuss and try to meet the requirements of all communities and all minorities, and try to come to an understanding. The Government Members are not unaware that in 1916 Hindus and Muhammadans met at Lucknow and came to a pact which Lord Chelmsford and Mr. Montagu found to be accepted all over the country. Why is it inconceivable that we may again be able to arrive at an understanding which will save the Government a lot of trouble and discussion in the matter of communal differences? That is the reason for desiring a convention or a conference or whatever suitable agency the Government may choose to appoint for the purpose. Our object is that an opportunity should be given to us to try to make the task of Government easier, to suggest proposals which may possibly be acceptable, which we hope will be acceptable.

Then my Honourable friend the Home Member said, "But you say you will not recognise the authority of Parliament." In his own frank and sober manner which disarms much opposition, he seemed to say, 'But you don't want to submit to the authority of Parliament'. I fear that he misunderstood the amendment. Constituted as we are, we must recognize the authority of Parliament. Who denies it? The amendment says that when we have threshed out the matter, when we have prepared a scheme, it should be submitted to this Assembly, and after it has been improved by discussions in this Assembly it should be submitted to Parliament. Do we not in saying so bow to the authority of Parliament? Do we not acknowledge the authority of Parliament? If we did not, where would be the necessity of the amendment? My Honourable friend the Home Member knows and every other Member knows that in other cases too that has been the procedure. In the case of the South African constitution, for instance, the whole constitution was prepared by the representatives of the South African people, and then submitted to Parliament. We do not ask for anything more. We know that as we stand, we are subject to the authority of Parliament. There is no desire to ignore that authority. We are fully conscious of the authority of Parliament. And what is more, let me say frankly and in absolute truth, that there is no desire in us at present to get entirely away from the authority of Parliament. We wish to continue to be subject to the authority of Parliament in certain matters. That is the clear meaning of the amendment. The amendment does not ask for full responsible government; it asks for a measure of responsible government subject to limitations, which means that we are willing to continue within the limitations to be subject to the authority of Parliament and of the Secretary of State. How long that time will be will depend upon the action of my British fellow-subjects and ourselves. I hope God will guide us both in such a manner that we may continue to be united for a long time to come to the advantage of both countries; but that must be by an agreement which will be both honourable and profitable to India, as it will be honourable and profitable to England. That is the position. I submit that if the amendment is regarded in that light, it need not frighten anybody, much less should it excite any angry criticism. The amendment is presented as embodying the fundamental principles which it seems to us should find a place in the next Statute of Parliament, which will amend the Government of India Act. We do

not say that they should not be considered before being placed on the Statute-book. Let them first be considered by the Cabinet in England. Let them then be considered by a round table conference or a convention or a Royal Commission or whatever suitable agency the Government may like. My Honourable friend the Home Member thought that we suggest that the big changes we ask for should be introduced without any inquiry by a Royal Commission. We did nothing of the kind.

The Honourable Sir Alexander Muddiman : Is there any mention in the amendment of a Royal Commission ? Has any speaker ever referred to it before ?

Pandit Madan Mohan Malaviya : What then is the meaning of the words " or any other suitable agency " ? Do they or do they not cover a Royal Commission ?

The Honourable Sir Alexander Muddiman : I doubt if they do.

Pandit Madan Mohan Malaviya : I regret I do not agree. I submit that that expression does include a Royal Commission also. My Honourable friends on the Government Benches are very anxious that we should co-operate with them and understand them. I beg of them to try and understand us also. If they will do so, I am certain that they will not say that the words " or any other suitable agency " exclude a Royal Commission. Let the matter be investigated and inquired into by a Royal Commission. But let it be a Commission which should include trusted representatives of the people of India of all important shades of public opinion, a Commission which should command the confidence and call forth the gratitude of all sections of the people of this country towards the Government. The amendment only endeavours to take the next step which in the situation created by Lord Birkenhead's speech and His Excellency the Viceroy's speech is called for. We could not do anything else. We do not mean that all the commas, all the semi-colons and all the full stops should remain as they have been put down. After the Honourable Sir Charles Innes expressed his opinions in the manner he did, it was not surprising that Pandit Motilal Nehru should have said what he did say. He might even now repeat it, but we do not mean that all the commas, semi-colons and full-stops must necessarily stay. (Laughter.) Let us come to the stage when the commas, the semi-colons and the full-stops will have to be considered. I request my Honourable friends opposite to look to the substance of the thing, to the substance of what the amendment seeks to indicate, and try to understand us and to help us. I appeal to every friend, official and non-official particularly to every European friend, to try to understand us. Do not regard us as opponents. Do not think that we have come here merely for the pleasure of opposing you. There is no pleasure in doing so. Believe me, and I speak for many others here, believe me, it is an overpowering sense of duty that brings us here. We wish to understand you, and we beg you also to try to understand us. The days have gone by when India could be satisfied with the existing system of Government. You say yourself, the Honourable the Home Member has himself said, that dyarchy cannot be said to have succeeded, and that it cannot be said to have failed. That is the verdict expressed by many officials. If dyarchy cannot be said to have succeeded, it should be given a decent burial. Many officials, many gentlemen who were examined, have said so. Therefore, do not let us waste any more time in trying to keep up that

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which cannot be justified. Let us consider what the next step should be. Towards that end, this amendment makes a carefully considered suggestion, and I hope the suggestion will yet commend itself to the Government. (Loud Applause.)

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.

The Honourable Sir Alexander Muddiman : Sir, I should not have again addressed the House at any length but for the speech which has just been delivered. That speech at the end of the long debate extending over two days gives me an entirely different view of an amendment, which to me has been always somewhat difficult to understand from the first. The gloss that the Honourable the Pandit proposes to put on this amendment gives a meaning entirely different from what I had gathered from the whole debate. A new point has been raised at a quarter past six in the evening and has been developed to ten minutes to seven. Sir, I do not know whether the Honourable Mover of this amendment accepts this gloss or whether the interpretation of the Honourable Pandit, who is always desirous of putting a reasonable interpretation on all things, is accepted by the Honourable Mover. But I must confess that it would not have occurred to me that any one would recommend a statutory Commission, or a Royal Commission, subsequent to a declaration of Parliament on an important matter of policy. One would have thought that would proceed not follow such a declaration. Further I should not have thought that a Royal Commission could have been constituted in consultation with the Legislative Assembly. I should not have thought that in a considered amendment such a commission would have been referred to as a round table conference or other suitable agency. I should have doubted whether the rules of *ejusdem jeneris* would have applied. I should not have thought a Royal Commission would have been in the nature of a round table conference, nor should I have thought that "Indians, Europeans and Anglo-Indians" would have been summoned on a Royal Commission to frame with due regard to the interests of minorities a detailed scheme. I should have thought that a Royal Commission would have been wanted to settle the principles which are mentioned very definitely and very firmly in the first part of the amendment put down by my Honourable friend. I am still in rather a difficulty in knowing what is intended and, as far as I can see, gentlemen of very different opinions will go into the same lobby and vote for a Resolution which apparently means different things to different people.

Diwan Bahadur T. Rangachariar : Reasonable construction.

The Honourable Sir Alexander Muddiman : Reasonable construction ? The construction I put in my first speech, I think, was a reasonable construction. If the construction is otherwise, my Honourable friend Pandit Motilal Nehru and a number of gentlemen will be voting for the amendment under a mis-apprehension. (*Some Honourable Members* : "No.")

Now, Sir, I cannot at this late hour attempt to review the whole of the debate or even the long speech we have just listened to. I must, however, refer to one or two remarks which have fallen from individual

members. Mr. Joshi says he does not approve of nomination in any shape as a representation of the classes whose interests he has so much at heart. If nomination had never been followed in regard to those classes, Mr. Joshi himself would not be a Member of this House. (*An Honourable Member* : "He would always come in.") Not as a representative of the particular classes, because there is no constituency to represent these classes. I think, therefore, that it is a little ungrateful for the Honourable Member to take that line. (*An Honourable Member* : "No.")

Mr. C. S. Ranga Iyer : Why don't you give labour votes ?

The Honourable Sir Alexander Muddiman : If the Honourable Member will allow me to proceed with my speech, the House will be in a position to come to a decision earlier. Now, there was a much more important statement made by Mr. Joshi. He said that the European servants, by which, I understand, he referred to the servants of His Majesty the King, were the servants of European capitalists. Now, that statement was either made rashly or it was made deliberately. If it was made deliberately, it is not, I regret to say, based on fact. There is hardly any Member of this House who would not be prepared to agree that during the administration of India by the King's servants, the exploitation of India has been very largely prevented by the presence of English servants of the Crown. (Hear, hear, and cries of "Oh", and "Question".) You say "Question", but it is true.

The next remark I have to make is with reference to the point taken by the Honourable Pandit in regard to Sir Muhammad Shafi's opinion or change of opinion. Sir, I do not propose to say much on that. I am concerned with his opinion as far as it appears in the report. Sir Muhammad Shafi was my colleague. He is now a private individual and he is in that capacity in a position to defend or justify any action he has taken in the matter if such defence or justification is necessary. I do not propose to refer to that further.

Now, Sir, the debate has run to great length and I note with gratification that the tone of the speeches has been on the whole very moderate. There has been a desire, an earnest desire, expressed from many quarters for co-operation. We have been called upon to co-operate : you have been called upon to co-operation, and that is the note on which I would wish to end the debate. I do not doubt the House will proceed to pass the amendment. Too many people have spoken on the subject for me to entertain any hope that any words of mine will deter them from following that course. But, Sir, I cannot help feeling this House may yet perhaps regret that course. I leave that. At any rate the House has had a very full and a very lengthy debate on this report. Such a debate was promised by the Government and that pledge, I think the House will agree, has been amply redeemed.

Now, I do not wish you to think that we like ploughing the sand any more than you do. It is, I think, under the existing constitution a legitimate ambition for those of my service to attain to the post that I now hold and to which others of my colleagues similarly have attained. It is perhaps the one occasion after a long service when one has hopes of bringing forward long cherished schemes and possibly of righting some of the wrongs that one has experienced in one's long career. It is no

[Sir Alexander Muddiman.]

pleasure to bring forward proposals which we feel are not considered on their merits but are turned down because they emanate from our Benches. Now, as the Honourable Pandit pointed out, co-operation does not mean that you should support every Bill, every Resolution, that is brought forward. Sir, no one has ever suggested that that is co-operation. What I do consider co-operation is that the Bills or Resolutions or whatever they may be should be decided on their merits and not set down with a black mark because they emanate from the Benches on which I sit.

7 P.M.

Diwan Bahadur T. Rangachariar : We have been doing so all along.

The Honourable Sir Alexander Muddiman : Would the Honourable Member place his hand on his heart and say that ?

Diwan Bahadur T. Rangachariar : I do.

The Honourable Sir Alexander Muddiman : The gesture comes too often.

Sir, the hour is late and the House has to proceed to a decision on this great matter. I will not detain the House one moment longer from that decision. I can only hope that the decision that it may come to may be in the best interests of India.

Mr. President : The original question was :

"That this Assembly recommends to the Governor General in Council that he do accept the principle underlying the majority report of the Reforms Inquiry Committee and that he do give early consideration to the detailed recommendations therein contained for improvements in the machinery of Government."

Since which the following amendment has been moved :

"That for the original Resolution the following be substituted :

'This Assembly while confirming and reiterating the demand contained in the Resolution passed by it on the 18th February 1924, recommends to the Governor General in Council that he be pleased to take immediate steps to move His Majesty's Government to make a declaration in Parliament embodying the following fundamental changes in the present constitutional machinery and administration of India :

(*a*) The Revenues of India and all property vested in or arising or accruing from property or rights vested in His Majesty under the Government of India Act, 1858, or the present Act or received by the Secretary of State in Council under any of the said Acts shall hereafter vest in the Governor General in Council for the purposes of the Government of India.

(*b*) The Governor General in Council shall be responsible to the Indian Legislature and subject to such responsibility shall have the power to control the expenditure of the Revenues of India and make such grants and appropriations of any part of those Revenues or of any other property as is at present under the control or disposal of the Secretary of State for India in Council, save and except the following which shall for a fixed term of years remain under the control of the Secretary of State for India :

(*i*) Expenditure on the Military Services up to a fixed limit.

(*ii*) Expenditure classed as political and foreign.

(*iii*) The payment of all debts and liabilities hitherto lawfully contracted and incurred by the Secretary of State for India in Council on account of the Government of India.

(*c*) The Council of the Secretary of State for India shall be abolished and the position and functions of the Secretary of State for India shall be assimilated to those of the Secretary of State for the self-governing Dominions save as otherwise provided in clause (*b*).

(*d*) The Indian Army shall be nationalised within a reasonably short and definite period of time and Indians shall be admitted for service in all arms of defence and for that purpose, the Governor General and the Commander-in-Chief shall be assisted by a Minister responsible to the Assembly.

(*e*) The Central and Provincial Legislatures shall consist entirely of members elected by constituencies formed on as wide a franchise as possible.

(*f*) The principle of responsibility to the Legislature shall be introduced in all branches of the administration of the Central Government subject to transitional reservations and residuary powers in the Governor General in respect of the control of Military, Foreign and Political affairs for a fixed term of years :

Provided that during the said fixed term the proposals of the Governor General in Council for the appropriation of any revenue or moneys for military or other expenditure classified as 'Defence' shall be submitted to the vote of the Legislature ; but that the Governor General in Council shall have power, notwithstanding the vote of the Assembly, to appropriate up to a fixed maximum any sum he may consider necessary for such expenditure and in the event of a war to authorise such expenditure as may be considered necessary exceeding the maximum so fixed.

(*g*) The present system of dyarchy in the Provinces shall be abolished and replaced by unitary and autonomous responsible Governments subject to the general control and residuary powers of the Central Government in inter-provincial and all-India matters.

(*h*) The Indian Legislature shall, after the expiry of the fixed term of years referred to in clauses (*b*) and (*f*) have full powers to make such amendments in the constitution of India from time to time as may appear to it necessary or desirable.

This Assembly further recommends to the Governor General in Council that necessary steps be taken :

(*a*) to constitute in consultation with the Legislative Assembly a convention, round table conference or other suitable agency adequately representative of all Indian, European and Anglo-Indian interests to frame with due regard to the interests of minorities a detailed scheme based on the above principles, after making such inquiry as may be necessary in this behalf ;

(*b*) to place the said scheme for approval before the Legislative Assembly and submit the same to the British Parliament to be embodied in a Statute '."

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

The Assembly divided :

AYES—72.

Abdul Haye, Mr.
Abhyankar, Mr. M. V.
Ahmad Ali Khan, Mr.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Aiyer, Sir P. S. Sivaswamy.
Alimuzzaman Chowdhry, Khan Bahadur.
Aney, Mr. M. S.
Badi-uz-Zaman, Maulvi.
Belvi, Mr. D. V.
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.
Ghulam Abbas, Sayyad.
Ghulam Bari, Khan Bahadur.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Govind Das, Seth.
Gulab Singh, Sardar.
Hans Raj, Lala.
Hari Prasad Lal, Rai.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Jajodia, Baboo Runglal.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kartar Singh, Sardar.
Kasturbhai Lalbhai, Mr.
Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.
Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Majid Baksh, Syed.

AYES 72—*contd.*

Malaviya, Pandit Krishna Kant.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas 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.
Phookun, Mr. Tarun Ram.
Purshotamdas Thakurdas, Sir.
Rajan Baksh Shah, Khan Bahadur Makhdum Syed.
Ramachandra Rao, Diwan Bahadur M.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Rây, Mr. Kumar Sankar.
Reddi, Mr. K. Venkataramana.
Sadiq Hasan, Mr. S.
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.
Venkatapatiraju, Mr. B.
Vishindas, Mr. Harchandrai.
Yakub, Maulvi Muhammad.
Yusuf Imam, Mr. M.

NOES—45.

Abdul Mumin, Khan Bahadur Muhammad.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaswami.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Burdon, Mr. E.
Carey, Sir Willoughby.
Chalmers, Mr. T. A.
Chartres, Mr. C. B.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Fleming, Mr. E. G.
Gordon, Mr. E.
Gordon, Mr. R. G.
Graham, Mr. L.
Gurner, Mr. C. W.
Harper, Mr. K. G.
Hira Singh Brar, Sardar Bahadur Captain.
Innes, The Honourable Sir Charles.
Langley, Mr. A.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Makan, Mr. M. E.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Naidu, Mr. M. C.
Panduranga Rao, Mr. V.
Raj Narain, Rai Bahadur.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vijayaraghavacharyar, Diwan Bahadur T.
Webb, Mr. M.

The motion was adopted.

The substituted Resolution was adopted.

The Assembly then adjourned till eleven of the Clock on Wednesday, the 9th September, 1925.

LEGISLATIVE ASSEMBLY.

Wednesday, 9th September, 1925.

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

QUESTIONS AND ANSWERS.

POTASH MINES IN INDIA.

803. ***Raja Raghunandan Prasad Singh :** (*a*) Has the attention of the Government been drawn to the article on "Potash manures" in Vol. X of "The Standard Cyclopedia of Modern Agriculture" which gives the information that Germany began to work its potash mines in 1860 and that the output rose from 2,293 tons in 1861 to 11,607,000 tons in 1913 and that 90 per cent. of the products go for agricultural use only ?

(*b*) Will the Government be pleased to inquire and let the House know if potash manures are imported from Germany into this country ? Are there potash mines in this country too ? If so, by what agency are they worked and what is the output thereof ? If not, do the Government see the desirability of an inquiry being instituted through the Department of Geological Survey into the possibilities of such an industry in India for the economic development of the country ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No.

(*b*) The import of potash manures from Germany is on an extremely small scale.* The total imports from Germany of artificial and chemical manures other than nitrate of soda amounted in 1923-24 to 1,497 tons, and the Government of India understand that the bulk of this consisted of manures other than potash manures. Potash salts are found in small quantities in the salt mines of the salt range in the Punjab. There is no mine from which potash salt is at present being extracted. The Geological Survey have investigated the occurrences of potash in the salt range and their reports have already been published.

SETTLEMENT OF WHITE PERSONS WITH SMALL FIXED INCOMES WITHIN THE BRITISH EMPIRE.

804. ***Mr. K. C. Neogy :** 1. Will Government be pleased to state their reasons for publishing, as an annexure to an Indian Army Order, the report of the Empire Community Settlement Committee—which is described therein as "a movement designed to further the policy of the Government of the United Kingdom and of the Governments of all the Great Dominions, for the more effective distribution of the white population of the Empire, by

facilitating settlement within the British Empire of persons with small fixed incomes?"

2. Do the Government of India accept the policy enunciated above?

3. What steps have Government so far taken in furtherance of the objects of the aforesaid movement, or in carrying on a propaganda on its behalf; and at what cost?

Mr. E. Burdon: (1) and (2). The report of the Empire Community Settlement Committee was published in Army Orders, for the information of British officers and men serving with the Army in India, for some of whom this scheme to assist British settlers in the Dominions and Colonies is likely to have a personal interest. It does not appear that the Government of India will be in any way affected by the scheme, nor does any question of their acceptance of the policy of its promoters arise.

(3) None, beyond the publication of the report in Army Orders.

CONSULTING ENGINEERS TO THE GOVERNMENT OF INDIA AND THE INDIA OFFICE.

805. ***Mr. K. C. Neogy:** Has the attention of the Government of India been drawn to question No. 3 by Mr. Walter Baker, M.P., and the answer by the Under Secretary of State for India, as reported in *Hansard* of 21st July 1924?

CONSULTING ENGINEERS TO THE GOVERNMENT OF INDIA AND THE INDIA OFFICE.

806. ***Mr. K. C. Neogy:** Who are the Consulting Engineers to the Government of India and the India Office? What is the remuneration paid to them? When and how were they appointed? What is the period of contract with such Consulting Engineers? What are the engineering matters for which they are consulted?

The Honourable Sir Bhupendra Nath Mitra: With your permission, Sir, I should like to reply to questions Nos. 805, 806 and the latter parts of 808 and 809 together.

The attention of the Honourable Member is invited to part (*a*) of the reply given by the Honourable Mr. A. C. Chatterjee to question No. 2177 on the 18th September 1924.

As regards the name of the present Consulting Engineers, the nature of the duties performed by them, the amount of remuneration paid, the period of contract, etc., the attention of the Honourable Member is invited to Appendices I and II of the proceedings of the meeting of the Standing Finance Committee, Volume V, No. 2.

Mr. B. Das: The Honourable Member has not replied to Mr. Neogy's question No. 805, regarding Mr. Walter Baker's question in the House of Commons, whether any Indian Consulting Engineer practising in England is consulted by the India Office?

The Honourable Sir Bhupendra Nath Mitra: If the Honourable Member had kindly listened to my reply, he would have found that the answer is there.

RETENTION BY THE GOVERNMENT OF INDIA AS CONSULTING ENGINEERS OF INDIAN ENGINEERS PRACTISING OUTSIDE INDIA.

807. ***Mr. K. C. Neogy :** Have Government any information as to how many Indians practise as Consulting Engineers outside India? Has any of them ever approached the Government of India for Indian work, or *vice versa*? Has any of them carried out important engineering undertakings in their scheme, for clients outside India? If so, do the Government of India propose to encourage Indian talent and give them a trial by retaining them as additional Consulting Engineers and Technical Advisers (for purchase of Machinery and materials)?

The Honourable Sir Bhupendra Nath Mitra : Government have no information as to how many Indians practise as Consulting Engineers outside India. As regards the remaining parts of the question, the attention of the Honourable Member is invited to parts (*b*) and (*c*) of the reply given by the Honourable Mr. A. C. Chatterjee to question No. 2177, on the 18th September 1924.

Mr. B. Das : Are Government aware that Mr. B. Dey is a Consulting Engineer in London and that his services have been well appreciated by English engineering firms and by some of the States in India?

The Honourable Sir Bhupendra Nath Mitra : Government are aware of the first part of the question; they have no information in regard to the second part.

ENGINEERS EMPLOYED IN THE LONDON STORES DEPARTMENT.

808. ***Mr. K. C. Neogy :** In connection with the Stores (Railway and Engineering machinery and materials) purchased by the High Commissioner for India or Director General India Stores, London, for the Government of India, how many qualified engineers are employed for inspection work? Are there any Indians among them? Or, do the above agents for the Government of India leave the matter of inspection with their Consulting Engineers? Who are these consulting engineers? What is their remuneration? When and how are they appointed? What is the period of their agreement with the High Commissioner for India or/and Director General India Stores?

The Honourable Sir Bhupendra Nath Mitra : Forty-four engineers of different grades and qualifications are employed in the London Stores Department. None of them is an Indian. Inspection in some cases is done by the Consulting Engineers' staff (mainly in the case of railway plant and equipment and exceptionally important structural work), in other cases by the London Stores Department's own staff.

I have already replied to the latter part of the question.

Mr. B. Das : Will Government transfer some of the Indian engineers employed in the Indian Stores Department in India to the High Commissioner's Office, and will they also try and get some Indian engineers educated in England for the High Commissioner's Office?

The Honourable Sir Bhupendra Nath Mitra : That matter I dare say will be duly considered by Government in connection with a Resolution in another place.

CONSULTING ENGINEERS TO THE GOVERNMENT OF INDIA.

809. ***Mr. K. C. Neogy :** Do the agreements with Consulting Engineers bind the Government of India or the High Commissioner for India to consult those engineers exclusively for all engineering work and debar the retention of additional consulting engineers ? When do the present agreements expire ?

The Honourable Sir Bhupendra Nath Mitra : No. In exceptional cases, *e.g.*, in big railway electrification schemes, other consultants who specialise in such work are referred to.

CONSULTING ENGINEERS TO THE GOVERNMENT OF INDIA.

810. ***Mr. K. C. Neogy :** Have the Government of India considered the desirability of appointing a Consulting Engineer on the same lines as the Dominion of Canada or Australia ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : Government have no information as to the lines on which Consulting Engineers are employed by the Dominions of Canada and Australia.

Mr. B. Das : Will Government get the necessary information ?

The Honourable Sir Bhupendra Nath Mitra : I shall try to get the necessary information, but I cannot in any way commit Government to adopting the same arrangement in regard to India.

VISIT OF THE CONSULTING ENGINEERS TO THE GOVERNMENT OF INDIA TO INDIA.

811. ***Mr. K. C. Neogy :** Have the Government of India ever considered the desirability, on the grounds of efficiency and economy, of retaining a Consulting Engineer who would spend some time every year in India ?

The Honourable Sir Bhupendra Nath Mitra : The partners of the present firm of Consulting Engineers as well as some of their employees are specially experienced in Indian conditions and a member of the firm usually visits India every year.

UNSTARRED QUESTIONS AND ANSWERS.

ALLEGATIONS MADE BY NAND RAM, A RESIDENT OF THE HAZARA DISTRICT AGAINST MUFTI MOHAMMAD YAQUB KHAN, BARRISTER-AT-LAW AND EXTRA ASSISTANT COMMISSIONER, MALAKAND, AND 11 OTHERS.

147. **Lala Duni Chand :** 1. (*a*) Is it true that the house of one Nand Ram, a resident of Mundhar, Tehsil Mansehra, Hazara District, was robbed in broad daylight on or about 18th February 1924, and about a week after the stolen property worth about Rs. 1,500 was recovered at the instance of one Sant Singh, servant of Mufti Mohammad Yaqub Khan, Bar-at-Law, Extra Assistant Commissioner, Malakand ?

(*b*) Is it also true that the relations of the said Mufti Mohammad Yaqub Khan were suspected along with others of having committed the robbery and in spite of the recovery of the stolen property no case was started against anybody ?

2. (*a*) Is it a fact that the said Nand Ram some months after his house was robbed as stated above, was arrested under section 109, Criminal Procedure

Code, on the ground that he had no ostensible means of livelihood but was discharged on 5th August 1924 ?

(*b*) Is it true that before his arrest under section 109, Criminal Procedure Code, certain Hindus of Abbottabad and Nawanshehar had been suspected by the said Mufti Mohammad Yaqub Khan, then District Judge of Abbottabad and others of having set fire to the court house of the Munsiff at Abbottabad, and the said Nand Ram had petitioned Mr. Fraser, Judicial Commissioner, stating that he had been asked to give false evidence with regard to the setting of fire to the court house against certain Hindus but had declined to do so ?

(*c*) Is it also a fact that after the said Nand Ram was discharged on 5th August 1924 as stated above, he was prosecuted under section 436, Indian Penal Code, for having set fire to the court-house of the Munsiff at Abbottabad but was acquitted on 22nd December 1924 ?

(*d*) Is it true that in the said case under section 436, I. P. C., Nand Ram and his wife Mst. Ram Peyari had stated that they were asked by certain officials to say that certain Hindus had set fire to the court house but had declined to do so and on this Nand Ram was prosecuted for setting fire to the court house ?

3. (*a*) Is it a fact that Mst. Ram Peyari was brought by the police on 20th September 1924 or thereabout from Jhelum where she had been left by her husband with Lala Giyan Chand, son of Lala Diwan Chand, Vakil, and was kept under detention at Abbottabad till 25th October 1924 when she was produced in court and made the statement referred to above ?

(*b*) Is it true that Nand Ram from Abbottabad Jail in which he was shut up as an under-trial prisoner sent three petitions to the Deputy Commissioner, Abbottabad, that his wife Ram Peyari was being kept at the bungalow of Mufti Mohammad Yaqub Khan and that she be made over to some Hindu ?

(*c*) Is it also true that the said Nand Ram after his release on bail on 22nd November 1924, sent four petitions to the Deputy Commissioner, Abbottabad, that his wife had been missing and the matter might be investigated but nothing came out of them ?

(*d*) Is it true that the said Nand Ram after he was acquitted on 22nd December 1924, filed a complaint on 17th January 1925 in the Court of Mr. Fraser, Judicial Commissioner, under sections 302, 344, 346 and 120-B., Indian Penal Code, against Mufti Mohammad Yaqub Khan and 11 others ?

(*e*) Is it a fact that the said Nand Ram not only approached His Excellency Lord Lytton, Sir Denys Bray, Foreign Secretary and the Chief Commissioner of the North-West Frontier Province with petitions and letters but also forced interviews upon them praying for the transfer of his case to some court in the Punjab and the redress of his grievances ?

4. Do the Government propose in view of the above, to order a sifting inquiry by some independent man into the whole affair ?

Sir Denys Bray : Inquiry is being made from the local Administration and a reply will be furnished to the Honourable Member in due course.

ALLEGATIONS AGAINST MAJOR T. TEMPLE, R.A., OFFICIATING CHIEF ORDNANCE OFFICER, RAWALPINDI.

148. **Lala Duni Chand :** (*a*) Is it a fact that recently an order has been passed by Major T. Temple, R.A., Officiating Chief Ordnance Officer, Rawalpindi, that assistant store holders, temporary clerks and extra temporary clerks will have to parade and will not be allowed to leave the Arsenal until a report was made to the Orderly Warrant Officer that all were present and he permitted them to leave, while no such restrictions are placed on European subordinates ?

(*b*) Is it true that the process of parade, etc., detains them for about an hour ?

(*c*) If the above facts are true, are the Government prepared to issue instructions immediately stopping such treatment ?

Mr. E. Burdon : (*a*)—(*c*). The Government of India have no information on the subject, but are inquiring. I will let the Honourable Member know the results in due course.

INDIAN ASSISTANT STOREKEEPERS IN ARSENALS AND THEIR TIFFIN ORDERLIES.

149. **Lala Duni Chand :** (*a*) Is it true that the Indian civilian assistant store holders were allowed on their appointment one tiffin orderly each just as the European members of the I. A. O. C. were allowed and this privilege has been recently taken away ?

(*b*) Are the Government prepared to order the continuation of this privilege ?

Mr. E. Burdon : (*a*)—(*b*). There are seven arsenals employing Indian assistant storekeepers and if the Honourable Member will be so good as to let me know to which arsenal his question refers, I shall institute inquiries into the matter and let him know the result as soon as possible.

EXTENSION OF THE PROBATIONARY PERIOD OF INDIAN ASSISTANT STORE-KEEPERS IN ARSENALS.

150. **Lala Duni Chand :** Is it true that the Indian Assistant storeholders were on their appointments told that they would have to undergo probation for a period of one year only, but recently the D. E. O. S., Simla, has extended the probation period to two years ?

(*b*) Is it true that the extension of the probationary period from one year to two years is contrary to the conditions as laid down in D. E. O. C. No. 55662-Q.-9, dated the 24th March 1924 ?

(*c*) If the reply to (*a*) and (*b*) be in the affirmative are the Government prepared to issue orders that the candidates be allowed to sit for the examination as mentioned in the said letter ?

Mr. E. Burdon : (*a*)—(*c*). The initial year's probation does not expire till the end of October next. Interim reports called for on the scheme are not satisfactory, in fact, the reports are generally against the scheme. As it was desired that these Indians should be given every

chance of making good, the question of extending the period of probation by another year is under consideration.

No orders to the effect mentioned have been issued by the Director of Equipment and Ordnance Stores. The question is one for decision by the Government of India.

ELECTIONS TO THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

Mr. President : I have to announce that up to 12 Noon on Tuesday, the 8th September, four nomination papers were received for filling the vacancies on the Standing Finance Committee for Railways. These were in favour of Sardar Gulab Singh, Captain Ajab Khan, Mr. N. C. Kelkar and Mr. H. G. Cocke. Of these the first two gentlemen have withdrawn their candidature. I therefore declare Mr. N. C. Kelkar and Mr. H. G. Cocke duly elected to the Standing Finance Committee for Railways in place of the Honourable Mr. V. J. Patel and Mr. W. S. J. Willson.

PROCEDURE RELATING TO THE DISPOSAL OF AMENDMENTS.

Sardar V. N. Mutalik (Gujarat and Deccan Sardars and Inamdars : Landholders) : Sir, I want the ruling of the Chair about the procedure which the Chair wishes to adopt so far as the amendments on the paper are concerned. There should be a clear enunciation of procedure about the disposal of amendments on the paper. A certain amount of confusion has been caused in the minds of some Members on this side on account of the procedure followed in the past and in the present. The first thing, Sir, I observe in this connection is that when notice of an amendment has been made to any Resolution or any Bill, the Chair should declare when an amendment has been put on the agenda, whether it is out of order or in order. If it is out of order, the question stops there, but if it is in order the question comes up when that amendment is to be moved. Sometimes it so happens that the Chair calls upon the person who gives notice to move the amendment, sometimes it so happens that the Chair does not call the Member giving the notice, in whose name the amendment stands. In such cases the Members giving notice of the amendments are put to great inconvenience and sometimes confusion arises and they do not have any opportunity of ventilating their views. I will quote some instances. The other day, Sir, on the Corrupt Practices Bill Mr. Belvi and Mr. Kelkar had amendments for circulation. The amendments were put on the agenda, but they were not taken at all, nor were the Members called upon to move. Dr. Gour called attention to an amendment which was being moved and the objection prevailed on the ground that sufficient notice was not given to the Members or that the amendment was not circulated.

Yesterday, Sir, although I had given notice of an amendment to the Resolution of the Honourable Pandit Motilal Nehru I was given to understand that I would not be able to move it as I would not be able to catch the eye of the President. I want a clear ruling on all these points.

The Honourable Sir Alexander Muddiman (Home Member): Sir, as a point of order has been raised the House may perhaps wish to hear the brief observations that I have to make on the matter as Leader of the House.

If I understood my Honourable friend Sardar Mutalik aright, his main contention is that a Member who has got an amendment on the notice paper has a right to be called. That, Sir, I venture to suggest is due to an entire misapprehension. Putting down an amendment on the notice paper gives a Member *no right* to be called. That is a matter within your discretion, Sir ; and if the debate terminates for any reason and the Member has not been called, his amendment drops. That, Sir, as I understand it, is the procedure in this House; it is also the procedure in another House with which I had some connection, it is the procedure of the British Parliament and it is the rule which I hope will commend itself to the Chair.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Sir, I join issue with my Honourable friend, Sardar Mutalik, with the object of getting a definite ruling on some other point which is not far away from the subject. It is with regard to certain amendments of which notice was given on a certain Resolution with the object of ascertaining whether they would be disallowed or whether they came within the scope of the Resolution. Sir, it happened only about a week ago, when the Resolution regarding the prohibition of liquor came up for discussion in this Assembly that my Honourable friend Dr. S. K. Datta moved an amendment to which he wanted to add the word " opium ". Your ruling on that point, Sir,.....

Mr. President : You cannot discuss the rulings of the Chair.

Mr. K. Ahmed : I am not discussing your rulings.....

Mr. President : The question raised by Sardar Mutalik is entirely different from what the Honourable Member is discussing. Order, order ! If the Honourable Member wants to raise a separate question he may do so by proper notice.

The Honourable Member had an amendment on the paper yesterday on the Resolution of Sir Alexander Muddiman. He saw me in that connection and asked me whether he would get an opportunity to speak. I told him that there were a large number of Members desiring to speak and it was difficult for him to get a place. The Honourable Member agreed that in those circumstances he would not rise. He did not then mention that he wanted to press his amendment. The Honourable Member did not rise and was not called upon to speak and therefore on a closure being applied his amendment dropped. This seems to be the grievance of the Honourable Member.

With regard to the general question raised by the Honourable Member, the position is as has been just stated to the House by the Home Member. The Chair has nothing to add to that statement. No Honourable Member can claim to speak as a matter of right on the ground that he has an amendment on the paper. If the Chair takes up one amendment out of several on the paper and restricts discussion to it, the decision of the House on that amendment might render all or any of the other amendments unnecessary or useless. It is in the discretion of

the Chair in what order and how many amendments should be taken up for discussion at a time. The Chair is under no obligation to call upon any Member who has an amendment on the paper. It is the duty of the Member to rise and get such explanation as he wants in regard to his amendment. I propose to adhere strictly to the practice followed by my predecessor in this respect.

Sardar V. N. Mutalik : May I give a personal explanation, Sir, of my position yesterday ?

Honourable Members : Order, order !

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, I beg to move that the Bill to provide that, when fire-arms are used for the purpose of dispersing an assembly, preliminary warning shall.....

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, may I point out that there is a small formal business to be transacted before Diwan Bahadur Rangachariar's Bill comes on ?

Mr. President : What formal business ?

Sir Hari Singh Gour : I have to move formally that Diwan Bahadur Rangachariar, Mr. Neogy and Sir Darcy Lindsay be nominated to the Select Committee on the Bill to define the liabilities of a Hindu coparcener. That Committee cannot function without the addition of a panel Chairman and the Deputy President and I therefore wish to complete it.

Mr. President : Order, order ! It will be taken up in due course.

Diwan Bahadur T. Rangachariar : Sir, I beg to move that the Bill to provide that, when fire-arms are used for the purpose of dispersing an assembly, preliminary warning shall, in certain circumstances, be given, as reported by the Select Committee, be taken into consideration.

Sir, the Bill which has been reported on by the Select Committee is a very short one, but it is a very important measure which I seek to put on the Statute-book of our country. Sir, I have not been a rioter myself nor am I likely to be one, notwithstanding the warnings received by way of rhetoric yesterday from various quarters. I am a mild Madras Brahmin, as mild as the Madras cigars, and not likely even to utter words of threat, let alone indulging in violent actions. But, Sir, I am very much of a human being, and being a human being I take a human view of things. It is human to forget wrong actions but it is unstatesmanlike not to take to heart the lessons which you can learn from them. Sir, the genesis of this Bill, as is well known, is due to the action taken by the Right Honourable Srinivasa Sastri in the other Chamber in 1921. As we are all familiar with the sequence of events, that discussion arose out of the Punjab tragedy which we should all forget as soon as possible, but which at the same time must be taken into account in devising measures to see that there is no recurrence of it hereafter. So my Right Honourable friend recommended to the Government in a Resolution to

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be accepted by the Government that the law should be made somewhat tighter than it was and he made his proposals accordingly. The Government were then disposed and inclined to take a favourable view. Sir William Vincent welcomed it in speaking on the motion in the other House. My Honourable friend the Home Member was then occupying the composed atmosphere of the Chair in the other Chamber. What the Government said was : " We are willing to accept these suggestions in a very sympathetic spirit." They said : " We are willing to cooperate with non-officials in these matters ". Sir William Vincent accepted on behalf of the Government some of the clauses ; he accepted half-heartedly some other clauses and he opposed other clauses. Finally, Sir, in pursuance of the undertaking given in the Council of State Mr. Craik introduced in the other Chamber a Bill in order to amend the Chapter in the Criminal Procedure Code relating to the dispersal of an assembly by force. He brought up a measure to introduce a new section, 131A. In order to enable persons to disperse unlawful assemblies by the use of fire-arms, such person had, before directing that the assembly be fired on, to warn the assembly by such means as may be available at the moment that unless it disperses forthwith it will be fired on. The other Chamber passed this measure in August 1921, and in due course it came to this Chamber. When it came to this Chamber in September 1921 I found that the provision enacted in the other Chamber was not sufficient, that there were other provisions which had been recommended to the Government which also required to be enacted as part of the law, and I gave notice of amendments to that effect. The Government for some reason which we may guess but which has not been openly stated, which I think we can accurately guess, thought there was no use pursuing that measure in the face of the amendments of which I had given notice, which they know perfectly well this House would have carried. They withdrew the Bill—at any rate they did not proceed with it. Sir, I was not to be daunted in my course of action. The Criminal Procedure Code was on the anvil for amendments, and I sought that opportunity to introduce the amendments when the Criminal Procedure Code was under discussion. But the Honourable the Home Member then took the objection that that Chapter was not under amendment and sought the ruling of the Chair that the amendments were out of order ; and when that ruling was given I had to seek the more dilatory course which is open to us non-official Members of introducing this Bill, ballotting for it and getting such time as we can, which His Excellency the Governor General is pleased to allot for non-official business.

Sir, I introduced this Bill in January 1924 and got it referred to a Select Committee in September 1924. The Select Committee has now carefully investigated the provisions and I am thankful to the Honourable the Home Member, my friend, Colonel Crawford and my friend, Mr. Tonkinson, who though they were opposed to the principle of the Bill at the time of reference to Select Committee gave the Select Committee valuable assistance in the shape of suggestions in order to improve the drafting, wording and substance of the Bill. Sir, the Bill as amended by the Select Committee is now before the House. I ask that the House should adopt the Bill as it has been reported on by the Select Committee.

I may say at once there are four matters which I seek to introduce in by this Bill. In the first place I propose that an unlawful assembly

should not be dispersed by the use of fire-arms except in the last resort, that is to say, only if other means of dispersing the unlawful assembly fail or are likely to fail should resort be had to the use of fire-arms.

The second principle which I seek to enact in this Bill is that before fire-arms are used to disperse an unlawful assembly warning should be given to the assembly.

The third thing which I seek to bring in is that as soon as the disturbance is over and as soon as the assembly has been dispersed successfully then a full report of the circumstances leading to the use of fire-arms should be made by the person responsible for directing the use of fire-arms.

The fourth and most important thing in my view in this Bill is the freedom to any individual injured or to any relations of persons who have been killed if they think fit, to complain and take action against the unlawful exercise of the power.

This Bill is confined to the case of the use of fire-arms—it does not extend to the case of use of force or military force, for which provision already exists in the Code. The use of fire-arms is a very dangerous thing. That is admitted in all civilised countries. As is pointed out in that famous report made by three learned legal luminaries, Lord Bowen, Sir Albert Rolit and Lord Haldane (then Mr. Haldane) in the Acton Hall Colliery Dispute :

"A soldier can only act by using his arms. The weapons he carries are death : they cannot be employed at all without danger to life and limb, and in these days of improved rifles and perfected ammunition without some risk of injuring distant and possibly innocent bystanders. To call for assistance against rioters from those who can only interpose and under such grave conditions ought of course to be the last expedient of the civil authorities."

Sir, great care has always been taken in western countries and we cannot have a better example than England, whom Providence has brought into contact with our country, in dealing with this subject. There are some people who believe west is west and east is east, and probably in the matter of the dispersal of unlawful assemblies in the east there are some people who take the view that you must create terror, that you must create a moral effect in the atmosphere of the country, that you should strike terror into the hearts of the people by using unnecessary force. When I say unnecessary force, I mean force that is not necessary for the immediate surroundings of the case. Whenever force is used which is not required for the immediate surroundings of the case I say, Sir, it is unnecessary force, it is inhuman to use force in order to create a moral effect in the country or in order to deal with situations in other places and in order to strike terror into the hearts of the people by using force and killing them and maiming them. I say, Sir, that it is inhuman, and if such action can be justified on the floor of this House or anywhere else the persons who seek to justify such action stand self-condemned before the bar of humanity and before that Higher Power who controls all of us.

Sir, the actions at Jallianwalla Bagh, I was surprised to read in the judgment of a Judge presiding over an English Court, had the approval of the military officers. I was shocked to read in that judgment that there were military officers belonging to our Army who approved of that action. Sir, I hope it was not true, though I know there have been people

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who have made a hero of the author of that famous tragedy. It is unnecessary for me to dwell very much on that. The Government of India luckily for us had risen to the occasion. They would not yield to the temptations which were laid in their way and they issued a Resolution which was quite worthy of the Government of India, and we are thankful to them for taking such a statesmanlike action in that matter. But, Sir, we must avoid opportunities for the repetition of such occurrences. Now, the provisions which I have sought to introduce are the provisions which are already contained in the circulars issued by my Honourable friend's Department from the year 1893, if not earlier. I hold in my hand by the courtesy of the Home Department the circulars issued by them. There is one circular issued by them No. 54583-Police, Calcutta, dated the 28th November 1893 ; there is another circular which was issued by them, dated 4, Police, 426-434, dated 30th July 1894, another circular is No. 951, dated 18th November 1902, which was issued to Local Governments. What is it, Sir, that the Local Governments are enjoined by these circulars to do ? They are told that within the territories under their respective control, they must take care :

"To ensure that the fullest warning is given before any order is given to fire on a mob, and that neither troops nor police should fire in such cases except in the last resort."

So that the two principles for which I am contending have been accepted by the Government for a long time, namely, you should not resort to firing except in the last resort, and you should not proceed to fire without the fullest warning being given. Sir, that is repeated over and over again. And, Sir, there are Queen's Regulations in England and have the force of law. I see the same provisions are enacted in section 8, paragraphs 62 to 68 of the Queen's Regulations of 1892. Sir, they have to very carefully inquire before stringent orders are given to fire. According to these orders, "the Commanding Officer is not to give the word of command to fire unless distinctly required to do so by the Magistrate." That is the third of the propositions which I am trying to enact in this provision ; unless distinctly required to do so by the Magistrate, nor until in conjunction with the Magistrate he has explained to the people that if the troops are ordered to fire, their fire will be effective. That is the warning which is given there. So that I have the high authority of the Queen's Regulations which have the force of law for two of the provisions which I seek to enact. I have the high authority of the Government of India circulars for the other provisions in the Bill which I seek to enact.

Sir, for the last of them, namely, freedom and liberty to complain by persons injured. It is only, Sir, in this country that liberty is needed to complain of a wrongful action. That is, section 132 of the Criminal Procedure Code, as it stands, requires that before action can be taken against any officer employed or against any person who had used unnecessary force or who had acted unlawfully in dispersing an unlawful assembly, before any such person can invoke the aid of the criminal court against any person who had used unnecessary force, a bar is imposed against such person. He must get the sanction either of the Local Government, or in certain cases, of the Governor General. Sir, I can quite understand the great value which people who are employed in this unpleasant task attach to human life. I do not think that there

is any human being who really indulges in taking the life of a fellow human being. No doubt, the officers are actuated by the highest sense of duty, but like other people who act from a high sense of duty and who take certain risks, these officers ought also to take certain risks. When a soldier goes to the field, he takes a certain amount of risk which is attendant upon his duty. Now, this has been an effective protection, a real protection, because the Local Governments or even the Governor General will be naturally loath to give sanction to prosecute their own officers who perform duties which pertain to the Local Governments. It is not human to expect, however high placed a statesman he may be, that the Governor of a Province or the Governor General of India would give sanction for prosecuting officers who have dispersed unlawful assemblies. Now, on the other hand, Sir, people deserve protection from acts of that kind in the name of law and order. That there have been such cases, nobody can deny. Can there have been a worse instance than the Jallianwalla Bagh incident? Did the Governor General give sanction to prosecute any or all the persons who were concerned in that tragedy? Was there a more deserving case than that, Sir? The fact is, that there is an effective bar against prosecuting such persons who have used unnecessary force in the name of law and order. That is why, I say, Sir, that you should give freedom to persons who feel that they have been unlawfully treated in the name of law and order; they should have complete liberty to go to the courts and say that they have been unlawfully treated and that they should be given redress. Why should any person stand between justice and individuals? That is the object. Therefore, Sir, I attach the greatest importance to that clause. It will be an effective protection to individuals, it will be an effective protection to the public, and that is why I say that only in cases where death has occurred or where a person has been injured seriously, the parties must be given the liberty to invoke the aid of the criminal courts without the previous sanction of the Local Government concerned. If the Government had accepted my suggestion to have a Director of Public Prosecutions in this country, if we had an independent Director of Public Prosecutions in this country, I should have been quite satisfied to leave the matter in his hands. But we have not got any such official here, an official who is independent of the Executive, who can see whether certain prosecutions should be instituted or not. So long as we have not got any such institution, I think it is but right that individuals should have the liberty to go to the courts established by the Government of this country to seek redress for wrongs done to them. I therefore ask, Sir, that in the last clause of my Bill that this bar should be removed so that any person who has been unlawfully injured may have the right to invoke the aid of the criminal courts. These are the principles of my Bill. I rest for the principles of my Bill on the Queen's Regulations, and on the Government of India circulars.

Now, it is said and in fact Colonel Crawford did say, it is all right, we may issue Executive instructions, but why make these a provision in the law? May I ask him why is it a provision of law in the Queen's Regulations in England? (Hear, hear.) Sir, the executive orders can be disobeyed, and will be looked at indulgently by persons who have to work in an executive capacity, but legal provisions cannot be ignored. There are courts to guard the public against infringement of the regulations. The existence of these executive orders did not prevent tragedies like those in Amritsar being committed; whereas, if we had provisions

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like the one I seek to place on the Statute-book, I am sure officers would act with greater care and caution in using the extreme power which is vested in them. Sir, it may be said that I am trying by this measure to weaken the hands of the Executive. That is very far from my intention. It is a question of choice. Which is the greater evil, is the question. Is it right to leave such unfettered powers in the hands of officers who have to take the lives and limbs of His Majesty's subjects ? Should you give them unrestricted powers or restricted merely by executive orders which have really no force ? The principle is admitted, that there should be executive orders to this effect ; that is the weakness of the opponents of this measure. They admit it. "Oh yes, I quite agree with your principles ; your intentions are good ; we will issue these instructions." Do you issue them with the intention that they should be obeyed or disobeyed ? If the intention in issuing them is that they should be obeyed, then why not make it a legal obligation and let an officer take the legal consequences of his exceeding those instructions or violating those instructions ? So that, the principle being admitted, what is wrong, I ask, in making it a legal obligation ? If you make it an administrative obligation, why not make it a legal obligation ? My Honourable friend, the Home Member, in his Minute on the Report of the Select Committee, says this which I must read. He says :

"Moreover, a statutory inhibition of this kind will always render the question in issue—could the assembly have been otherwise dispersed ?—I think a matter very difficult for the courts to deal with."

May I ask him, what is the answer to the wording of section 129, even as it is. Does not that issue arise under that section 129 as it is ? May I read it for his benefit ? This is the law as it already stands. It runs :

"If any such assembly cannot be otherwise dispersed and if it is necessary for the public security that it should be dispersed, the magistrate of the rank who is present may cause it to be dispersed by military force."

I adopt that very thing. When I say that, if the assembly cannot be otherwise dispersed, has not the court got to decide that issue ? Does not that issue arise ?

The Honourable Sir Alexander Muddiman (Home Member): Certainly it does arise. It arises with reference to the question of the use of force, not of the particular kind of force.

Diwan Bahadur T. Rangachariar : If it arises with reference to the question of military force, that includes fire-arms. If already under the law the question arises under section 129 with regard to the use of military force, which includes fire-arms, I am only re-enacting that portion with reference to the use of fire-arms. He stated it as a very grave objection to my proposal because "a statutory inhibition of this kind is a matter very difficult for the courts to deal with." It may be that the courts are constituted to deal with much more difficult questions than this; the courts have to grapple with them. Therefore, Sir, I have great faith in the courts of this country; I have great faith, even in the Magistrates of this country, because they dispense justice in the presence of parties after hearing the parties. Although there may be exceptional cases, I, as a lawyer who has practised both in the Magistrates' courts and the civil courts, can bear testimony to their honest discharge of their duties. People have great faith in your Magistrates. And therefore I am not much alarmed by the issue raised by the Honourable the Home Member in that connection.

Sir, another objection which he has taken is this. He says—I am not as merciful as I pretend to be—he says :

"As regards the actual provisions, I still do not understand why it should be thought necessary to lay down that fire-arms are not to be used unless the assembly cannot otherwise be dispersed."

He repeats what he said on the floor of this House :

"The authorities in charge may be of opinion that it might be possible to disperse the crowd by a bayonet charge. Are they to be forced to try a bayonet charge with all its attendant risks and dangers before fire-arms are used ?"

Sir, not having seen a bayonet charge, I can only imagine what it is likely to be. I am sure my Honourable friend, the Commander-in-Chief, has taken part in many a bayonet charge. But I don't know, Sir, that in dealing with an Indian crowd, armed with brickbats and *lathis* you will require.....

The Honourable Sir Alexander Muddiman : What were they armed with in Kohat ?

Diwan Bahadur T. Rangachariar : Well, we all know Kohat; and Kohat is so close to the manufacturing centre of fire-arms. And Kohat is peopled by people who are quite different from the rest of India.

The Honourable Sir Alexander Muddiman : The Indian Law applies to Kohat.

Diwan Bahadur T. Rangachariar : Sir, of all the riots that have taken place in this country, my Honourable friend is able to quote Kohat. I am sure my Honourable friend will recognise that the ordinary weapons which these crowds have are either brickbats which they have picked up on the roadside or *lathis* which they carry about with them. Sir, in dealing with an Indian crowd of that sort are you going to have a bayonet charge ? Are they a disciplined body that you are going to march on them with fixed bayonets ? But, Sir, I would prefer that for if once you show your determination, if once the opposing force shows its determination to march into the crowd, I am sure the crowd will disperse in no time. If they do not, what happens ? It is the rioters alone that will be injured. Whereas here, by the use of fire-arms, you will be able to fire from a safe distance, with your fifty Gurkhas on an eminence, you will be at a safe distance, so that you do not get intermixed with the crowd. What happens ? Innocent men, women and children, who are merely spectators get killed. That happened in Madras, Sir, when the Chulai riots took place. A woman was struck, a boy was struck. That happened in Madura by the use of fire-arms. They can be used from a safe distance, whereas if you have a bayonet charge, you march into the crowd.

Sir P. S. Sivaswamy Aiyer : They might be overpowered.

Diwan Bahadur T. Rangachariar : I am sure my Honourable friend will agree with me at least that in Madras they are likely to show their backs as soon as you show your determination to subdue them. I cannot speak with authority as to how a Punjab crowd would behave. However, I think even they would show their backs rather than undergo a bayonet charge. But I am now dealing with the ordinary cases that occur. So that by that means you will be really affecting the lives and limbs of the rioters themselves for the bayonet charge will go direct on them. Then, you cannot plead: Oh, the attitude of the crowd was ugly, therefore an order was given to fire. Or the policeman's turban was knocked off. Therefore an order was given to disperse. I am not imagining now. I have

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seen such reports. But from a safe distance to use these deadly precise weapons is a dangerous thing. Therefore, Sir, my justification for restricting my Bill to the use of fire-arms is this. Why do the King's Regulations provide all these regulations for the use of fire-arms? I will read paragraph 63 and paragraph 64:

"*Paragraph 63.*—All commands to the troops are to be given by the officer. The troops are not, on any account, to fire excepting by word of command of their officer, who is to exercise a humane discretion respecting the extent of the line of fire, and is not to give the word of command to fire, unless distinctly required to do so by the Magistrate.

Paragraph 64.—In order to guard against all misunderstanding, Officers Commanding troops or detachments are, on every occasion when employed in the suppression of riots, or enforcement of the law, to take the most effectual means, in conjunction with the Magistrates under whose orders they may be placed, for explaining beforehand to the people opposed to them that, in the event of the troops being ordered to fire, their fire will be effective."

and so on and so on.

The King's Regulations are confined to the use of fire-arms, which I have read. So also, Sir, I ask that there should be some regulation regarding the use of fire-arms.

As I have already said, I need not dilate upon it. I therefore say that the objection taken by my Honourable friend the Home Member in his minute that I am enacting something which might place the crowd in more danger than they already are in is not a correct argument. Nor is his other argument correct. My Honourable friend accepts that a warning should be given. In fact, Government themselves brought forward a measure, as I told you, Sir, in 1921, that there should be a legal provision for giving warning. My Honourable friend says that the rule which I seek to impose is absolute. What I say is:

"The person who directs that the assembly shall be fired on shall, before so doing, warn the assembly by such means as may be available that unless it disperses, it will be fired on."

What is wrong in that? On the other hand, it is less strong than the English provision. It has been brought in the form of the Government provision itself which they brought forward in 1921. I do not see the objection to clause 2 which my Honourable friend takes.

As regards clause 3, my Honourable friend says:

"I see no great objection to clause (3), which requires a statutory report, but I would here again prefer it not to be confined to the use of fire-arms."

I would gladly welcome a measure, if the Government bring it forward, to make it obligatory upon all persons who disperse an unlawful assembly, where death or grievous hurt is caused, to make a report. I would gladly welcome such a measure. But I could not accept the suggestion of the Honourable the Home Member because it would go beyond the provisions of my Bill. My Bill is confined, as the Preamble was confined, only to cases where an assembly is dispersed by the use of fire-arms. That is why I could not accept the suggestion of my Honourable friend. I am sure he realises the difficulty which I was in. On the other hand, I would gladly welcome a measure if the Government think it necessary that there should be not only report in these cases but in every case where force is used for

dispersing an unlawful assembly. There is nothing to prevent the Honourable the Home Member doing so. He can quickly amend the Criminal Procedure Code by bringing in a short clause which we will accept.

As regards clause (4), my Honourable friend says :

"Finally, clause (4) is far too wide in granting a right to make complaints, without the sanction of any public authority."

As I have already stated, I attach the greatest importance to this clause. We must have freedom of complaint. I have restricted it as carefully as I can. I have restricted it only to persons who are aggrieved by the act, not to every individual in the street. I think they should have the right to complain. That is an issue which I propose to stand by. I cannot withdraw it or yield on the matter. Unless an officer can be appointed called the Director of Public Prosecutions to whom we can entrust this, till that stage comes, I think it necessary to have this provision.

I do not think there is anything new in my Honourable friend Colonel Crawford's minute which I need deal with. He thinks, of course, that the whole law should be left as it is and that there should be no revision. Sir, the House by sending the Bill to the Select Committee on the last occasion by a vast majority have affirmed the principle that the law should not be left as it is and needs revision. Sir, I stand by that position. I hope the House will stand by that position. The House has already affirmed that principle and I ask the House to affirm that principle once again that the law should not be left as it is but must be remedied and improved in the way the Select Committee have asked us to do.

The Honourable Sir Alexander Muddiman : Sir, I intervene at this early stage in the debate in order to explain one or two matters. I am opposing the consideration of this Bill, but I am not at this stage going to make a speech. I dealt with the Bill very fully on the motion that the Bill be referred to a Select Committee. On that occasion, owing to a misapprehension, many Members who desired to speak on the Government side were unable to do so as the question was put the moment I sat down. I desire, therefore, to raise a debate on this motion for consideration in order that other Members who were not given an opportunity to speak on that occasion may have an opportunity of speaking on this occasion. I must, however, say a few words on the points brought forward by my Honourable friend. As I said on the previous occasion, the object of my friend's Bill so far as it aims at securing moderation in the use of force commands the sympathy of all reasonable men. It is of the greatest importance to the citizen that fire-arms should be used, or any form of force should be used, with great discrimination. On the other hand, it is equally important to the citizen that when an occasion arises for the use of force, that force should be used in a prompt and effective manner. Those are propositions that I do not think any one is likely seriously to dispute. The issue between my Honourable friend and myself except in one particular is not a very large one. He lays down in his Bill certain rules which are rules of law. That is to say, they will be applied as other rules of law are. Now, the use of force is a matter which in my judgment is independent of the actual form of the force. It seems to me impossible to draw different rules for the use of different forms of force. There is no use saying, "You may use gas, you may use explosive bombs, but you must not use fire-arms." I understand my Honourable friend's

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point. It is that the maximum use of force should be controlled by special rules. But when he confines this matter to fire-arms, he is merely evading the main point. The true criterion in the use of force for dispersing crowds is independent of the actual form of the force. That I state as a very general principle. If you are to amend your law you should amend it with regard to the use of all force and not with regard to the use of fire-arms only. There is no special rule of law in England that I am aware of to regulate the use of fire-arms. My Honourable friend says, "Why do you object to my embodying in the law rules which you yourself as an executive authority lay down ?" The answer is a very simple one. My Honourable friend's Bill lays down certain provisions. He says:

"Fire-arms shall not be used unless such assembly cannot otherwise be dispersed and unless a Magistrate of the highest class present specifically authorises such use."

I need not read the provisions in full. He has read them sufficiently to the House. He says that in each and every case where you may use fire-arms, you have to prove that you complied with all those conditions. Some of those conditions, I suggest, are not possible of compliance. My Honourable friend has said that crowds in India are not usually armed with anything but *lathis* and brickbats and such other material objects which they may pick up at the place of occurrence. Speaking generally—very generally, indeed,—that is correct. On the other hand, it has to be remembered that the forces of law and order in many parts of India are very limited in numbers and if my Honourable friend imagines that ten policemen can, say on the occasion of a Hindu-Muhammadan riot, such as I have myself witnessed, or when confronted with a direct attack, preserve order by means of their ordinary *lathis*, he is entirely under a misapprehension. These policemen would be torn to pieces. They have been torn to pieces. Does my Honourable friend wish the use of fire-arms to be restricted in a case like that where you have ten policemen facing mobs excited by religious or other susceptibilities and in a state where nothing can possibly save the situation but a sudden and a striking exhibition of force ?

Diwan Bahadur T. Rangachariar : Then you can use fire-arms.

The Honourable Sir Alexander Muddiman : Subject to your restrictions.

I have argued this point at great length before and I do not propose to go into it again. I will just reply to one or two of the points made by my Honourable friend. He said on the question of sanction which is a point he has pressed so strongly, he is not prepared to allow any public servant who performs this distressing duty—it must be a distressing duty to every humane man—he is not prepared to allow the protection which the law now gives, that is, that a prosecution shall not be possible without the order of the Local Government or the Governor General. He would, however, be good enough to permit that to be done if we had the sanction of the Director of Public Prosecutions. Now, I may tell my Honourable friend this. I have some experience of and I have spent some time in the office of the Director of Public Prosecutions in London and if my Honourable friend imagines that the Director of Public Prosecutions is not in intimate touch with the executive Government in England he is under an entire misapprehension.

12 NOON.

Mr. A. Rangaswami Iyengar : Why do you object then ?

The Honourable Sir Alexander Muddiman : I do not object. My Honourable friend is objecting. In other words, the sanction of the Director of Public Prosecutions in England is the sanction in the last resort of the executive Government in England which we have here directly. My Honourable friend is presumably satisfied that he must give up this clause. But I do not suppose he will.

Now, as I have said, I shall have an opportunity of speaking again in this debate and I will not further take up the time of the House. I oppose this motion for the reasons I have given in my minute of dissent.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural) : Blessed are they who have no expectations, because they shall not be disappointed. I have not much expectation of the Honourable the Leader of the House and therefore I confess that I am not thoroughly disappointed. I say "*thoroughly*" for one reason. The Honourable the Home Member used an expression which rather surprised me. He said "a sudden and striking exhibition of force" is necessary. I did not expect an amiable gentleman like the Honourable the Home Member to use an expression of that kind. I could understand a military man using an expression of that kind. Sir, I thought that the military mentality was a little different from the civilian mentality, but perhaps in this country there is only a very thin line of demarcation.

Sir, that particular expression, the Honourable the Home Member will forgive me, can be compared to an expression from the evidence that was given by General Dyer before the Hunter Commission. Before quoting that particular evidence you all remember, every one in this House remembers, Sir, the basis of General Dyer's action—to produce a sudden and striking impression. General Dyer said something which could be paraphrased in the words of the Honourable the Home Member as "a sudden and striking exhibition of force." In this country, after the experiences we have undergone we can no longer permit the sudden and dangerous exhibition of force which has been going on for some time. Sir, it is bad enough in all conscience that we have had one Jallianwalla Bagh, and Honourable Members will bear in mind that Jallianwalla Bagh was not a by-product of Martial Law. It was the precursor of Martial Law, it was the real motive for Martial Law, it announced the coming on of Martial Law. I could understand the exhibition of brute force under Martial Law,—I could understand it, if I would not appreciate it, if I might not approve of it. (*An Honourable Member* : "Why ?") Mr. Rangaswami Iyengar rightly says, "Why." Martial Law can be justified only by conditions which have to be dealt with in a military style. There was no necessity for martial law in the Punjab, but before martial law was introduced, General Dyer, without consulting the civilian authority plunged the Punjab into bloodshed unprecedented in any other part of the civilised world, into bloodshed which made the late Lord Curzon speak with horror of the "reeking shambles of Amritsar." We do not want a repetition of the Jallianwalla Bagh. It is all very well for you to say that "a sudden and striking exhibition of force" is necessary. But as a sudden and striking exhibition of force has become once and may again become a Jallianwalla Bagh, we cannot give you this unfettered power. I think it is very pertinent to read here what General Dyer

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himself said about "a sudden and striking exhibition of force." Asked by Lord Hunter :

"*Q.*—When you got into the Bagh, what did you do ?

A.—I opened fire.

Q.—At once ?

A.—Immediately. I had thought about the matter and don't imagine it took me more than 30 seconds to make up my mind as to what my duty was.

Q.—As regards the crowd, what was it doing ?

A.—Well, they were holding a meeting. There was a man in the centre of the place on something raised. His arms were moving about. He was evidently addressing. He was absolutely in the centre of the square, as far as I could judge. I should say some 50 or 60 yards from where my troops were drawn up."

The General had admitted that there might have been a good many who had not heard of the proclamation. So Lord Hunter asked :

"*Q.*—On the assumption that there was that risk of people being in the crowd who were not aware of the proclamation, did it not occur to you that it was a proper measure to ask the crowd to disperse before you took that step of actually firing ?

A.—No, at the time I did not. I merely felt that my orders had not been obeyed, that Martial Law was flouted (*though there was no martial law at the time*), and that it was my duty to fire immediately by rifle.

Q.—Before you dispersed the crowd, had the crowd taken any action at all ?

A.—No, Sir. They had run away, a few of them.

Q.—Did they start to run away ?

A.—Yes. When I began to fire, the big mob in the centre began to run almost towards the right.

Q.—Martial Law had not been proclaimed. Before you took that step, which was a serious step, did you not consider as to the propriety of consulting the Deputy Commissioner who was the civil authority responsible for the order of the city ?

A.—There was no Deputy Commissioner to consult at the time. I did not think it wise to ask anybody further. I had to make up my mind immediately as to what my action should be. I considered from the military point of view that I ought to fire immediately, that if I did not do so, I should fail in my duty.....

Q.—In firing was it your object to disperse ?

A.—No, Sir. I was going to fire until they dispersed.

Q.—Did the crowd at once start to disperse as soon as you fired ?

A.—Immediately.

Q.—Did you continue firing ?

A.—Yes.

Q.—After the crowd indicated that it was going to disperse, why did you not stop ?

A.—I thought it was my duty to go on until it dispersed. If I fired a little, I should be wrong in firing at all."

Then in reply to a variety of questions, General Dyer said he continued for about 10 minutes, and that he had no 'military experience to use similar methods of dispersing crowds' ; 'he could have dispersed them, perhaps even without firing'. But he fired, because 'they would all have come back and laughed at him and he would have made a fool of himself'."

That was why a sudden and striking exhibition of force was necessary !

The Honourable Sir Alexander Muddiman : The Honourable Member is misrepresenting what I said. What I said was this, that on an occasion of the kind which I was then discussing where two mobs were

in that condition it was necessary. I did not say that it was necessary to go on firing till the mob ran away.

Mr. C. S. Ranga Iyer : I must admit that the Honourable the Home Member has tried to explain his rather complicated position, but the explanation has got to be explained ! General Dyer was perhaps wrong, in the estimation of the Honourable the Home Member, in having gone on firing until the mob dispersed, but my position is this. General Dyer had no business to open fire at all without giving them warning or before trying other methods of dispersing an innocent crowd. Honourable Members know what happened at Jallianwala Bagh ! Whenever the bureaucracy think it necessary that such a thing should happen, such things do happen, for it is a matter of deep regret that there are several men, both among the soldiers and the civilians, who hold Indian lives cheap. I do not wish to refer to a case which is *sub judice* of a coolie who was kicked to death the other day, and whose ribs were broken.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, this question is *sub judice* and I suggest it is most improper of the Honourable Member to make mention of it here.

Mr. President : Order, order. The Honourable Member will not refer to any matters that are *sub judice*.

Mr. C. S. Ranga Iyer : I am sorry, Sir, I will not refer to matters that are *sub judice*, but incidents have happened in this country, incidents which prove that Europeans hold Indian lives rather cheap. Though not the first, yet the most striking incident of that kind was the firing on a peaceful crowd at Amritsar. The Government gave great provocation to the people of the Punjab and India by introducing the Rowlatt Act, better known as the Black Act, this immoral piece of legislation was defied constitutionally by peaceful agitation in the Punjab and India by both Moderates and Nationalists. In the Punjab, the Government resisted constitutional agitation with unconstitutional violence which they inflicted upon a peaceful crowd of patriots in Amritsar who formed themselves into a procession to proclaim their feelings of protest when their leaders were arrested. That crowd was fired on without any warning. I shall read to you,—if the Honourable the Home Member has any doubt about the fact that the crowd was fired on without any warning,—what Mr. Maqbool Mahmood, a High Court Vakil, who, together with Mr. Salaria, was trying to reason with the crowd, says :

> "Salaria and I shouted out to the Deputy Commissioner and the officers to get back and not to fire, as we still hoped to take the crowd back. A few of the crowd threw wood and stones at the soldiers. The soldiers at once opened a volley of fire without any warning or intimation. Bullets whistled to my right and left. The crowd dispersed, leaving 20 or 25 killed and wounded."

The result was that the crowd went mad. It killed a few Englishmen, a tragedy which all of us deplore, but if peace is to be respected, if people are not to be provoked, if lives are to be preserved, it is necessary to prevent driving people mad by careless firing without any kind of warning. When my friend, Diwan Bahadur Rangachariar, whom not even the Honourable the Home Member can characterise, even by the greatest stretch of imagination, as an Extremist, when a sober moderate like him in this House insists that reckless firing without warning should be regulated, you will not listen to him.

Sir, we are in a transitional period. We have got to struggle, to fight, to conduct an agitation in this country, to organize a peaceful mass

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movement. I know that European officials, policemen and others, when we conduct an agitation of that kind, dislike it. If we were ruling England and Englishmen were conducting a mass movement, we too would have disliked the movement. If Germany had succeeded in the war and England were under German rule, and Englishmen were carrying on an agitation of that kind, the Germans would not have liked it. I am anxious, Sir, that no peaceful mass movement should be plunged into violence. If you provoke the masses, the masses will answer violence with violence. That will suit the Englishman's purpose, because superior violence can put down popular violence. I say that we want a non-violent peaceful agitation which you cannot resist by superior violence. If you oppose this Bill it is because you want popular violence so that it may be put down by bureaucratic violence. I therefore attribute motives to the Government when the Honourable the Home Member opposes a measure of this kind, because he wants much violence to crush a peaceful movement and a pretext for making an exhibition of police force.

We are further told by the Honourable the Home Member, why talk of fire-arms only, why fire-arms particularly. We may at some time have to talk of machine guns, we may have to talk of bombing from aeroplanes, we may have to talk of poison gas and the use of poison gas, when you make these things as common as you are making the abuse of fire-arms. To-day we are concerned with fire-arms, the method by which you have been resisting us ; but when you resort to using other methods we shall come to you and give you fair warning. We shall try to stay your hands. Therefore it is wrong to say that Diwan Bahadur Rangachariar has "evaded the main point". It is the Honourable the Home Member who has evaded the point.

His Excellency the Commander-in-Chief : Sir, I am afraid I cannot claim, like my learned friend, the Mover of this Bill, that I am, like him, a mild Madrasi Brahmin. I can, however, entirely associate myself with him by saying that I am a man of peace, and it is certainly my wish that rules and regulations should be drafted with the sole idea of humanity and the avoiding of any inhumanity.

I have listened to the speeches with the greatest interest, and on behalf of the soldiers whom I have the honour to represent here I will attempt to express their views regarding this proposed legislation which may so deeply concern them. I will begin by saying that we soldiers, certainly all thinking soldiers, never for a moment forget the fact, which is so often not realised by others, that we are first and foremost citizens of the British Empire. There is no title of which any soldier is more proud than that of "*Civis Britanicus Sum*", a title of which we can never be deprived. We are citizens first and for all our lives, and as soldiers we are the servants of our King and Empire.

I rather gathered from the speech by the last Honourable Member that he is not prepared to extend to soldiers the epithet which he was kind enough to confer on the Honourable the Home Member of being "amiable" ; and I presume I am included in the category of "soldiers". In fact I think the last speaker possibly regards soldiers as "the brutal and licentious soldiery", as in days gone by they were at times described.

Mr. C. S. Ranga Iyer : I do not want to interrupt His Excellency, but I wish to say that I quite agree that he is an amiable man and so are they all, all amiable men.

His Excellency the Commander-in-Chief : I hope the days have gone by when anybody could regard soldiers,—and in this I speak in the broadest sense of soldiers of both British and Indian services—as brutal and licentious. We, unlike the Germans, have no military caste in our service. We are, as I have said, citizens, some of whom have devoted the whole of our lives, and others only a certain number of years, to the profession of arms. But I think possibly that even those who have not devoted very many years to soldiering, may, on account of hardships they have undergone, be classed among those married men, regarding whom you probably all know the riddle. "Do married men live longer than single ones?" The answer is, "It seems longer." Should that apply to some of us who are blessed with a single wife, I often wonder what the feeling of those others must be, who are more liberally endowed in that respect. But whether we have devoted the whole of our lives or only a certain portion to soldiering, we realize that it is our duty to ensure the safety of our fellow-subjects, and to see that as far as in us lies every man shall reap where he has sown, to carry out his avocations, whatever they may be, and that the subjects of the British Empire shall be able to go wherever they like and do what they wish upon their lawful occasions. In carrying out these duties, it will probably be realised that soldiers are often faced with very difficult and very disagreeable duties. I remember well, it is many years ago now when I was Adjutant of my regiment and Commandant, a Pathan sowar coming up to me and saying "*Sahib, zama hiss shaukh mishta che par yekhna shpa mane, de sentri de kar de para,*" which, our friend Nawab Sir Abdul Qaiyum, if he were here, or Captain Ajab Khan would tell you means, "I can work up no enthusiasm for doing sentry duty on cold winter nights." My friend went on to explain how doubtless there were others who had a *shaukh* for such duties and he hoped I would arrange accordingly. But sincerely as you will all sympathise with that young man regarding sentry duty on the frontier on cold and dirty nights, and realise that that is a disagreeable duty, yet I can assure you that it is nothing compared with the disagreeable and distasteful duty to which soldiers may be called on to perform in aid of the civil power. We realise that when we are called out for such duties, it is possibly as a last resort. It is most probably only done, when the civil authorities feel that the situation is getting out of their control, or has already done so. Consequently we realise that the action which may have to be taken will be of a drastic nature, and also it may possibly be against our own friends and relations. But what is the most difficult part of it all, is that notwithstanding this, the officers and non-commissioned officers have the whole time the feeling at the back of their minds that, whatever they do, it is very unlikely that they will be credited with doing right. In fact it is almost certain that they will be credited with doing the wrong thing. If the officer, on arrival, finds the situation very serious and at once orders drastic action, he will be held up to execration by arm-chair critics who can so easily come to the right conclusion after the action is over. If, on the other hand, he takes an optimistic view of the situation and thinks drastic action is not neces-

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sary, and he perhaps gives the order for a few shots to be fired over the heads of the crowd—which I may say in passing is really the very worst and most cruel action that can be taken because the ring-leaders in front escape and innocent people behind may be injured—if he takes that action, he is likely to be called a poltroon and a fool, and may possibly be turned out of the service. You will realise I know that it is very unlikely that any two situations with which officers will be faced will be exactly similar so that it is very difficult to formulate any regulations which will govern all contingencies. I will, however, with your permission, read an extract from the instructions which have been issued relating to martial law which have been drawn up for the guidance of officers :

"When an officer is required by a magistrate, or himself determines that a serious situation arises when there is no magistrate within reach, to disperse an assembly by force, he will, before taking action, adopt the most effective measures possible to explain to the people that, if necessary, fire will be opened, and that if fire become necessary, the fire of the troops will be effective. If he is of opinion that it is necessary to fire, but that the fire of a few men will attain the object of dispersing the assembly, he will personally give the command to a few specified men to fire. If a greater effort is required, he will personally give the command to one of the sections to fire."

Further rules, Sir, are contained in these instructions, which are based upon long experience and upon the highest conception of the sanctity of human life. These rules I have summarised generally as follows :

(1) When a Magistrate determines that force is necessary to disperse a crowd, he calls upon the Officer Commanding to do so ;

(2) The Officer Commanding the troops thereafter is empowered to take such action as he deems necessary for this purpose. He is the sole judge of what action to take and what weapons to use ;

(3) He is bound to use the minimum possible force for the purpose ;

(4) No *statutory* warning is laid down previous to the opening of fire ;

(5) He is responsible for the safety of his command ; and

(6) The officer cannot be prosecuted for his action, except with the sanction of Government.

The Honourable Mover of this Bill referred to the King's Regulations, stating that under them it was essential that permission should be obtained from the magistrate present before fire was used. I am afraid that the Honourable Mover was not quite accurate in that. What the King's Regulations say is :

"The reading of the Proclamation under the Riot Act is important, both as conveying a distinct warning to the crowd, and as involving the legal consequence that those who do not disperse within one hour are guilty of felony ; but it must be understood that to justify the exercise of military force in the prevention of serious outrage and damage to persons or property, it is not necessary to wait for the Proclamation to be read."

Further it goes on :

"When thus requested it will be the duty of the officer to take such military steps as in his opinion the situation demands. In doing so he will have absolute discretion as to the action to be taken, and as to the arms, including fire-arms, which the troops shall use, and as to the orders he shall give, including the order to fire."

From the instructions which I have mentioned, Sir, which have been issued in this country, I think it will be realised that there are three main principles which emerge :

(1) The first is that the Officer Commanding the troops, on being called out in aid of the civil authorities, will have upon him the sole responsibility for the action he takes, and will be responsible for the results ;

(2) He is definitely responsible that he uses the minimum force necessary ;

(3) He is held definitely responsible for the safety of his own command.

I am sure that Honourable Members will at once realise that it must often require great discretion, sound judgment and often much self-control on the part of the Officer Commanding on the spot, in possibly very difficult circumstances, to reconcile what may seem the conflicting parts of those three instructions, but underlying them all is the one main principle, which is that the officer who has been called upon to bring his troops out to assist the civil power is personally responsible for the action he takes, and he knows that the responsibility is his alone. It seems to me, Sir, that the imposition of that sense of personal responsibility upon the executive officer is probably the best possible safeguard that can be devised for ensuring that troops called out to aid the civil powers shall perform their duties to the best interests of the public. It ensures that the action taken shall be effective, and on the other hand that no greater force shall be used than is necessary, and avoids the risk of unnecessary casualties.

I will turn now, Sir, to the proposals under the present Bill. Under this Bill three main clauses emerge :

The first is that the Magistrate will decide on the weapons to be used, that is, the responsibility for the particular kind of force is thrown on him.

The second clause which affects us, soldiers, is that a warning must *invariably* be given before fire is opened.

And the third is that an officer may be prosecuted for any offence committed by him in this connection without Government sanction.

I will take these three points in turn :

(1) It will be seen that this, the handing over to the civil authorities of the discretion as to what force is to be used, whether fire-arms are to be used or not, at once divorces from the executive officer on the spot the definite responsibility which is at present imposed upon him. In other words, it reduces him to the position of a machine, and from a machine you can expect nothing but mechanical results. Further, what I think is vitally important is that, if you take away from him the responsibility for the methods employed, you certainly cannot hold him responsible for the results. In fact, it seems to me these proposals have in them

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two main objections. The first is that it lays upon the civil official, who can hardly be expected to have the same experience as to what the results of the use of different weapons will be, a responsibility which is now imposed upon the soldier, who from his training must be supposed to be the best judge of what the *results* of any particular action will be, whether fire-arms, bayonets or whatever it may be. Further, I would like to say this, which I do with the greatest diffidence, because I know how extremely hard it is to prove ; but our experience, the experience of many senior officers in the Army and in many lands has been that as a rule it is the experienced soldier who has been the restraining influence and not the inexperienced, very often puzzled and harassed civil official. I would refer to one case that certainly came to my notice in Upper Egypt when the present Adjutant General in India, Sir John Shea, was in command there and was called out to aid the civil powers. He with great self-restraint was able to use very much less force than the civil authorities on the spot urged him to use. Then again during the last year alone, we at Army Headquarters have received grateful thanks from Allahabad, Delhi and Kohat for the restraint which our soldiers had shown during the riots in those places when they were called upon to help.

I will turn now, Sir, to the second point, *i.e.*, laying down that a definite warning must *invariably* be given before fire is opened. That order apparently would not apply to a bayonet charge. We realise from what I have said and from what the Honourable Mover has also said, that the present regulations do compel an officer to give warning *whenever it is possible to do so.* I am doubtful if the framer of this Bill can have really thought the matter out to its logical conclusion when he recommended that on every occasion without any exception whatsoever, firing must not take place without due warning. To insist upon such a proviso is one of the most inhuman actions that I can possibly imagine. Let us take the case of a small military detachment suddenly faced with a maddened and furious mob at close quarters. The mob suddenly takes charge, rushes down upon what may be a large number of civilians and on the troops themselves. The officer in command has two alternatives. If he fires he breaks the law. On the other hand, he may order a bayonet charge. If his force is fairly large, a bayonet charge will certainly inflict a most terrible amount of damage and injury on the crowd. If on the other hand he has a very small force, it is likely after inflicting serious injuries on the rioters to be overwhelmed, even if the mob were armed with *lathis* and other such weapons as they can get hold of. Then again, can anyone here see a crowd advancing on their homes, in which their wives and children are with torches and fire-brands, or on their mills or factories ? The troops might be two or three hundred yards off, ready to disperse the crowd by firing but unable to do so because it is impossible to give any warning. To give a warning at such a distance would be an absolute farce. I cannot imagine my Punjab friends saying on such an occasion :

" Ghar phuk tamasha vekh Bhulai din awengai."

They know there would be no " *bhulai din* " at such a time, and they would be the first to urge that fire should at once be opened. That would be the only humane way of dispersing a mob, possibly with one or two shots.

I come to the third point, Sir, to permit an officer to be prosecuted without Government sanction. I feel sure that every one of my colleagues in the Assembly will have the greatest sympathy with us, soldiers, when we are called out to perform the most difficult and disagreeable duty which can be placed on us. I am sure you realise that we do utterly abhor being called out in aid of the civil authorities. And in extending to us your sympathy I will also ask you to give us your help; I feel confident that the best way you can give us your help is not to tie our hands. It is the man on the spot on whom the final responsibility must lie. Do not tie his hands. Help him where you possibly can, guide him with instructions, but do not lay down definite hard-and-fast regulations by law under which he would be liable to suffer penalties if he gave the order to fire when it was impossible for him to do otherwise. Remember, he is not acting as a private individual. He is acting as a servant of the Government and it is up to Government to give him full measure of support. If he has at the back of his mind the thought "Whatever I do I am liable to be prosecuted; my future is at the caprice of any individual who may wish to bring an action against me;" if he cannot devote his whole attention and energies to the matter in hand, he is not likely to do his work with that complete detachment of mind which is essential.

Diwan Bahadur T. Rangachariar: Sir, with reference to His Excellency the Commander-in-Chief's remarks, may I ask him whether paragraphs 63 and 64 of the King's Regulation, section 8, are in force?

His Excellency the Commander-in-Chief: That has been entirely revised.

Diwan Bahadur T. Rangachariar: Are they different from what they are now?

His Excellency the Commander-in-Chief: Yes, Sir.

Diwan Bahadur T. Rangachariar: May I have a copy?

His Excellency the Commander-in-Chief: Certainly.

Colonel J. D. Crawford (Bengal: European): Sir, in rising to oppose the consideration of this Bill I do so because I believe it is a Bill which is thoroughly bad in practice and in law. I am not myself a legal expert and I leave that point to be developed later by those who are, but it seems to me very difficult to understand who is responsible, for instance, in the case of stating that fire-arms shall not be used unless such assembly cannot otherwise be dispersed. It appears to me that is a responsibility placed on the officer and you cannot very well do anything if he says, "In my opinion it could not otherwise be dispersed"; I do not quite see what action is open to you except to say, "Well, you are the only person who was there to give an opinion". The same applies of course on the question of a warning.

"The person who directs that the assembly shall be fired on shall before doing so warn the assembly by such means as may be available."

He, the individual in charge, is left to be the judge of what means were available. I quite appreciate, Sir, the humane motive prompting Diwan Bahadur Rangachariar when he brought in this Bill, and I presume that the motive which he really had at heart is the saving of human life on such occasions. Well now, Sir, in my opinion the effect the clauses which he proposes to add to the Criminal Procedure Code are likely to have

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is the very reverse effect. Personally I consider that the Criminal Procedure Code as it stands, and I would like to draw the attention of the House to it, is sufficient and adequate for our purpose. Section 130 says :

"When a Magistrate determines to disperse any such assembly by military force he may require any commissioned or non-commissioned officer in command of any soldiers in Her Majesty's Army or of any volunteers enrolled under the Indian Volunteers Act, 1869, to disperse such assembly by military force and to arrest and confine such persons, etc., etc."

I will not read the rest of that section. There the responsibility is with the Magistrate in ordering the officer to undertake this unpleasant duty. And then we go on to paragraph (2) of that section :

"Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force and do as little injury to person and property as may be consistent with dispersing the assembly and arresting and detaining such persons."

In the law as it stands to-day, we have therefore a provision that an officer shall act on the orders of the magistrate and that he shall only use such force and the minimum of force as may be necessary to carry out his duties. That is exactly what my Honourable friend Diwan Bahadur Rangachariar tries to make a little bit clearer in his Bill. The next section enjoins on an officer in the case of no magistrate being present the important duty of undertaking the use of those powers if he considers it necessary ; it also enjoins on him that, while he is acting under this section, if it becomes practicable for him to communicate with the magistrate he shall do so and shall then obey the instructions of the magistrate as to whether he shall or shall not continue such action. The point that I wish to emphasise is that the feeling of the ordinary officer in the ranks at the moment in dealing with this unpleasent task of the dispersal of unlawful assemblies and in protecting innocent citizens is one of "tails you win, heads I lose," and when officers have that feeling it is not possible to expect them to act with that due sense of responsibility which they should exercise on a very important occasion of this nature. May I say that my Honourable friend Diwan Bahadur Rangachariar appears to be lacking for once in that imagination which is so strongly evident on the Benches on this side of the House.....

Mr. C. S. Ranga Iyer : He has transferred it to you. (Laughter.)

Col. J. D. Crawford : May I draw a little picture for his personal enlightenment as to what I would feel if called upon in similar circumstances ? We will say that troops had been called out to disperse a riot in the town or village where my Honourable friend lives and under the orders of the magistrate the main streets have been cleared and I am in charge of a patrol patrolling some of those main streets that have been cleared. As I pass a side street in which the house of my Honourable friend is situated, I notice a crowd of people with *lathis* attacking my Honourable friend and endeavouring to burn his house. I wonder to myself what I am to do under this new law which he has just brought in. If I go at once to his rescue—of course personally I would go at once to his rescue as he is a friend of mine and I would risk my skin and everything for him, but every one may not do so—I might think I have not the order of a magistrate to fire ; am I to push off and try and find the magistrate ? Also I have no time to give warning—the conditions are now serious and

if I wait any longer he would be killed and his house burnt. Must I warn the crowd? I see no chance of that, and the officer finds himself in a very difficult position. He might say, "My job is dependent upon it; poor Diwan Bahadur has got to go, I am afraid." Well, Sir, we do not want that sort of position in dealing with these unlawful assemblies. It is an unpleasant task and there is only one way of doing it. By all means if a magistrate is present—and we hope he will be present on most occasions, —he is there to give the necessary orders to the officer to use such force as he may think fit; but if he is not there, the officer must undertake the responsibility himself and it is up to us in this House to make certain that he has a proper sense of responsibility and that he can perform that duty with our confidence behind him. That is what we want; that is the only way in which we can ensure that this duty will be performed efficiently and in a correct and humane manner. I do not wish to refer to the controversies and regrettable incidents of the past, but there are, I think, lessons to be learned from the Punjab rising and from the Moplah rising. On the occasion of the Punjab rising I believe that, regrettable as it is, the total number of deaths was between 300 and 350, and on that occasion I think the House knows that you had a very severe measure of martial law. (*An Honourable Member*: "Jallianwala Bagh was before martial law.") Well, you had a very severe measure of military force which is not denied. As a result of the incidents on that occasion and in consequence of the depth of public feeling about them, Sir, you found officials very chary of using military force when we got the Moplah rising.....

Mr. Devaki Prasad Sinha: May I know whether the Honourable Member uses the "cheery" or "chary"?

Colonel J. D. Crawford: "Very careful" if you prefer that. Then we got the Moplah rising; the local authorities were nervous to move on account of public opinion against them—martial law was brought in slowly and forces were not used. Even my Honourable friend, Diwan Bahadur Rangachariar, on the 5th September 1921 in this House blamed the authorities for not using more force.....

Diwan Bahadur T. Rangachariar: No, no; I did not say that. All that I did say was that Government did not deal with it at once, not that enough force was not used.

Colonel J. D. Crawford: May I quote the Honourable Member's words:

"The District Magistrate, I am sorry to say, had not taken adequate precautions to protect the population when he took such a serious step as this. He should have armed himself with more force....."

Diwan Bahadur T. Rangachariar: 'Armed himself with more force' does not mean the use of that force.

Colonel J. D. Crawford: But, Sir, what was the result of all our care and all our consideration? The total number of deaths was 1,100, and of these, Sir, 100 were entirely innocent Hindu citizens whom it was the duty of the Government to protect.

Mr. C. S. Ranga Iyer: Do you consider the other 1,000 guilty?

Colonel J. D. Crawford: That is the position, Sir. If you have to call upon military forces to use force in the dispersal of unlawful assemblies, then our only trust is in the fact that they will use their powers with

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a suitable sense of responsibility ; and I believe and I am convinced that the measures which my Honourable friend Diwan Bahadur Rangachariar desires to see on the Statute-book will have the very reverse effect.

Finally, Sir, as regards clause (4), that too is liable to make officers think, " Well, whatever action I take I am sure to be in the wrong and afterwards I am open to charges of all kinds....."

Diwan Bahadur T. Rangachariar : May I ask the Honourable Member what they do in England ? Do they hesitate because there is a liability to prosecution ?

Colonel J. D. Crawford : May I remind the Honourable Member that England is somewhat more disciplined than this country ? We do not have to use troops as often in England as we do in this country. The police in England are the friends of the citizens and the opposition shown to them in India does not obtain in England. But there are provisions already in the existing Criminal Proeedure Code for the protection of the ordinary citizen. We can undertake prosecutions with the sanction of the Local Government or in the case of military force with the sanction of the Governor General. So he is not without some means of redress if he thinks he has got a good enough case. This measure will sap the sense of responsibility of those officers who are called upon to perform these unpleasant duties on behalf of the citizens, and it is up to us to give them every possible support in the performance of an unpleasant duty of this nature.

Mr. T. C. Goswami (Calcutta Suburbs : Non-Muhammadan Urban) : May we, Mr. President, return once more to the civilian point of view ? I think I am expressing overybody's feelings in this House when I say that we heard the weighty words of the soldier-statesman, whom the King has recently honoured in such a unique manner, with great interest and with the deepest respect. I am sure His Excellency Sir William Birdwood will never use the Field Marshal's baton except to uphold the great principles of law that obtain in the land of his birth, if not in the land of his adoption.

Sir, we recognise—I am sure all of us in this House recognise—that the situation in which a magistrate or an officer may be called upon to fire on a mob is, necessarily, not only extremely unpleasant, but very difficult. I will remind this House of a very great judgment delivered in England in the case of the Bristol Riots. That is known as the case of *King vs. Pinney*, and I shall quote *in extenso* one paragraph out of that judgment, which shows that the judiciary in England took into consideration the very unenviable position of the Magistrate or officer, and at the same time imposed on him duties extremely difficult to discharge.

" Now ",—*said Mr. Justice Littledate,*—" a person, whether a magistrate or an officer, who has the duty of suppressing a riot, is placed in a very difficult situation, for if by his acts he causes death, he is liable to be indicted for murder or manslaughter ; and if he does not act, he is liable to an indictment or an information for neglect. He is therefore bound to hit the precise line of duty, and how difficult it is to hit that precise line will be a matter for your consideration."

—that is to say for the Jury's consideration—

" But that ",—*continues the Judge*—" difficult as it may be, he is bound to do."

Now, I will pass on to another judicial pronouncement in the famous case of *King vs. Eyre.* There the learned Judge said :

"Where the inquiry is whether an officer is guilty of misdemeanour from an excess beyond his duty, the principle is very much the same, or rather it is the complement of that laid down in the case of *Rex v. Pinney.* If the officer does some act altogether beyond the power conferred on him by law"——

—that is the Common Law—

"so that it could never under any set of circumstances have been his duty to do it, he is responsible according to the quality of that act, and, even if the doing of that illegal act was the salvation of the country, that though it might be a good ground for the Legislature afterwards passing an Act of Indemnity, would be no bar in law to a criminal prosecution ; that is, if he does something clearly beyond his power. But if the act which he has done is one which in a proper state of circumstances the officer was authorised to do, so that in an extreme case on the principle laid down in *Rex v. Pinney*, he might be criminally punished for failure of duty for not doing it, then the case becomes very different."

Thus we see that the learned Judges in England did recognise the very difficult task that a magistrate or an officer had to perform in the various situations that might arise when he was threatened with a riot or faced by an angry mob. I will also take the liberty of reading the commentary by an authority on Constitutional Law, so great as the late Professor Dicey, on the passage I have just quoted. He explains :

"A General, an officer, a magistrate or a constable, who, whether in time of war or in time of peace, does without legal justification any act which injures property or interferes with the liberty of an Englishman, incurs the penalty to which every man is liable. It is a breach of the law."

Under those circumstances, the general or the officer or the magistrate is treated in law as a common law-breaker. Of course, the protection that such men have is the prospect, the hope, that the Legislature would pass an Act of Indemnity. And I am sure this Legislature would not, when the circumstances warranted, refuse to pass an Act of Indemnity to indemnify those officers who in a difficult situation and in really good faith slightly exceeded their duty. This is an important consideration.

There are other authorities in English law who may be quoted. We hold that these principles of English law are safely applicable—and ought to be applied—to this country, in spite of what my Honourable and gallant friend Col. Crawford has said—arguments savouring more of fear than of reason.

I listened with great interest to the statement of His Excellency, that "a soldier is first of all a citizen." That, Sir, is not only a very fine sentiment but, from the point of view of English law on the subject of riots, is legally true. I believe I am quoting the words of a great Judge in connexion with one of the riots in England ; he pronounced that "a soldier is only a citizen armed", and that he has got the same duties and the same liabilities as a civilian, who has also the *duty* enjoined by Common Law of intervening and suppressing a riot.

I shall not go into the unfortunate incidents of the past, like that of the Jallianwalla Bagh, except to say this,—that the Bill of Diwan Bahadur Rangachariar does not provide adequate safeguards for circumstances such as those which resulted in the Jallianwalla Bagh. Those are political incidents, and I feel that there may yet be many more Jallianwalla Baghs before we have seen the end of the present system of government. And in these circumstances, I am afraid this Bill will be of very little

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use for the preservation of the liberties of the citizen. This is a Bill which provides certain elementary safeguards in cases of ordinary riots. And that is its justification.

These are the considerations, Sir, I desire to commend to all sides of the House. I say no more.

Diwan Bahadur T. Vijayaraghavacharya (Madras: Nominated Official): Sir, I feel that it is necessary to bring back this Bill to its proper issue. It seems to me that we have all travelled over a wide ground. After all, we are not concerned with the question as to what is the moral effect of putting down a disturbance. The object of this Bill is extremely simple. It is to put into law certain executive instructions which already exist, and it is asked what can be the possible objection to putting these executive instructions into the form of laws. Well, it seems to me that for one thing it is all right to issue executive instructions, and for the magistrate to have to bear them in mind when he is faced with the duty of putting down a disturbance, but it is another thing to give them statutory force. It is not to be assumed in the case of a magistrate that in the absence of legal rules he is free from responsibility. On the other hand, I believe the experience of many magistrates has been that the long explanations which they have to render to superior executive authorities on such occasions, are quite as terrifying as any experience in a court of law. The magistrate has got to render an account, a very strict account, of his doings, and then it is not to be supposed, as has been alleged, that the ordinary administrative authority begins with a prejudice in favour of the magistrate. My experience, and I believe it is the experience of other magistrates in this House, is, that the Secretariat at the provincial or Imperial headquarters is, generally speaking, more apt to suppose that the man in the district is likely to have been wrong, and the Secretariat holds him to a very strict account of his doings. And, remember the circumstances under which the Secretariat asks for these long explanations. The man in the Secretariat sits in a cool chamber of his own, is surrounded by *chaprasis*, surrounded by the police, he has got no trouble to face and he thinks that a magistrate facing a mob is in the same position as the Under Secretary sitting in his office room; and he is apt to apply a standard which it is not possible for a district officer to apply who is faced with a mob and who has got to think on the spot and decide at once for himself. It is responsibility enough to have to account to the administrative authorities, and the fact of this accountability on occasions prevents a zealous and humane district official from doing his duty in the way in which he would do it if he felt that presumptions would not be drawn against him. (*Mr. M. A. Jinnah*: "That would not happen in a judicial court.") That may be so. But to this extent the judicial officer is in the same position as the administrative officer, in that he too sits in a cool chamber of his own, surrounded by the forces of law and order and he applies to the executive officer's action the same rigid standard which the Secretariat official applies. And if you enact this law there is this further trouble. The magistrate may have honestly carried out all the executive instructions already in force. He may not have ordered the use of fire-arms till he had satisfied himself that it was unavoidable. He may have given a warning. But all the

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same, it is one thing to satisfy yourself on the spot as a magistrate that you have exhausted all the possible precautions before you proceed to extreme measures, and it is another thing to satisfy the court. I may relate in this connection a case which happened some years ago in my own province. A man was dying, a very wealthy man, and he called in two of the most eminent lawyers in the province to attest his will. He died and later on a case about the validity of the will came up before the courts. The two eminent lawyers, accustomed to cross-examinations all their lives, appeared before the court and gave evidence. Each contradicted the other very materially under cross-examination as to who were present, what was the exact thing the man said, and the surrounding circumstances. The result was that at the end of a long trial, these two gentlemen, eminent lawyers, very honourable men in private life, were disbelieved by the court and the will was held to be not proved. In talking to one of these gentlemen afterwards he considered that it was extremely lucky in the circumstances that he was let off without a sanction for perjury. It is one thing to be able to do a thing rightly but it is another thing to be able to prove it to the satisfaction of a court ; particularly in the case of a disturbance where the magistrate has naturally and necessarily to deal very roughly and on the spot with circumstances which perhaps, if he were in a quiet chamber, surrounded by the forces of law and order, he may have handled differently. After all, by no amount of statutory rules can you prevent the personality of a magistrate from coming into play. You have to trust your magistrates. But you ask : Are we to trust them and give them full powers ? As I said, the administrative authorities are quite strict in holding a magistrate to account in these matters. (*Mr. M. A. Jinnah* : " Are they ?") The public may not know it, but it is so. (*Mr. M. A. Jinnah* : " Tell us, what do they do ?") Some of these experiences I shall tell you by and by when I am on your Benches. (*Mr. M. A. Jinnah* : " I have never been in your shoes : tell us.") Well, I can tell you an experience, if you like. (*Mr. M. A. Jinnah* : " Go on.") It was the last time I had to do my duties as magistrate a few years ago and there it was, we were faced with a mob. The policeman who was on the spot advised that firing should be resorted to, but I used my own judgment in the matter and declined to permit the use of fire-arms, and as it turned out I did the right thing. But conceivably I might have come to a different judgment. You had to trust me all the time. I could have acted the other way, if I was satisfied that the occasion demanded the use of fire-arms. As a matter of fact, I may tell you, Sir, that on this occasion there was a great deal of difference of opinion as to whether I should have used fire-arms or not. It did turn out that there was no need to use them and I proved to be right ; but it might have turned out the other way. Magistrates are often as wrong as policemen are. But it comes to this that, supposing I had authorised the use of fire-arms on this occasion and supposing I had afterwards been asked to render an account to a court of justice, well even if I had acted from the very best of motives, it would have been difficult for me to prove it to the satisfaction of a court. The court probably may never have been in a similar position, and like my friend Mr. Rangachariar may have never been faced with a riot, the court may apply very unpractical standards and very different from what an experienced magistrate would apply. The position is very different. (*An Honourable Member* : " The magistrate is a court.") The magistrate is a court. But very often his trial will come up before a court which is very different. And as a matter of fact, when there was that very serious

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Moplah disturbance in Malabar, and it tended to spread to my part of the country, I had to do a certain number of things which in the judgment of the people resident there were absolutely correct and in the public interest. But when it came up before a court, it was found that the action was not strictly justifiable by law. (*An Honourable Member* : "What law ?") The fact is, very different standards are applied by the magistrate who is on the spot dealing with the situation and by the court which is far away and which in a cooler moment—it is easy to be wise after the event—judges the facts. I am perfectly certain that I am speaking for the majority of magistrates when I say this, magistrates do not desire to clutch power, they do not desire to break the law, and the more our public men trust us, the more we shall respond to the trust. And I do not see any particular reason why in framing this particular Bill you should proceed on the assumption that a magistrate is apt to break all the executive instructions which bind his actions. (*Diwan Bahadur T. Rangachariar* : "On the other hand, I want the magistrate to be present.") If you want the magistrate to be present you had better trust him to exercise his judgment, subject always to the control of public opinion and to the control of his executive and administrative authorities, who, as I told you, are certainly not inclined to stretch a point in favour of the magistrate. That is all, Sir, I wish to say on this question.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I accord my hearty support to the Bill. Human life has always been considered so sacred and valuable that ever since the drawn of civilisation in all countries and under all Governments the strictest measures have been adopted and laws have been enacted in order to protect and safeguard human life. But lately it has been observed that sometimes on the occasions of ordinary disturbances, on the pretext of dispersing unlawful assemblies, fire-arms were unnecessarily used against innocent and unarmed masses without sufficient warning, under orders from inexperienced, over-zealous or nervous magistrates or police officers and adventurous military officers. Unfortunately, Sir, communal disturbances have lately been very frequent in this country and complaints have sometimes been made that some magistrate or police officer or military officer belonging to this community or that community ordered the use of fire-arms against a gathering or assembly consisting of persons of the other community, where in reality it was not so needed. It is therefore of the utmost importance that the strictest provisions should be undertaken to safeguard against such occurrences. I fully agree with the remarks of the Honourable Sir Alexander Muddiman in his minute of dissent appended to the Select Committee report when he says that :

> "The true criterion in the use of fire-arms for dispersing crowds is independent of the actual form of the force. The essential rule is that the minimum force necessary should be used to effect the object aimed at."

But, Sir, I am unable to see eye to eye with him when he says that :

> "Special rules as regards the use of fire-arms are therefore out of perspective in regard to the general law."

I submit, Sir, that the provisions contained in the Criminal Procedure Code at present are not at all sufficient safeguards and the authority and the discretion which is left in the hands of the officers under

section 310 of the Criminal Procedure Code are too wide and place very unlimited powers in the hands of those officers. The rules to which the Honourable Sir Alexander Muddiman has referred in his minute of dissent cannot and are not sufficient safeguards against the inroads of the troops. These rules could not prevent General Dyer from doing what he did at Amritsar and they did not prevent other troops committing atrocities in crushing the rebellion of the poor Moplahs at Malabar. But, Sir, we appreciate fully the humanitarian sentiments just expressed by His Excellency the Commander-in-Chief, but I am sorry to say that these noble sentiments are not often shared by an ordinary British private or even a number of other officers. Leaving aside the instance of the poor coolie of Simla whose case is *sub judice*.....

Mr. President : Order, order.

Maulvi Muhammad Yakub : I only said "Leaving aside", I did not mention it. Do we not oftentimes hear cases of so many poor punkawalas and cooks being killed in cold blood by British soldiers, and at the time of the *post mortem* examination unfortunately the spleens of these poor victims are often found to be enlarged or diseased.

Colonel Sir Henry Stanyon : What has that got to do with suppressing riots ?

Mr. K. Ahmed : That has nothing to do with the Bill under discussion.

Maulvi Muhammad Yakub : Sir, I very strongly protest against the unwarranted, unscrupulous and idiotic interjections of my Honourable friend Mr. Kabeerud-Din Ahmed. Sir, I appeal to you that you should safeguard the honour of the Members.

Mr. President : Order, order. The Chair fully sympathises with the Honourable Member and notes that the Honourable Member himself has safeguarded his honour.

Maulvi Muhammad Yakub : Sir, leaving aside the question of these incidents, I say that it is not only the troops who use fire-arms but it is also in the case of the police that these provisions are needed. The provision that fire-arms are not to be used unless the assembly cannot otherwise be dispersed, is the real and chief provision in the Bill which aims at stopping wanton loss or injury to human life. I am unable to understand how a sudden rush by a crowd of Indians, unarmed as they are, may make it impossible to give a warning of any kind before the use of fire-arms is resorted to. My opinion is that in the interest of peace and the safety of human life, the provisions of the Bill fully deserve our support and I think the House will be performing a pious duty in passing this Bill. With these words I heartily support the Bill.

Colonel Sir Henry Stanyon (United Provinces : European) : Sir, I beg to approach the matter before the House not from the point of sentiment or any romantic imagination of what may happen in the future but merely as a Member of a Legislature responsible to the country for the enactments that it puts on the Statute-book ; and from that point of view, my submission is that the Bill now before the House is a well-intentioned but—I say it with respect—a hopeless attempt to crystallise into workable statutory provisions the discretion of magistrates and officers commanding troops or armed police engaged in the

[Col. Sir Henry Stanyon.]

unpleasant duty of dispersing an assembly bent upon violent lawlessness. It is easy to demonstrate, from a consideration of a few of the clauses of this Bill, how impracticable and disastrous a measure it will be if enacted into law. The House will bear with me, I hope, while I draw attention to some of the provisions. Proposed section 131-A reads :

"Where under the provisions of this Chapter any person proceeds or determines to disperse * * * ."

Now, who is the person who proceeds, and who is the person who determines ? If a magistrate orders fire to be opened, it may be said that he determines. Who proceeds ? The officer who obeys his order, or the rank and file who carry it out ? The scope of these words is important with reference to the legal responsibility and the liability for prosecution which is proposed by a later sub-clause. Then we have sub-clause (1) of clause 2 :

"Fire-arms shall not be used unless such assembly cannot otherwise be dispersed and unless a Magistrate of the highest class present specifically authorises such use."

Now, Sir, who is to be the judge whether the assembly "cannot otherwise be dispressed" ? We have in this sub-clause the responsibility apparently put on a magistrate. And in the proviso where no magistrate is present it is placed upon the officer commanding. That, I take it, is what is meant by the senior police or military officer present of the force which is to use force. Are these the people to decide whether an assembly cannot otherwise be dispersed or not ? Is that decision to stand, or is it to be revised by some court or other authority sitting on the incident subsequently ? (*An Honourable Member* : "That is so in England".) I say that the wording of the section is absolutely ambiguous. If the officer or magistrate who ordered firing can come into court and say, "I was of opinion that the unlawful assembly could not be otherwise dispersed" there is an end of the matter. But what then is to happen to prosecutions which are to follow under sub-clause (4) ? If, on the other hand, a decision of this issue is to be in the hands of some court subsequently trying the case, then what magistrate or officer will ever be ready to undertake responsibility ?

Mr. T. C. Goswami : Any one with a sense of duty.

Colonel Sir Henry Stanyon : Then, Sir, what is the meaning of the word "otherwise" ? Does it mean advice, abuse, threat, stones, *lathis*, bayonets, or *kukris* before fire-arms ? The word "otherwise" is certainly general enough to include each and all of these methods for dispersing. I can assure my Honourable friend—my non-military but still much esteemed friend—the Mover that bayonets or *kukris* used on an unarmed mob would entail much greater loss of life and limb than mere controlled fire carried out from a distance ; while, instead of the moral effect which controlled fire has in bringing about dispersal we should have a hand-to-hand conflict which once set going might become beyond control and arouse instead of ending and preventing the spirit of conflict. We do not know where it would lead to. It is far more dangerous than with men several hundred yards away ordered to fire—disciplined men who can be controlled. But if you let them loose with bayonets or *kukris* on a crowd unarmed or armed with *lathis*, I think it wants no military imagination to judge what the result is likely to be.

Then, Sir, suppose there should be a difference of opinion between the magistrate and the officer on the spot with regard to the necessity to fire. The magistrate, of course, has only the single duty of maintaining or restoring law and order. But the military officer in charge has the second duty of protecting his own force ; and even with my little military knowledge I say if a military officer were convinced that the only course that would satisfy that second duty, namely, the security of his force, was to fire, and he was prevented from firing, his proper course would be to retreat. Then, coming to sub-clause (2), as far as its language goes, it applies to every unlawful assembly. Suppose the assembly has fire-arms. Suppose it consists of a section of rioters which has waylaid an armed police party on its way to the scene of a riot. Is the officer commanding the police unit to stop and warn such assailants of his intention to fire, while his men and possibly he himself are being shot down ? Yet, this clause would cover cases of that kind. Or again—I am trying to take things that commonly happen—if the rioters are concealed in buildings surrounding a square in which a dispersing force is assembled, is the magistrate to preach a sermon of warning while the force is assailed with revolvers, brickbats and stones by the concealed law-breakers ? This clause as it stands would require, the magistrate should do that—it would make it compulsory on him to do it.

Now, Sir, I come to clause 2 (4) which reads as follows :

"Notwithstanding anything contained in section 132, any person injured by the use of fire-arms or any parent or guardian, husband or wife of a person killed by the use of fire-arms may make a complaint against any person for any offence committed by him by reason of any act purporting to be done under this Chapter."

It will be noted, if we go back for a moment to one description of the "otherwise" to which I have referred, that any person, however innocent, stabbed with a bayonet or killed by some other weapon by one of the dispersing force—a malignant and malicious act,—would not be covered by this clause and the offender would be protected by the general order that it was a dispersal of the mob "otherwise" than by fire-arms. Let us take other instances that would perhaps come under this clause. A magistrate orders fire, though in the subsequently formed opinion of some persons or a court the assembly could have been dispersed otherwise ; an officer commanding a force obeys the order of the magistrate in the above case ; a soldier or constable obeys the order to fire given by his officer and kills a child among the crowd of rioters. Would these be cases of offences ? If they are, the clause, I submit, is preposterous. If they are not, the clause I submit is useless. Sir, I wish to make it very clear that I am not in the least out of sympathy with the object which my esteemed friend has in bringing forward this Bill. It has never been my duty, thank God, to assist in dispersing an unlawful assembly, but nearly 20 years ago it was my duty to hold armed and in readiness a volunteer force under my command to assist, if required, in dispersing a serious riot in the city of Nagpur ; and I can assure the House that the predominant thought in my mind was that if I should be called on to use fire-arms I should employ the minimum required to do the double duty imposed on me, namely, of restoring order and of protecting my men.

Mr. Devaki Prasad Sinha : Because you are a judicial officer.

Colonel Sir Henry Stanyon : I was an officer commanding the Nagpur Rifles. The reason for that feeling was that fire would be directed not against an alien enemy, but against misguided and possibly insufficiently armed fellow-citizens ; and I am sure, Sir, that that is the feeling of every soldier called out in aid of the civil power. Sir, I earnestly beseech this House not to allow its sagacity and reputation as a Legislature to be warped or weakened by such speeches as that made by my friend, Mr. Ranga Iyer. Mistakes have been made, and action open to controversy has been taken, in the past, and it is inseperable from human institutions and the exercise of discretion by human beings that mistakes or questionable action should occur in the future ; but such fallibility will not justify this House in passing a measure so incomplete, impracticable and so short-sighted as that now before them. Let us maintain sobriety of judgment ; let us not fall into the common error of generalising from particular cases ; let us not above all, because one officer here and there may have failed, declare all officers to be unreliable ; because one or two Members may occasionally abuse or misuse the discretion and freedom of speech given by the Rules of this House, should we introduce a law to define that discretion and restrict that freedom ? Should we be justified in taking away discretion and control from the Chair and embody it in hard and fast rules ? Let us trust our officers, civil and military, on matters which cannot effectively be made the subject of rules but must be left to their discretion because of the varying circumstances of every single case that occurs. Sir, I oppose the motion.

***Mr. R. G. Gordon** (Bombay : Nominated Official) : Sir, I venture to speak in this debate as a district officer. I cannot say I represent district officers as a whole, because up to the present they have not been granted communal representation, though, Sir, I have no doubt that, if the sentiments which have been expressed by one speaker to-day* become general, it will be necessary that they should demand representation. I speak, Sir, as a district officer of 21 years' experience and one who hopes to remain, by the help of Providence, a district officer for the rest of his service. Now, Sir, I think that that point of view needs ventilation, because after all the work done by the district officer is the other side of the work done in this House. Members sit in this House and introduce legislation of this kind, but it is the district officer who has to carry out the law which they pass, who has to put it into execution in circumstances which are often very far from comfortable indeed.

The first thing which I should like to say is that I express entire sympathy with the objects of this measure. District officers have been represented by one Member who spoke to-day as rather corresponding to the description given of the King of Cambay in Hudibras, whose daily food consisted of asps, basilisks and toads ; but I repudiate that description altogether. District officers are the mildest of men. I have gone through the whole of my service and have yet to meet the strong and silent man of fiction, and if I found him I should regard him as a fearful bore. I have full sympathy with this Resolution because no more terrible responsibility can be placed upon any man than that of having to decide questions of whether he is to put human lives in danger. Those who sit on these Benches suffer violent pain as a result of hearing afterwards of the result of these operations, but the district officer, who has any imagination

* Speech not corrected by the Honourable Member.

at all—and most of us are possessed of a certain modicum of that quality—the district officer who has to face a situation of that kind is put in the most terrible position in which he can be put. I would say most decidedly that if legislation of this kind could do anything in the smallest degree to help a district officer in his work and to impress upon him a larger sense of that responsibility, then I would support this legislation to the utmost of my power. The question therefore before this House is a practical one. I hope that we shall not indulge in high falutin' themes. Can we by this legislation instil a greater sense of responsibility into district officers (I am talking about district officers and not soldiers) and also into the police than they at present possess? If I thought so, I would support this legislation. I do not think so and therefore I do not support it.

Coming to this legislation as it stands, I think that the epigram which describes an epigram may very well be applied to it. That epigram is this :

> "The qualities rare in a bee that we meet
>
> In an epigram never should fail ;
>
> Its body should always be little and sweet,
>
> And the sting should be left to its tail."

That is very descriptive of this legislation. It may be divided into two parts. The first part is sub-clauses (*1*), (*3*) and (*4*). (*1*) to (*3*) standing by themselves are merely executive instructions or a summary of executive instructions, which, if I may be permitted to say so, are very much better given elsewhere. As executive instructions I am afraid I do not think much of them. Let me refer to one or two of the points. The first is this question in sub-clause (*3*), that a report of the occurrence must be made within twenty-four hours of the occurrence. If I got a report of any occurrence whatsoever connected with a riot after so long a period as that laid down in the Bill, I would recommend that the officer in question should be reduced. Now the Bombay District Police Act lays down very stringent regulations about this question of report. All reports are to be made by telegram and at once. So I say that the provision which is laid down in this Act is from the point of view of district officers a very fair one indeed. Now, Sir, sub-clause (*3*) says that "such report shall be deemed to be, for the purposes of sections 74, 76 and 77 of the Indian Evidence Act, 1872, a public document which any person has a right to inspect." Now, Sir, what kind of report can we expect from an officer in charge of operations of this kind with that sub-clause in front of his eyes? The first thing he would do would be to say, "It is impossible" and he will endeavour to twist every circumstance to his own advantage. One result would be that that report would not be a true one. If there is anything against him it will certainly be cut out. Well, Sir, what would have happened to General Dyer with this sub-clause in existence? Would this report have been sent? You are giving a bias in the wrong direction ; that is what is being done and what is going to be done. The result would be that the first report which is sent would not be worth the paper it is written on. But, Sir, what will follow? The second report will follow giving all the details, but that will not come under this sub-clause. That report will be for the benefit of his officers who will not be liable to be called in question

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under this sub-clause. Therefore, I say that this sub-clause, which deals with reports, is entirely useless and will give an entirely wrong bias to the officers who have to deal with such things.

Now, Sir, let me take the question of warning and the question of the use of fire-arms. Let me read to you what are already the orders which are given in the Bombay Presidency about those two things, contained in paragraph 431 of the Bombay District Police Manual. They are as follows :

"When, in exercise of the powers given by section 128 of the Code of Criminal Procedure, 1898, a magistrate or an officer in charge of a police-station engaged in dispersing an unlawful assembly is compelled, in the last resort, to direct the police acting under him to use their fire-arms, he shall give the rioters the fullest warning of his intention, warning them beforehand that the fire will be effective, that ball or buckshot will be used at the first round, and that blank cartridge will not be used. Firing shall cease the instant it is no longer necessary. Care should be taken not to fire upon persons separated from the crowd, not to fire over the heads of the crowd, as thereby innocent persons may be injured. Blank cartridges should never be served out to police employed to suppress a riot."

Well, Sir, I say that those provisions of the Bombay District Police Manual are far more detailed, and likely to have far more effect upon the police officers than the very vague provisions which are contained in this Bill. These provisions are vague in the extreme. The object of the law is that it should be as precise as possible, but I doubt if anything was ever put down more vaguely in any law than these provisions. It is impossible to interpret them until you take into consideration the circumstances which existed at the time. Therefore the result would be this, that it would be impossible for the officer to know beforehand how to interpret these provisions. I do not suppose it is intended that an officer should go on the scene of action accompanied by a sepoy carrying an annotated edition of the Code of Criminal Procedure in which he will proceed to read the various judgments of the High Courts and then decide on the spot as to which of these particular judgments he may apply to this particular case.....

Mr. D. V. Belvi : He will have read them before.

Mr. R. G. Gordon : Police officers ? Sub-Inspectors ?

Mr. D. V. Belvi : Yes.

An Honourable Member : Otherwise they are unfit.

Mr. R. G. Gordon : This officer will be able to know beforehand what is the gist of the conflicting judgments given by High Courts at the exact moment when he has to decide in his mind when he is to fire at this particular crowd ! The fact of the matter is, Sir, this law is bad by reason of its vagueness. It is impossible to interpret it, and it will be impossible for the officer on the spot to interpret it at the time, and if he cannot interpret it at the time in his own mind, then it is absolutely useless. But, Sir, the sting comes in sub-clause (*4*). Apart from sub-clause (*4*) this Bill is entirely worthless and consists merely of executive instructions and nothing else. So, now let us come to sub-clause (*4*). Now, Sir, I want to know, as other Members have wanted to know, why is it that a complaint can be made only after a person in injured by a shot ? If a shot is fired and a man gets a slight graze across his finger, the officer is liable to prosecution, but if bayonets

or cavalry are used and if 20 or 30 people are injured then this sub-clause does not apply.

Diwan Bahadur T. Rangachariar : Bring in an amendment, I will accept it.

Mr. R. G. Gordon : I am dealing with the Bill as it stands ; I am dealing with facts and not with ideals Here is a Bill put forward under which when a man's finger is grazed by a shot, its provisions come into action, but if people are run down by cavalry or otherwise hurt, then it does not apply. The fact of the matter is that you cannot have separate provisions of law for different kinds of force, and that is the reason for the very wise reticence which was observed by the authors of the present Criminal Procedure Code. They understood that and they used two words only, civil force and criminal force, and they did that because they knew perfectly well that you cannot distinguish between different kinds of force, and that if you do try to distinguish between them, you get yourself into all sorts of holes and make all sorts of anomalies. Now let us suppose for one moment that this sub-clause (*4*) has been brought into operation. What is the result ? The result will be that if anybody is killed, the officer who directs that operation will be liable to a charge of murder, and, Sir, I am not aware that if a charge of murder is brought in, this action would come under any of the *Exceptions* of the Penal Code.

Diwan Bahadur T. Rangachariar : Why not ?

Mr. R. G. Gordon : If that is so, will the Honourable Member tell me. If it is not so, then only one punishment can be awarded to that officer and that is death or transportation for life.

Diwan Bahadur T. Rangachariar : Read section 132 of the Code.

Mr. R. G. Gordon : Section 132 does not apply.

Diwan Bahadur T. Rangachariar : Who says so ? It applies in full force.

Mr. R. G. Gordon : In that case this sub-clause (*4*) is entirely meaningless.

What does section 132 say ? It says :

"No prosecution against any person for any act purporting to be done under this Chapter shall be instituted in any Criminal Court, except with the sanction of the Governor General in Council."

Diwan Bahadur T. Rangachariar : Read on.

Mr. R. G. Gordon :

"No Magistrate or police officer acting under this Chapter in good faith,.... shall be deemed to have thereby committed an offence."

Does that apply ?

Diwan Bahadur T. Rangachariar : It does apply.

Mr. R. G. Gordon : Then in that case this sub-clause (*4*) has no application whatever.

Diwan Bahadur T. Rangachariar : Then why are you afraid of it ?

Mr. R. G. Gordon : Either this sub-clause (*4*) applies or.....

Diwan Bahadur T. Rangachariar : Read it again.

Diwan Bahadur M. Ramachandra Rao : It requires the permission of the Local Government or of the Governor General.

Mr. R. G. Gordon : Section 132 says that no officer acting under these conditions shall have committed any offence.

Diwan Bahadur T. Rangachariar : He is entitled to make a complaint, there may be no conviction.

Mr. R. G. Gordon : Then he is entitled to make a complaint which will have no effect. Either section 132 has no meaning, or this sub-clause (4) has no meaning.

Mr. M. A. Jinnah : It is quite clear.

Mr. R. G. Gordon : Well, Sir, I still stick to my opinion. (Laughter.) At the same time, supposing for a moment this sub-clause will operate as it is stated to operate, what will be the result ? The result will be that, when anybody is killed, the officer will be subject to a prosecution for murder.

Mr. M. A. Jinnah : If he pleads guilty, why not ?

Diwan Bahadur M. Ramachandra Rao : Unless he acts in good faith.

Mr. R. G. Gordon : In what circumstances will he be liable to be prosecuted ?

Mr. M. A. Jinnah : If he is guilty of murder.

Mr. R. G. Gordon : Suppose the warning given is not heard by the crowd, is he liable to prosecution for murder ? That is one point. And say, if he does not submit the report within 24 hours, is he liable to prosecution for murder ? (Laughter.) Supposing there is a doubt as to whether the fire-arms were shot off at exactly the right moment, is the officer liable to prosecution for murder ? Sir, if these three sub-clauses apply, then in any case in which those three sub-clauses have not been brought into operation, he is liable to prosecution for murder, and in that case only one punishment can be given to him and that is death or imprisonment for life.

There is only one thing more I wish to say. I do hope in the course of this debate and in voting on this question, no feelings of a racial kind will be allowed to intervene. Sir, expressions of opinion have been given by one Honourable Member which led one to think that those feelings might be liable to intervene. Sir, these provisions which are being placed on the Statute-book are not merely temporary provisions. They are provisions which will abide when India, as she hopes, has gained the boon, the goal, of Swaraj. Well, Sir, as these provisions will apply then, I think it is necessary to consider what the result will be. Sir, if the first three sub-clauses are brought into operation, any officer who orders firing in which any damage is done to any person will be liable to prosecution. Sir, I do hope the House will not be led away by any racial feelings on this connection but will remember that these provisions will apply in the days to come, and I am afraid the result will be less sense of responsibility on the part of officers who have to deal with such situations. Sir, I oppose the Bill.

The Assembly then adjourned for Lunch till Three of the Clock.

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

*Mr. M. A. Jinnah (Bombay City : Muhammadan Urban): Sir, I only got up in order to respect your entry into this House, but since you have called upon me and since I undoubtedly intended to speak I shall certainly avail myself of the opportunity that you have kindly given me. Sir, there is a certain amount of confusion about this Bill. In order to understand the position I would like to place a few observations before this House. His Excellency the Commander-in-Chief—and if I may say so the first Field Marshal who has done us in this House the honour of addressing it—spoke, if I may say so, with the precision of a soldier and the logic of a lawyer. Sir, he said that the most essential thing that was needed was that you should place the responsibility upon the commanding officer who is in charge of his regiment. Now, section 131 of the Criminal Procedure Code, which is the law as it has existed up to the present moment, says this :

"When the public security is manifestly endangered by any such assembly and when no magistrate can be communicated with, any commissioned officer of His Majesty's Army may disperse such assembly by military force and may arrest and confine any person forming part of it in order to disperse such assembly."

Therefore it assumes that a commissioned officer of His Majesty's Army will not use or resort to the use of military force if any magistrate is available. I do not think that it can be argued for a single moment that the magistrate should be dispensed with, and I believe that on every occasion when there is need to use military force what happens is that the magistrate's services are requisitioned by the civil authorities. Now, Sir, this Bill says in the first instance in clause 2:

"Where under the provisions of this Chapter any person proceeds or determines to disperse any such assembly by the use of firearms the following further provisions shall apply :

(1) Fire-arms shall not be used unless such assembly cannot otherwise be dispersed and unless a Magistrate of the highest class present specifically authorises such use."

I am sure that His Excellency the Commander-in-Chief will not say that fire-arms should be used although such assembly could otherwise be dispersed. Therefore, the first essential is that fire-arms shall not be used unless such assembly cannot otherwise be dispersed. That, I think, cannot be disputed. But, Sir, objection is taken to the last part of the sub-clause, that a magistrate of the highest class present should specifically authorise the use of fire-arms. I take it that is the first objection ; and in this connection His Excellency the Commander-in-Chief quoted from the King's Regulations. The latest edition of the King's Regulations, if I may put it shortly, stands as follows : in England the magistrate when he comes to the conclusion that it is necessary to use military force hands over the charge from the civil to the commanding officer, and the commanding officer steps in and he is the judge, the sole judge and the only judge, of what military force he should use. We are told, and rightly told, that we are proposing an innovation, a change in that state of the Regulations which prevails in England. Sir, I plead guilty to that charge. But sometimes we are told that we are to follow England and sometimes we are told that we are far far behind England. Now, Sir, I want this House to come to an independent judgment. Are we to follow the English precedents in everything ? We find that what we are proposing to-day existed in England

* Speech not corrected by the Honourable Member.

[Mr. M. A. Jinnah.]

until very recent times—and I believe that the change which His Excellency the Commander-in-Chief pointed out has been brought about within the last few years—in 1920. Now, what was the position in England before 1920? It was this:

"All commands to the troops are to be given by the officer; the troops are not on any account to fire excepting by word of command of their officer, who is to exercise a humane discretion respecting the extent of the line of fire and is not to give the word of command to fire unless distinctly required to do so by the magistrate."

Diwan Bahadur T. Rangachariar: I do not know that it is yet repealed.

Mr. M. A. Jinnah: My Honourable friend Diwan Bahadur T. Rangachariar says that he does not know that it is yet repealed. Sir, I have verified it to the best of my ability and if the Honourable Mr. Burdon, who has got a copy, will kindly read out that Regulation it will appear that these last words "unless distinctly required to do so by the Magistrate" are omitted; I believe I am correct in that. Now, Sir, we are told by His Excellency the Commander-in-Chief and by the Government of India, "Here is an ideal, a pattern which Great Britain has adopted in 1920 and you should follow it." That, I understand to be the argument. Sir, I have great admiration for Great Britain; I have great admiration for your genius; but I think, with all that admiration, that we cannot always follow in your footsteps. We must also have some regard to our own conditions in this country, and if we choose to follow what you followed until 1920, do not think that we are suggesting a revolutionary change which would frighten the Treasury Benches. I see the Honourable the Home Member is frightened....

The Honourable Sir Alexander Muddiman: I am not in the least frightened.

Mr. M. A. Jinnah: He says he is not frightened, but I say he is frightened, because I see he has written a long minute in the Select Committee's Report. Now, Sir, that is the answer I have to give to His Excellency the Commander-in-Chief.

Now, Sir, why do you assume that a magistrate, who, I take it, will be an experienced officer.....

The Honourable Sir Alexander Muddiman: May be.

Mr. M. A. Jinnah: Then it will be your fault if you appoint an inexperienced officer.

The Honourable Sir Alexander Muddiman: If the Honourable Member will assure me that he will give me 24 hours' notice before a riot takes place, I will make sure that an experienced magistrate is on the spot.

Mr. M. A. Jinnah: I do not know, Sir, whether they got 24 hours' notice in England when the King's Regulation was enacted. I am really surprised that the Honourable the Home Member thinks that that is an answer to what I said. What I said was that a responsible Government will appoint competent, responsible and experienced officers to those posts, and I assume that my magistrate in this country is competent to perform his duties. If you cannot do that, well, you better hand over the Government to somebody else. It is no answer to say that you do not get 24 hours' notice before a riot breaks out. I know that perfectly well.

When I assume, Sir, that I have an experienced, qualified, competent magistrate, I also assume that the officer commanding the regiment has been requisitioned simply because the civil authorities think that the situation can no longer be controlled by them. When he arrives on the scene with the requisition along with his military force, will not the magistrate tell him at once, in a second, what his opinion is, and will not the officer commanding see for himself the situation and tell the magistrate what should be done ? I quite agree with the Honourable the Home Member that there will not be time for a long judicial argument. I quite agree. The decision must be arrived at quickly, precisely and to the best of their abilities, to the best of their judgment, honestly, *bona fide*, and it must be arrived at promptly. But, Sir, you get two men, a soldier and a civilian. What is the difficulty ? Can His Excellency the Commander-in-Chief,—I appeal to him,—can he tell me what were the serious difficulties that were experienced in England since 1892 until 1920 when this Regulation was enacted ? Can His Excellency the Commander-in-Chief tell me what difficulties have been experienced with regard to the use of military force under section 131 ? A magistrate may say, " I think the time has not arrived to fire or to use fire-arms ". " Well ", says the Commander-in-Chief, and I believe there are other Honourable Members who agree with him, " if you do that, more brutality will be perpetrated ". Sir, I have yet got to be convinced, if I am right in my assumption that I have a magistrate who is competent, who is qualified, who is an experienced officer, that such an officer will deliberately restrict the powers of the military force, to use fire-arms, when he thinks that the result of it would be horrible and more brutality would be the result. Why do you assume that ? Don't you give any credit for common sense, for intelligence to your experienced officer who is a magistrate, and who, you think, it is necessary to call before you are allowed to use military force ? If you can trust him to give you orders to use military force, can you not trust him to see that the consequence of his restricting you from using fire-arms might be more horrible and lead to a more brutal result ? Says the Commander-in-Chief, he is not satisfied. Did you not have that in England ?

Mr. H. Tonkinson : No.

Mr. M. A. Jinnah : I have read the King's Regulation.

Mr. H. Tonkinson : I am quite prepared to read the English law to the Honourable Member and to show him that there was nothing of the kind in England.

Mr. M. A. Jinnah : I have read English law 25 years ago, and I do not want a lecture from Mr. Tonkinson. I attended the lectures in the Inns of Court from 1894 to 1896. I have studied the English law, but I have forgotten a good bit of it now. Sir, I do not want the English law. I am talking of the King's Regulation which made it wrong for the commanding officer to use fire-arms unless distinctly required to do so by the magistrate. That you cannot deny.

Now, Sir, that is the first and the foremost objection that has been put forward by the Treasury Bench as far as this part of the Bill is concerned.

Then, Sir, the next objection was that we are providing here sub-clause (2), which runs as follows :

" (2) The person who directs that the assembly shall be fired on shall, before so doing, warn the assembly by such means as may be available that unless it disperses it will be fired on."

[Mr. M. A. Jinnah.]

Now, what is wrong with that ? Does it in any way define the particular method or the particular manner or the time as to the warning ? The wording is this, "Warn the assembly by such means as may be available." That warning must necessarily depend upon the exigencies of the situation. And what is wrong ? Sir, even the latest edition of the King's Regulations provides for a great deal of warning. Of course, we are told "Why not trust your officers ? Why not trust the magistrate ? Why not trust the Commanding Officer ?" Sir, I wish to make it quite plain in this House that I shall be the last person if I had anything to do with any Government or even as a humble Member of this Legislature, I shall be the last person to strike any note which will in the slightest degree undermine implicit and complete trust in my officers, whether they are civil or military. And, Sir, I go a little further, and say that, if my officers, military or civil, have *bona fide* discharged their duties in the interests of the people of this country, if they have done their best, I shall be the last person to cavil at them ; I should be prepared to overlook a great deal. And I shall presently point out that even the Statute as it exists makes that distinction and lays down various clauses and various exceptions. What does section 132 say ? It provides in the first instance a complete safeguard, nay, a bar to even a prosecution being launched unless and until you have obtained the sanction of the Government. And I will just read those few lines :

"No prosecution against any person for any act purporting to be done under this Chapter shall be instituted in any criminal court except with the sanction of the Governor General in Council."

So a man who finds, or who thinks or who has reason to believe that an officer has used his power in excess of what he was authorised to do and thereby committed an offence, has got to obtain the sanction of the Government before he can launch the prosecution. But, if he does get the sanction of the Government, what are the defences that are open to that officer who may be brought before the judicial tribunal of the country ? My Honourable friend there from Madras gave us his experience as district officer. Sir, after his description—what was it ? He said: Whatever we do, even when we are right, the presumption is made against us by the higher authorities, which, I take it, means either the Local Government or the Government of India. Sir, if that is the belief of the body of those officers, what must be their state of mind that, when they are right, the presumption will be that they are as impartial, as honest, and as just as any one you can get in the world. What object can a jury have to convict an officer who has discharged his duty honestly and faithfully ? I think my Honourable friend, Mr. Hussanally, might retire from this Legislature if he holds those views. Well, Sir, I will proceed with my theme. What are the defences that are open to an honest officer who has done his duty. First, no magistrate (here is my Honourable friend), no magistrate or police officer acting under this Chapter in good faith, no officer acting under section 131 in good faith, no person doing an act in good faith in compliance with the requisition under section 128 or section 138 and no officer or soldier or volunteer doing any act in obedience to any order which he was bound to obey, shall be deemed to have thereby committed an offence. Well, Sir, really it seems to me—I am almost inclined to echo the words of the Honourable the Home Member which he uttered only yesterday—that anything that comes from this

Bench does not receive the same attention from the Treasury Benches as he complained that measures emanating from the Treasury Benches did not receive from this side. Sir, why raise these difficulties ? Why conjure them up ?

Then we get back to the last clause, and we have been addressed by another district officer from Bijapur who I believe is a renowned poet, only the world has not yet made up its mind to appreciate him, though posterity may pronounce judgment in his favour. Sir, he tried to discuss section 132 and sub-clause (*4*). I don't know what conclusion he eventually came to, but he had some difficulty in understanding it. I am not satisfied, Sir, with the conundrums that the Honourable Member started, nor was I satisfied with his conclusions. But I hope—at least I aspire to that ambition—that if I satisfy him, I will be entitled to expect him to vote with me in the lobby.

Now, Sir, what does sub-clause (*4*) say ? It says :

"Notwithstanding anything contained in section 132, any person injured by the use of fire-arms or any parent or guardian, husband or wife of a person killed by the use of fire-arms may make a complaint against any person for any offence committed by him by reason of any act purporting to be done under this Chapter."

Section 132 covers the case of an offence committed in the course of the use of military force. Military force may consist of various kinds. It may be a bayonet charge, it may be rifle fire, it may be fire from machine-guns, and so on. Section 132 deals with all cases of offences that may be committed in the course of the use of military force. But you cannot launch a prosecution without the sanction of Government. Sub-clause (*4*) makes an exception. The exception is that in the case of the use of fire-arms, if any offence is committed by any of the officers, in that event no sanction is necessary, but any one of the persons described in that sub-clause may file a complaint. But that does not deprive the officer prosecuted from putting forward his defence. I think that in the speech of Colonel Crawford there was a certain amount of confusion. He felt that the moment an officer is prosecuted, or the moment a complaint is filed against him alleging that he has committed a specific offence,—and I admit that it requires no sanction of the Government under sub-clause (*4*) of the Bill—from that moment the officer prosecuted will have to vindicate his innocence. I can assure him that that is opposed to every elementary principle of criminal law. The officer prosecuted or complained against will stand for the moment in the dock, but it is for the prosecution to prove the offence which they allege against him. They will have to satisfy the tribunal that he is guilty. Even assuming that a person was killed, that an officer deliberately went and shot him down as a soldier according to the orders of a superior officer, that is a defence to the officer complained against. If any officer acted in good faith, that is a defence. All those defences are open to him, as I read out in section 132. It has been suggested that this will undermine the morale of the officers, it will thwart their judgment, it will interfere with the precision of their decisions and that you will demoralise all your magistrates, soldiers and officers if you pass this Bill. Sir, what justification is there for it ? My friend Mr. Goswami read out two or rather three of the highest judicial pronouncements in England. Does not every officer take responsibility ? Does not the Honourable the Home Member take responsibility ? Has he not got to take the consequences ? Has he not got to come to quick decisions, and even precise decisions at times ? Have not we all in our

[Mr. M. A. Jinnah.]

lives to come to decisions and take the consequences of our acts ? Why is a man afraid ? Why does he think that this country is composed of such wicked people, such undesirable people, that when you come to an honest judgment, a *bona fide* decision in the best interests of the people over whom you are appointed as an officer to exercise your authority, human nature is so low that you will not be vindicated by the people of this country ?

Mr. R. G. Gordon : What about your minute of dissent ?

Mr. M. A. Jinnah : I am asked—and I am very glad, because I was just coming to that—about my minute of dissent. I frankly state it to the House that my minute of dissent is that this sub-clause (*4*) might not be made real use of. I want to explain to this House that in the Select Committee the unfortunate position was that Government would not touch this with a pair of tongs. They said it was all bad. I suggested, and I still suggest—and I hope that the Government will take that suggestion of mine into consideration, and I will give my reasons for my suggestion—that the Advocate General should be the authority whose previous sanction must be obtained by any person mentioned in sub-clause (*4*) before filing a complaint. I have thought over it a great deal, and I still feel that that ought to be done. Here I am departing from the English law as it stands at this very moment. According to the English law you need no sanction of anybody. But I would be told that the police is more friendly with the citizens in England than the police of this country. I do not wish to follow any model slavishly. Just as I maintain my first proposition, I also maintain my second proposition, and that is, by all means come forward with that amendment—at least, as far as I am concerned, I assure you I shall support it—that no complaint should be filed unless the previous sanction of the Advocate General is obtained. My reason is this : I believe no Government, whether it is bureaucratic or democratic or any other Government, likes willingly, readily to give sanction to prosecute one of its servants, and if sanction is ever given by Government it will be in a very rare, flagrant, glaring case where you cannot have any possible room for defence, although I do not believe even that has ever been done ; I am not aware of any instance. Therefore, if you say that to me, well we have it as night follows the day that in the case of martial law an act of indemnity follows which gives a complete relief to the officers so far as the civil law is concerned, and up to a certain point even if they come within the provisions of the criminal law. But as Mr. Goswami read out—I do not want to repeat it,—there can be no indemnity against a penal offence, murder, culpable homicide, grievous hurt, felony, and so on. Sir, if we have to depend upon the sanction of the Government before one can even lodge a complaint—it does not follow that the man will be found guilty—but before one can even lodge a complaint, a *bona fide* complaint, I am afraid we shall be ploughing the sand and therefore I suggest that it will be better that the authority should be the Advocate General or a person who is in the same position as the Advocate General. I believe in some of the provinces we have no such thing as an Advocate General, but I use the term in its wider sense.

The Honourable Sir Alexander Muddiman : Law officers of the Crown.

Mr. M. A. Jinnah : Judicial officer of the Crown. Sir, we have already got provisions which undoubtedly impose a very great responsibility upon the Advocate General. There are many things which require the previous sanction of the Advocate General. The Advocate General is a person who has received a judicial training, who occupies a responsible office and has also a sense of responsibility towards Government and he is not likely to go wrong, and I am prepared to rely on him. Sir, with these remarks I support the motion.

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.

Diwan Bahadur T. Rangachariar : Sir, after the very eloquent and able defence of my Bill by my Honourable friend Mr. Jinnah, there is very little for me to say. Taking the speakers in their order, the Honourable the Home Member took only the objections which he had taken already at the last debate when the Bill was referred to a Select Committee. He thinks that the form of force to be used should be left to the police or military as the case may be and the magistrate should not have a voice in that. Now, as regards that point, in addition to what has been stated by my Honourable friend Mr. Jinnah the existing provisions in the Criminal Procedure Code itself will be an answer not only to the Honourable the Home Member but also to His Excellency the Commander-in-Chief. Under the latter part of section 131 which my Honourable friend, Mr. Jinnah, did not read, it is the duty of the officer acting under those circumstances :

> "If, while he is acting under this section, it becomes practicable for him to communicate with a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Magistrate as to whether he shall or shall not continue such action."

So that it is only in cases where a magistrate cannot be present that the officer can take action, and where he does take it, as soon as it becomes practicable for him to communicate with a magistrate he is bound to put himself in communication with him and thereafter to obey his instructions. (*An Honourable Member* : "With regard to ?") With regard to the action, whether it should be continued or not, whether the firing should be continued or not. The whole scheme of the Code as well as of the English law is that the magistrate is the authority under whom the military officers who have to discharge their duties ought to act and whom they have to obey. In fact, under the Regulations even if the force is divided into several sections it is considered advisable that a magistrate should accompany each of those sections if possible. Therefore, great importance is attached to the presence of the magistrate in order to assist officers who have to use force. My Honourable friend, Mr. Vijayaraghavacharya, has given us a conclusive instance where the magistrate's judgment was better than that of the police officer who wanted to shoot. Sir, that is our point. The military and police officers have not got a proper judgment in these matters and that is why the law entrusts the magistrate with a discretion to decide whether such and such force should be used or not. I do not deny that the responsibility is not only on the magistrate but it is also equally under the English law on the military or police officers discharging their duty. Both of them have

[Diwan Bahadur T. Rangachariar.]

to justify themselves before the jury that they acted in good faith and in the public interests, in which case they escape punishment.

As regards warning, what is the difficulty when the Government themselves brought in a Bill, as I have stated, in the Council of State accepting this principle of giving warning and when they have themselves used language very similar, if not exactly similar, to the language we have now chosen in the Select Committee to adopt? All that we say is that warning should be given by such means as are available. That is the rule everywhere, and unless you want to take the crowd unawares and want to shoot them down to create a moral effect in the country, I see no difficulty whatever in giving such a warning as the circumstances of the case demand. In fact you may say, "I am going to shoot you unless you disperse". Why should not such a warning be given, and if they are far away you can also easily give a warning. If they are very near you can utter that warning. How do you do under the Regulations? How did you propose to do it when you brought in this clause 131 (2) before the Council of State and brought it down to us for enactment? I submit that there is really no difficulty. You can conjure up extraordinary cases and say, "Look at them." We are providing for ordinary cases. We are not omniscient. No law is so careful as to provide for all cases which can come up. My gallant friend Colonel Crawford conjured up a case where I was being attacked and he was coming to defend me. I may assure him that no such contingency is likely to arise. My Mussalman friends in Madras are so fond of me that they will not come near my door with any hostile intentions. Now, Sir, it is said that if the magistrates have to decide, the military or police have to act as mere machines and their sense of responsibility will be lost. Every soldier takes a risk like that in England, and why should you not take a risk in this country? His Excellency the Commander-in-Chief told us that with this fear of prosecution hanging on him—the likelihood of a prosecution—he may not act promptly or as well as he should have done otherwise. Does this feeling operate in his mind in England? There any subject of His Majesty is at liberty to go to a court and complain of excesses on the part of the soldiery. Does it operate in his mind there? Why should it operate in his mind in this country and not in England? Therefore, all the three objections taken by His Excellency the Commander-in-Chief cannot have any force.

My Honourable friend, Colonel Sir Henry Stanyon, rather staggered me by the verbal objections and criticisms that he took. With regard to section 131A, he read:

"Where under the provisions of this Chapter any person proceeds or determines to disperse any such assembly, etc."

and asked me, who is the person who determines. Did he read the Chapter? I should have thought he would have read the Chapter before asking me the question. It is the three classes of persons who determines to disperse an assembly, the magistrate, the police officer or the military officer, who acts in the absence of the magistrate. Those are the three persons who determine what force is to be used, and those persons have to determine whether fire-arms should be used or not. What is the difficulty he felt I fail to see. Then again he asks, who shall be the

judge as to the necessity for using force? I have already stated that under section 129 the magistrate of the highest rank who is present may cause it to be dispersed by military force, and he will also decide whether fire-arms should be used. If he decides wrongly, the court will take action, but if he acts in good faith he is protected. Then he also asked, what is the meaning of "otherwise" in sub-clause (*1*). "Otherwise" means other than the use of fire-arms. Then he asks how is the warning to be conveyed if people are concealed in a building. I did not know that you were going to disperse an unlawful assembly if they were concealed in a building. Unlawful assemblies are usually dispersed when you come face to face with them. If they are concealed you will be able perhaps to see some person, but if all are concealed then when they come out you had better warn them, or lock them in. The whole object of this section is to disperse unlawful assemblies.

Then some criticism has been levelled as to why I confined my Bill to the use of fire-arms, and I was asked why I did not extend the provisions to the men killed by bayonets. I am willing to accept any other amendments that may be made to my Bill. My Bill is confined to the use of fire-arms. If Honourable Members are more generous, who use the argument that my recommendation is very limited, let them bring in a Bill of their own and if they bring in an amendment to my Bill I will not raise any objection, though it will not be within the Preamble of my Bill, unless my friend the Honourable Home Member objects. One such amendment was suggested by my Honourable friend from Bombay. With reference to the period of time in which a report of the occurrence is to be sent, he said that the period of 24 hours was too long. I bow to his opinion if as a district officer he thinks 24 hours too long and he thinks that the officers concerned are able to manufacture evidence and he thinks that the second report will contradict the first report. My whole object was to give them time, so that in case people are injured they will have time to give them medical relief before writing their report. If my Honourable friend thinks that 24 hours are too long, I am prepared to accept any amendment he thinks. I do not think that these officers will really go to the length of falsifying reports, at any rate the majority of them would not do that. Anyhow I am willing to accept any amendment which will improve that sub-clause.

The Honourable Sir Alexander Muddiman: Sir, His Excellency the Commander-in-Chief put matters so clearly before this House that there is very little left for me to say. His speech, I think, made a great impression on all Members of the House. He explained in the clearest possible language and with great lucidity the relations of the military and their duties in connection with these unfortunate occurrences. In these circumstances I propose to deal very shortly with the position.

The real crux of the position is this. It is contained in sections 130 and 131 of the Criminal Procedure Code. Section 130 deals with the duty of the officer commanding the troops required by a magistrate to disperse an unlawful assembly, that is to say, here you have the case where a magistrate and an officer commanding troops are both present. The magistrate decides when it is necessary to use military force. Once that decision is arrived at, the manner and degree of that military force is to be left to the officer commanding the troops.

[Sir Alexander Muddiman.]

Section 131, which is the next section, is where the commissioned officer is alone and there is no magistrate. My Honourable friend pointed out that once the magistrate comes, the responsibility passes to the magistrate, and there he is perfectly correct. But there again you get back to exactly the same position as under section 130. *Ex hypothesi* in that case you have the magistrate and commanding officer together, and the magistrate will decide whether military force is necessary, but, as in the first instance, the moment he so decides, the manner and degree of military force is to be decided by the military officer and the military officer alone. That is the position which has been supported by His Excellency Field Marshal Sir William Birdwood with arguments so cogent that it is not necessary for me to add to them in any degree. I would merely point out that, as His Excellency has stated, the disposition of the troops and the nature and degree of force to be used should be at the discretion of the military officer who alone possesses the necessary knowledge to decide in such matters. His Excellency also said that one of the reasons that rendered it necessary that this should be the position was that the military officer is responsible for the safety of the troops under his command. You cannot neglect the point that the officer commanding the troops is responsible for his own command. What sort of a situation would arise if the magistrate gave the military officer an order which that military officer knew would result in the destruction of his command. Suppose the magistrate, *ex hypothesi*, a man with no knowledge of military matters, told the military officer to ground arms and stand by. That military officer is perfectly well aware that if he does so his detachment may be massacred. Is he to carry out that order? If he does not carry out that order he will be open to severe civil penalties. If he does, he would be court-martialled. The situation, therefore, would be an impossible one, and I hope the House will see that they are not parties to its creation.

Now, one speaker said, and I desire to refer to this particularly, that the sentiments expressed by His Excellency the Commander-in-Chief were not shared by the British soldier and British officer. As His Excellency stated, and as I am sure everyone in this House knows, the British soldier dislikes these duties and has every desire to carry them out in the most humane manner and does so carry them out. That led to the comment that the British soldier and British officer did not share that feeling. Sir, I do not believe that to be true. We have the recent history of the riots in Agra, Allahabad and in Delhi (several times in Delhi). On each occasion, the citizens of the town have borne witness to the forbearance and restraint with which the British troops have discharged their difficult duties. As Home Member I bear testimony to that, as it was not later than last Bakr Id that British troops were standing by to maintain law and order in many places and it was due to their presence that no disturbances occurred.

Sir, as regards the other remarks that have been made in the course of the debate I will only refer briefly to one or two statements of my Honourable friend, Mr. Jinnah.

He assumed that competent magistrates would always be available. I wish that was so. I wish this House would place at my disposal

4 P.M.

sufficient funds to place at all important centres competent magistrates. I will give an example from my own experience. I was a young Sub-divisional Officer in charge of a Sub-division in which there were about ¾ of a million people, and the area of the Sub-division was something like 700 square miles. I was the only first class magistrate in the place. My headquarters were the sub-divisional headquarters and the only other magistrate there was a third class honorary magistrate, who did not know a word of English. My duties used to take me sometimes for a week or ten days many miles from the headquarters of my Sub-division, and if the Honourable Member thinks that an Honorary magistrate with third class powers is competent to issue orders to officers commanding troops as to what kind of military force is to be used, I think he is mistaken.

Mr. M. A. Jinnah : It says Magistrate of the highest class.

The Honourable Sir Alexander Muddiman : Available. The next point in his speech to which I wish to draw attention is his reference to the fact that the King's Regulations have been altered. Well, Sir, they have been altered, and I will tell him why, and he probably will remember it well because, as he told us, at about that time he must have been eating his dinners. Sir, that alteration was obviously made as the result of the judgment in the Ackton Colliery case. That case took place in 1893, and it was thereafter that the King's Regulations were altered, and I have no doubt they were altered in view of this passage in the judgment which, with your permission, I should like to read to the Assembly :

"The question whether, on any occasion, the moment has come for firing upon a mob of rioters, depends, as we have said, on the necessities of the case. Such firing, to be lawful, must, in the case of a riot like the present, be necessary to stop or prevent such serious and violent crime as we have alluded to ; and it must be conducted without recklessness or negligence. When the need is clear, the soldier's duty is to fire with all reasonable caution, so as to produce no further injury than what is absolutely wanted for the purpose of protecting person and property. An order from the magistrate who is present is required by military regulations, and wisdom and discretion are entirely in favour of the observance of such a practice. But the order of the magistrate has at law no legal effect. Its presence does not justify the firing if the magistrate is wrong. Its absence does not excuse the officer for declining to fire when the necessity exists."

I have no doubt it was in view of that judgment that the King's Regulations were altered. Now I have only one remaining remark to make, and that is in regard to the question which was raised also by my Honourable friend Mr. Jinnah, who said, why do you not substitute the Advocate General for the Local Government, or the Government of India as the case may be ? Sir, the main object of the provision is to secure due examination before a prosecution is undertaken, and normally, at any rate in my experience, in an important case, there is no doubt that the Local Government, or the Government of India as the case may be, would consult their principal lawyer. First of all, no Government would embark upon a prosecution, at least if I had anything to do with it, without competent legal advice, and therefore you may be sure that the Local Government or the Government of India would have before them the opinion of their legal officer. I am not authorised, nor in a position to accept such an amendment on behalf of the Government of India, but if such a proposal was brought

[Sir Alexander Muddiman.]

up personally, I should be inclined to consider it favourably. It only remains for me to say that His Excellency has pointed out how impossible the provisions of this Bill are in so far as they interfere with the discretion of the military authorities, and I think I myself, Sir, have answered every other argument which has been brought forward in favour of this Bill. I therefore hope that the House will refuse to take it into consideration.

Mr. President : The question is :

"That the Bill to provide that, when fire-arms are used for the purpose of dispersing an assembly, preliminary warning shall, in certain circumstances, be given, as reported by the Select Committee, be taken into consideration."

The Assembly divided :

AYES—56.

Abhyankar, Mr. M. V.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Aiyer, Sir P. S. Sivaswamy.
Alimuzzaman Chowdhry, Khan Bahadur.
Aney, Mr. M. S.
Belvi, Mr. D. V.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Dumasia, Mr. N. M.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghazanfar Ali Khan, Raja.
Goswami, Mr. T. C.
Govind Das, Seth.
Gulab Singh, Sardar.
Hari Prasad Lal, Rai.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Jeelani, Haji S. A. K.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kartar Singh, Sardar.
Kasturbhai Lalbhai, Mr.
Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.
Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Mahmood Schamnad Sahib Bahadur, Mr.
Majid Baksh, Syed.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas 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.
Neogy, Mr. K. C.
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.
Sarfaraz Hussain Khan, Khan Bahadur.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Devaki Prasad.
Sinha, Kumar Ganganand.
Syamacharan, Mr.
Venkatapatiraju, Mr. B.
Vishindas, Mr. Harchandrai.
Yakub, Maulvi Muhammad.
Yusuf Imam, Mr. M.

NOES—47.

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.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaswami.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Burdon, Mr. E.
Carey, Sir Willoughby.
Chalmers, Mr. T. A.
Chartres, Mr. C. B.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Fleming, Mr. E. G.
Ghulam Bari, Khan Bahadur.
Gordon, Mr. E.
Gordon, Mr. R. G.
Graham, Mr. L.
Gurner, Mr. C. W.
Harper, Mr. K. G.
Hussanally, Khan Bahadur W. M.
Innes, The Honourable Sir Charles.
Langley, Mr. A.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.

Maguire, Mr. L. T.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Naidu, Mr. M. C.
Panduranga Rao, Mr. V.
Rajan Baksh Shah, Khan Bahadur Makhdum Syed.
Raj Narain, Rai Bahadur.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vijayaraghavacharya, Diwan Bahadur T.
Webb, Mr. M.

The motion was adopted.

Mr. President : The question is :

"That clause 2 do stand part of the Bill."

Sir Sivaswamy Aiyer (Madras Nominated : Non-Official) : Sir, I beg to move the amendment which stands in my name :

"That in clause 2 of the Bill in sub-section (*1*) of the proposed section 131A for the words 'such assembly cannot otherwise be dispersed', the words 'it is unavoidable' be substituted."

My object in proposing this amendment is this. The words "such assembly cannot otherwise be dispersed" rather seem to suggest that it is necessary for the person resorting to fire-arms to prove that he could not possibly have dispersed the assembly by force of bayonets, a cavalry charge of some other form of military force. It is quite certain that where it can be shown that the use of fire-arms is unavoidable, it should not be necessary for a person to resort to other weapons or to prove that he could not have dispersed the assembly even if he had resorted to other weapons.

I believe the words which I suggest—"it is unavoidable"—will fully meet the wishes of the Honourable Diwan Bahadur Rangachariar. What he really wants is to insist that fire-arms shall not be used except in cases of absolute necessity. I think my amendment carries out his idea while at the same time it obviates some of the objections that might possibly be raised to the clause as it stands.

Diwan Bahadur T. Rangachariar : Sir, I must confess I do not see the difference between my Honourable friend's motion and the language of the clause as it stands. I have chosen to adopt the language used in that Chapter. It is not right to introduce two different clauses in the same Chapter. Under section 129 as it stands "if any such assembly cannot otherwise be dispersed" is the language used, and you will be introducing confusion if you adopt another phraseology when you mean the same thing. All that we mean is "in the last resort" to follow the wording of the executive order. That is what is intended and that is what is conveyed by the clause as it stands. That is why I have adopted that language and I really do not think there is any difference in substance between my Honourable friend's amendment and the language I have used. I do not think it will be an improvement in the section if we accept this amendment.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, my amendment is the same as that of Sir Sivaswamy Aiyer and therefore I do not formally move that amendment but simply support him. In my opinion, the words "such assembly cannot otherwise be dispersed" conveys the idea that it must be dispersed whereas "unless it is unavoidable" brings out the intention more clearly. I think therefore it is better for the people interested,

[Khan Bahadur Sarfaraz Hussain Khan.]

the people who will be dispersed, that "unless it is unavoidable" should take the place of the words "unless such assembly cannot otherwise be dispersed".

With these words I support the amendment.

Mr. H. Tonkinson: Sir, I should like to say a few words in support of the amendment which has been moved. My reason for doing so is briefly that I think it does to some extent remove an objection which has been urged to the Bill as it stands at present. My Honourable friend Diwan Bahadur Rangachariar suggests that the words in clause (*1*) of the proposed section 131A are the same words as are used in another section of the Chapter. Well now, Sir, if one reads section 129 where the same words are used, one will realise that "otherwise dispersed" there has the effect of meaning "cannot be dispersed otherwise than by military force". Here of course it is just one particular form of military force—fire-arms—to which it is applied, and the phrase "unless it is unavoidable" would probably be an improvement in that it would enable fire-arms to be used instead of a bayonet or a cavalry charge.

Mr. President: The question is:

"That in clause 2 of the Bill in sub-section (*1*) of the proposed section 131A, for the words 'such assembly cannot otherwise be dispersed' the words 'it is unavoidable' be substituted."

The motion was adopted.

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

"That in clause 2 of the Bill to sub-section (*1*) of the proposed section 131A, the following explanation be added:

'*Explanation.*—A magistrate shall be deemed to be present if he is in the same compound or very near the same within a few minutes walk of it'."

(Laughter.)

Sir, I am glad that the Assembly feels the force of my amendment. The House might like to know why I put this amendment forward—an amendment which I feel is very important. The whole question that has been raised with respect to the military may be treated separately. They are called in only when the civil officers give way; so that the remark of His Excellency the Commander-in-Chief will not apply to a case of the ordinary kind. In those circumstances whatever the next step the military may take will be a question that might be dealt with having regard to all aspects that have been discussed in this House already. But I should like to draw the attention of the Assembly to an incident that happened in Madura to which reference was made by my Honourable friend, Dewan Bahadur Rangachariar, that is, an instance in which the police were outside the Collector's office building, Madura. The trial of a sedition case against one Dr. Varadarajulu Naidu was going on inside. A first class magistrate was inside; the Collector of Madura, the District Magistrate, was in the same compound—divided by a small partition wall three feet in height. But all the same, while both these magistrates were there the order to fire was given against a body of people who had been used to attend the trial of the case from day to day. The case was going on for a number of days and this was after eight or nine days. As I said, the magistrate was inside: probably the con-

struction that would be put on this section, which is now being enacted with such great difficulty, would be that the magistrate should be present before the officer, and unless that was so the officer could give the order to fire and he need not consult the magistrate at all; though the latter might be inside, the officer outside might give the order to fire. That is what it comes to practically. I therefore ask that the word "present" must be definitely explained. Otherwise any officer might plead that he need not go into the House and tell the magistrate the circumstances of the case—I can well understand that when the military are called in they are called in only under extraordinary circumstances. In this instance that I related an innocent boy was killed and two or three persons were injured and the Government would not move in the matter. The people who were fired on had neither brickbats nor any of the things that were referred to by Diwan Bahadur Rangachariar. It is absolutely necessary that the officer who decides to fire in such cases must not resort to firing if he can communicate with any magistrate within easy distance—in the same compound or very near. The thing may look very small at first sight, but is important in this way: that the Assembly which enacts a provision like this in the Statute-book ought not simply to stop with saying "present". "Present" actually means that unless the officer sees the magistrate before him he need not take his order. Is that the object of this Bill? Are we going to leave it at this stage? It is not in every place and at every time that occasions of this kind arise, but they do occur; and in the Madura district I could refer to two or three instances more. In one of them the magistrate and police inspector who resorted to firing were both dismissed or sent out of service. My object in putting forward this amendment is that this instruction should be there clearly; otherwise any officer is likely to commit this mistake and unless you make it plain we will not be doing our duty. I therefore propose my amendment.

Diwan Bahadur T. Rangachariar: Sir, I can understand my Honourable friend's position. Only I am afraid he is under some slight misapprehension. Section 131A is supplemental to section 131. It is only under section 131 that a police officer or military officer can act; that is, when public security is manifestly endangered by any such assembly and when no magistrate can be communicated with, any commissioned officer can take the steps which he is taking. Therefore if a magistrate can be communicated with he certainly cannot act. Certainly when the magistrate is within the building he cannot act under section 131. But my Honourable friend's proposal is "or within a few minutes' walk of it"; a few minutes may make all the difference. As I say, section 131A is supplemental to section 131 and if he cannot act under 131 he cannot act under 131A. Therefore I think this amendment is unnecessary. The case which the Honourable Member referred to is a very notorious case no doubt in which the police officer acted without communicating with the magistrate who was in the building; but the remedy for that I have suggested in sub-clause (4)—prosecution without the intervention of Government. In that case the Government neglected their plain duty in not prosecuting the officer who disobeyed the law. Therefore those cases really do not require a provision like this, and I think my Honourable friend will see that that being so his amendment is unnecessary.

The motion was negatived.

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : Sir, the amendment which I wish to move is of the simplest kind. It is admitted even by my friends on the Treasury Benches that it is stated explicitly in the executive orders which have already been issued to officers on the point of warnings that there must be the fullest warning given to an unlawful assembly before fire-arms are resorted to. My amendment is simply intended to translate these executive orders into the law which it is proposed to enact. If it is necessary to give warning, then it is reasonable to contend that the warning should be sufficient. We know that sometimes very technical interpretations are put upon words in an Act. We know the old proverb that the law is an ass; but it is not an ass of an ordinary kind; it is an ass which has a temperamental tendency always to go wrong unless it is kept within control. It is necessary to control the phraseology of a section with all the circumspection and caution that we may command. I do not think a longer speech in support of my amendment is necessary and I therefore beg your leave to move it. The amendment is :

"That in clause 2, in sub-section (*2*) of the proposed section 131A, before the word 'warn' the word 'sufficiently' be inserted."

Diwan Bahadur T. Rangachariar : Sir, I am sorry it has fallen to my lot to speak on this amendment. The wording in my original Bill ran as follows :

"Before the assembly is fired on, the fullest warning should be given by all means available and that unless it disperses it will be fired on."

We sat over this clause in the Select Committee for over an hour and discussed it very thoroughly, and I was satisfied with the explanation given for the alteration that has been made. It is no doubt true that the executive instructions require that the fullest warning should be given, but it was pointed out to me that when we are enacting a piece of legislation which will have to be construed by the courts later on, the law must be quite clear, because when an officer is put on this trial, these words may create another doubt which it will be very difficult for the magistrate to solve. I was satisfied with that explanation. Whether the warning was given or not is a question of fact which can easily be decided, but whether the fullest warning was given or not is a very difficult matter, because opinions may vary on that point, and they honestly vary, and therefore when these points were explained to me, I thought I should not stick to the wording which I ordinarily proposed, and I thought that as we are enacting a new piece of legislation we should not make it more vague than is necessary. Sir, I do not think this amendment is necessary. I hope the Government will now accept the law and will not create any further difficulty in another place, and therefore I want this to become law.

An Honourable Member. Difficulty will be created in another place.

Diwan Bahadur T. Rangachariar : But I hope the Government will accept the decision of this House. We are already complaining that our votes do not count, but I hope that in this instance they will see that our votes do count, because in this matter there is a strong public feeling that the law should be put right. I am sure that the Government will not adopt an attitude of opposition. Let us meet them half-way, and let us not make it more difficult for them to accept this measure. On that ground I would ask my Honourable friend not to press his amendment.

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

"That in clause 2, in sub-section (*2*) of the proposed section 131A, before the word 'warn' the word 'sufficiently' be inserted."

The motion was negatived.

Mr. K. Rama Aiyangar : Sir, the amendment that stands in my name reads thus :

"In clause 2 of the Bill in sub-section (*3*) of the proposed section 131A, for the words 'within twenty-four hours of' the words 'immediately after' be substituted."

Sir, I do not think that I need make a long speech in support of this amendment. Another Honourable gentleman has already dealt with this question and I hope that the Honourable Diwan Bahadur Rangachariar will see his way to accept this small amendment. It is clear that twenty-four hours is certainly not the period which we ought to fix in connection with a firing incident. It is not an ordinary case. Therefore, all steps which will have to be taken to protect those who are injured in the incident immediately after the incident will not be by the officer who gave orders to fire. All reports will be sent by that officer, and if it is the head-quarters of the district, the District Magistrate or some such authority should be immediately informed. Even a moment's delay should be counted against the *bona fides* of the officer. In these cases you ought not to delay in reporting the matter to the highest authorities. In a country like India, the necessity for immediately making a report to the higher authorities is very necessary. It may be done in whatever form possible, it may be by express wire or by any other means available on the spot. The information must be communicated immediately to the nearest magistrate or to the district authorities. Under those circumstances, I do not think that the period of twenty-four hours that has been fixed will be suitable. Therefore, Sir, I move my amendment.

Diwan Bahadur T. Rangachariar : Sir, while I am tempted to accepted this amendment in view of the observations which fell from the district officer who spoke with authority on this point this morning, I still appeal to my Honourable friend Mr. Rama Aiyangar not to press his amendment, because the time provided is the maximum. It does not provide that the officer who gives orders to fire should not make a report immediately. I am sure the executive instructions which are already in force will be applied in all rigour. Twenty-four hours is only the maximum limit. We are enacting this for all cases. For instance, in a big riot such as the one which took place at the Jallianwalla Bagh where several persons were injured, the officer who issued orders to fire did not take care of the dead and the wounded, he made no provision for them; he took no precautions for this purpose. Let the officer in charge not wait for ink and paper to write the report. Let him be engaged in the more humane task of relieving the wounded and curing them. Therefore, as we are providing for all cases, I have fixed only the maximum time. We only provide that in no case should the officer exceed twenty-four hours. Therefore, I think that in that view my Honourable friend will not press his amendment.

Mr. K. Rama Aiyangar : If the Government do not want it, I do not want to press my amendment, Sir.

Mr. President : Does the Honourable Member withdraw his amendment ?

Mr. K. Rama Aiyangar : Yes, Sir, I withdraw my amendment.

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

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I gave notice of my amendment after reading.....

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

Khan Bahadur Sarfaraz Hussain Khan : No, Sir.

Mr. President : Very well, then he need not make a speech. The question is :

"That clause 2, as amended, do stand part of the Bill."

Sir P. S. Sivaswamy Aiyer : Sir, I want to move another small amendment to sub-clause (*4*) of clause 2. It is purely a verbal amendment.

Diwan Bahadur T. Rangachariar : I do not object.

Sir P. S. Sivaswamy Aiyer : Sir, sub-clause (*4*) of clause 2 provides that :

"Notwithstanding anything contained in section 132, any person injured by the use of fire-arms or any parent or guardian, husband or wife of a person killed by the use of fire-arms may make a complaint against any person for any offence committed by him by reason of any act purporting to be done under this Chapter."

The meaning of this clause, as it is drafted, is very very obscure. Apparently the intention in the mind of the framer of the Bill was to dispense with the necessity of sanction in these cases. But the clause as drafted goes, in my opinion, much further and not merely does it do away with the necessity for sanction, but it also sweeps away the protection clauses contained in section 132. At any rate, it is a permissible and a legitimate construction and contention, and I am sure that it is not beyond the capacity of an ingenious lawyer to argue that that contention is correct. The words are "Notwithstanding anything contained in section 132". The protection clauses contained in clauses (*a*) to (*d*) of section 132 are part of section 132. Therefore when you say notwithstanding anything contained in that, a person may make a complaint against any person for any offence committed by the officer by reason of any act purporting to be done under the Chapter, it is open to grave doubt whether the acts referred to would receive the benefit conferred by clauses (*a*) to (*d*). There is this uncertainty with regard to the construction of this clause and if it is intended to say that these acts shall not have the benefit of the protection, then it is mischievous.

Diwan Bahadur T. Rangachariar : You need not argue that ; nobody intends that.

Sir P. S. Sivaswamy Aiyer : Then, that being the intention, the correct way of drafting would be :

"Notwithstanding anything contained in section 132, no sanction shall be necessary for the institution of a prosecution by any person"

and so on.

Mr. President : Will the Honourable Member put it down on paper and hand it to me ?

The Honourable Sir Alexander Muddiman : As the draft does not seem ready and time is passing, I would suggest one thing. If this is merely a drafting amendment, it might be moved when we pass to the next motion, at the third reading of the Bill ; and the draft could then be properly examined.

(The amendment was handed in.)

Mr. President : Amendment moved :

"That in clause 2, for sub-section (*4*) of the proposed section 131A, the following be substituted :

'(*d*) Notwithstanding anything contained in section 132, no sanction shall be necessary for the institution of a prosecution by any person injured by the use of fire-arms or any parent or guardian, husband or wife of a person killed by the use of fire-arms against any person in respect of any offence committed by him by reason of any act purporting to be done under this Chapter'."

Diwan Bahadur T. Rangachariar : Although it is unnecessary, Sir, I accept it.

The Honourable Sir Alexander Muddiman : I have had no opportunity to examine it and I therefore disavow any responsibility for the amendment.

Mr. President : The question I have to put is that that amendment be made.

The motion was adopted.

The Honourable Sir Alexander Muddiman : Sir, if you now propose to put clause 2 to the House, I would ask you to put sub-clauses (*1*), (*2*) and (*3*) together and sub-clause (*4*) separately, as I wish to divide the House on (*4*).

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

"That sub-clauses (*1*), (*2*) and (*3*) of clause 2, as amended, do stand part of the Bill."

The motion was adopted.

Mr. President : The question is :

"That sub-clause (*4*) of clause 2, as amended, do stand part of the Bill."

The Assembly divided :

AYES—58.

Abhyankar, Mr. M. V.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Aiyer, Sir P. S. Sivaswamy.
Alimuzzaman Chowdhry, Khan Bahadur.
Aney, Mr. M. S.
Belvi, Mr. D. V.
Chaman Lall, Mr.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Datta, Dr. S. K.
Dumasia, Mr. N. M.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghulam Abbas, Sayyad.
Goswami, Mr. T. C.
Govind Das, Seth.
Gulab Singh, Sardar.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswam

Jeelani, Haji S. A. K.
Joshi, Mr. N. M.
Kartar Singh, Sardar.
Kasturbhai Lalbhai, Mr.
Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.
Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Mahmood Sehamnad Sahib Bahadur, Mr.
Majid Baksh, Syed.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Pandit Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi Sayad.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Purshotamdas Thakurdas, Sir.
Rajan Baksh Shah, Khan Bahadur Makhdum Syed.
Ramachandra Rao, Diwan Bahadur M.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Sadiq Hasan, Mr. S.
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.
Venkatapatiraju, Mr. B.
Vishindas, Mr. Harchandrai.
Yakub, Maulvi Muhammad.
Yusuf Imam, Mr. M.

NOES—45.

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.
Ayyar, Mr. C. V. Krishnaswami.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Burdon, Mr. E.
Carey, Sir Willoughby.
Chalmers, Mr. T. A.
Chartres, Mr. C. B.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Fleming, Mr. E. G.
Ghulam Bari, Khan Bahadur.
Gordon, Mr. E.
Gordon, Mr. R. G.
Graham, Mr. L.
Gurner, Mr. C. W.
Harper, Mr. K. G.
Hussanally, Khan Bahadur W. M.
Innes, The Honourable Sir Charles.
Langley, Mr. A.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Naidu, Mr. M. C.
Panduranga Rao, Mr. V.
Raj Narain, Rai Bahadur.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vijayaraghavacharya, Diwan Bahadur T.
Webb, Mr. M.

The motion was adopted.

Clause 1 was added to the Bill. The Title and Preamble were added to the Bill.

Diwan Bahadur T. Rangachariar : I move, Sir, that the Bill, as amended, be passed.

The Honourable Sir Alexander Muddiman : Sir, I object to the passing of the Bill.

Mr. President : Motion moved :

"That the Bill, as amended, be passed."

***Mr. M. A. Jinnah :** Sir, I would like to say one word before this Bill is passed. Sir, as the Honourable the Home Member has given us an assurance—no doubt it was his own personal opinion ; he was not speaking on behalf of the Government of India—I hope he will see that the section of the Criminal Procedure Code which provides for the

* Speech not corrected by the Honourable Member.

previous sanction of the Government will be amended in the light of my suggestion to the House.

The Honourable Sir Alexander Muddiman : I will give the assurance that I gave you before that I personally consider that it would not be a bad amendment. I give no assurance on behalf of the Government of India nor will I promise any action on my own part unless the House refuses to pass this Bill. I object to the passing of this Bill.

5 P.M.

Mr. President : The question is :

"That the Bill, as amended, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 10th September, 1925.

LEGISLATIVE ASSEMBLY.

Thursday, 10th September, 1925.

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

QUESTIONS AND ANSWERS.

REPLACEMENT BY INDIAN LASCARS OF EUROPEAN SEAMEN ON STRIKE IN SOUTH AFRICA.

Mr. A. Rangaswami Iyengar : (*a*) Has the attention of the Government been drawn to the news conveyed by Reuter some days ago that 700 lascars were sailing for South Africa to replace the European seamen there who had gone on strike ?

(*b*) Are the Government of India aware that the Indian community in South Africa disapproves of such action as unfair to them, and likely to complicate the present Indian problem there ?

(*c*) Are the Government of India prepared to take such steps as may be necessary to keep Indian lascars from meddling in any way with this strike and to recall the Indian lascars who may have left for South Africa ?

The Honourable Sir Charles Innes : (*a*) The Government saw a report in the papers that it had been proposed to engage lascars to man the ships now detained in South African ports.

(*b*) Yes.

(*c*) The Government have already taken action which they believe will prevent lascars from going to South Africa for this purpose. No lascars have so far gone, so the question of recall does not arise.

Mr. Chaman Lall : Will the Honourable Member inform the House whether it is a fact that Indian lascars in South African waters on British ships are being utilised to replace European seamen on strike ?

The Honourable Sir Charles Innes : I have no information on that point.

Mr. Chaman Lall : Will the Honourable Member get us the information on this subject ?

The Honourable Sir Charles Innes : If the Honourable Member will speak to me afterwards and let me know what authority he has for his statement, I will consider the matter.

EXTENSION OF THE LEE COMMISSION CONCESSION TO OFFICERS OF COMPANY-MANAGED RAILWAYS.

Mr. E. F. Sykes : Referring to the undertaking given by the Honourable the Commerce Member on 27th February 1925 (Debates page 1715), in the matter of the extension of the Lee Commission concessions to

officers of Company Railways, that when the question has been settled by the Government of India he would if necessary bring up a supplementary demand for grant in the September Session, will the Government be pleased to say :

(a) Whether a settlement has been arrived at ?

(b) Whether it has been found necessary to bring up a supplementary demand for grant ?

(c) If so, when he proposes to do so ?

The Honourable Sir Charles Innes : I must express my regret that I have not been able to bring this matter before the Assembly this Session. We are still in correspondence with Company Railways on the subject. I regret the delay very much and I hope that I will be able to bring the question before the Assembly early next Session.

Sir Purshotamdas Thakurdas : With your permision, Sir, I should like to put this private question* on the 15th September, as the Honourable Member in charge will prefer to reply to that question on that date.

EMPLOYMENT OF INDIAN LASCARS AS STRIKE BREAKERS.

Mr. N. M. Joshi : May I say, Sir, that I have given notice of a private question to which Sir Charles Innes has agreed to reply. It is practically the same question as Mr. Rangaswamy Iyengar's, but there is something else.

Mr. President : Is the Honourable Member's question very different from Mr. Rangaswamy Iyengar's question ?

Mr. N. M. Joshi : I want to know what steps Government are taking to prevent Indian lascars from being used as strike breakers ?

The Honourable Sir Charles Innes : If the Honourable Member will read his question I will let him have a reply.

Mr. N. M. Joshi : Is it a fact that Indian lascars are being used as strike breakers in the present strike of British sailors ? Are Government prepared to take steps to prevent the lascars from being so used ?

The Honourable Sir Charles Innes : The answer to the first question is that as far as the Government are aware this is not the case. As regards the second part of the question, as I have already told Mr. Rangaswamy Iyengar, we have already taken action which we believe will prevent lascars being engaged to man ships now detained in South African ports.

Mr. N. M. Joshi : May I ask what is the case about the other ports ?

The Honourable Sir Charles Innes : My answer referred to South African ports. If the Honourable Member is making reference to any other ports, I must have notice.

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*Sir Purshotamdas Thakurdas : (a) Will Government be pleased to state the result of the total amount of Government loan converted under the conversion terms offered by the Government this year ?

(b) Will Government be pleased to state the extra preminm aid under the conversion terms, and the saving effected by them in interest if any ?

Mr. N. M. Joshi : There was absolutely no mention of South Africa in my question. I do not want Indian lascars to be used as blacklegs in any part of the world.

Mr. Devaki Prasad Sinha : Are the Government prepared to give an undertaking that Indian lascars will not be used as strike breakers in any part of the world ?

The Honourable Sir Charles Innes : I am too old a hand to commit myself in that way.

Mr. K. Ahmed : What is the difference in salary between Indian lascars and the other lascars ? Is it a fact that the other lascars get four or six times the salary of the Indian lascars, though the latter work in the same place and for longer hours ?

The Honourable Sir Charles Innes : I do not know.

Mr. N. M. Joshi : May I know whether the Government are aware that there is already a great prejudice against the employment of Indian lascars and if they are to be used now as blacklegs the prejudice will increase.

The Honourable Sir Charles Innes : The Government recognise that that consideration has always to be borne in mind.

BILL PASSED BY THE COUNCIL OF STATE.

LAID ON THE TABLE.

Secretary of the Assembly : Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table a Bill further to amend the Transfer of Property Act, 1882, which was passed by the Council of State at its meeting of the 8th September 1925.

APPOINTMENT OF THE COMMITTEE ON PUBLIC PETITIONS.

Mr. President : Under Standing Order 80 I have to appoint at the commencement of each Session a Committee on Public Petitions. The Standing Order provides that the Deputy President of the Assembly shall be the Chairman of the Committee. Diwan Bahadur T. Rangachariar is accordingly appointed Chairman of the Committee. The following Members will form the Committee :

Diwan Bahadur M. Ramachandra Rao,

Colonel J. D. Crawford,

Mr. Jamnadas M. Mehta, and

Maulvi Muhammad Yakub.

THE HINDU COPARCENERS LIABILITY BILL.

ADDITIONS TO THE SELECT COMMITTEE.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : I beg to move that Diwan Bahadur T. Rangachariar, Mr. K. C. Neogy and Sir Darcy Lindsay be appointed to the Select Committee on the Bill to define the liability of a Hindu coparcener.

The motion was adopted.

RESOLUTION *RE* GRANT OF PROTECTION TO THE PAPER INDUSTRY.

The Honourable Sir Charles Innes (Commerce Member) : I beg to move :

"That this Assembly recommends to the Governor General in Council that assistance be given to the bamboo paper and paper pulp industry in India by the imposition until the 31st March 1932 of a specific protective duty at the rate of one anna per pound on all printing papers (other than chrome, marble, flint, poster and stereo) which contain less than 65 per cent. of mechanical wood pulp and on all writing paper."

Sir, the agenda paper to-day is a very long one and I see from it that there are an unconscionable number of motions against my name and an unconscionable number of amendments to those motions. That being so, I hope the House will excuse me if I try to spare them as well as myself by being as brief as possible in moving this Resolution. I think that I can take it for granted that all Honourable Members present here have read the Tariff Board's Report on paper and that fact in itself will lighten my labours considerably. Before I get down to my task I should just like to make an apology to the House for the short notice which I have given them of this motion. I should like to say that we gave notice of my Resolution at the earliest possible date and if we gave short notice it was because we could not help ourselves. I hope that the House will not think that I am rushing them in this matter. I have put down a Bill to be introduced in the event of my Resolution being accepted. The reason why I have done that is that, as the House will see, we have disclosed our hand in this matter. We have made our proposals for protective duties on certain classes of paper. Therefore it will be very inconvenient for the paper industry if we have to defer that Bill to the beginning of the next Session, because what will happen is that the importers will lay in large stocks of the papers on which we wish to impose protective duties, and those large stocks will for a time at any rate render nugatory whatever measure of protection we propose. That is the reason why I am in the painful position of appearing to rush the House in this manner, and I hope that the House will accept my assurance that I have done so much against my will and without any desire to force them into a premature decision.

Now the Tariff Board's task of course was to decide whether the paper industry has made out a claim for protection. The paper industry may be divided roughly into two classes. There are the mills which make paper from grass, mainly *sabai* grass, and there are the mills, which make paper from bamboo. The latter class is at present a small one. There is only one mill in India which at present makes paper from bamboo grass, and that is the mill belonging to the Indian Paper Pulp Company which has a maximum output of 2,750 tons of paper a year. In addition there is another mill which I understand is in course of construction at Rajahmundry in the Madras Presidency. That mill aims at making paper from bamboo as well as from straw. Now in considering this question the first point that the Tariff Board were brought up against was the fact that the scope for the expansion of paper manufacture in India is comparatively limited. They devoted a good deal of time and attention to a careful analysis of the consumption of and demand for paper in India. The possibility of expansion can best be measured of course by the volume of imports of paper into India. For the last two years the imports of paper

into India have averaged about 80,000 tons of paper a year. That seems a large amount, but from it certain deductions have to be made. In the first place these imports include large quantities of old newspapers. These old newspapers are not imported for the purpose of satisfying the insatiable desire for information : they are imported solely as wrapping paper, and they come in so cheap that no Indian mill can possibly hope to produce wrapping paper at anything like the same price. Therefore, those imports of old newspapers have to be deducted. Similarly there is a very large import into India of what is called newsprint, that is paper on which newspapers are printed. It is made very largely from what is known as mechanical wood pulp, that is, pulp made by grinding wood fibre without the addition of any chemicals. The Tariff Board have excluded newsprint also from the market which the Indian manufacturer can hope to capture. I think that possibly one reason why the Tariff Board did that was that they considered discretion to be the better part of valour. I have no doubt Sir George Rainey, who like myself is a Scotchman and therefore a peaceful and cautious not to say a timid person, thought it advisable not to get the Press up against his proposals. But, however that may be, there was another much more serious and well-founded reason for this action. This newsprint, besides being absolutely necessary in India, is so cheap that Indian paper could not compete with it unless we put on a perfectly outrageous degree of protection. Then again there are certain papers, either paper of special kinds such as rag papers, and straw boards, mill boards and the like which are not made in India and have to be excluded, and if we make all these deductions, we find that the scope of expansion for the paper industry in India is not more than 20,000 tons a year. That is not a very large amount, but it is the maximum possible amount at the moment. No doubt as time goes on, in India as in other countries the consumption of paper will get greater and greater but we have to consider what it is now.

Then, Sir, the Tariff Board proceeded to distinguish between the two classes of mills to which I have referred, namely the grass mills and the bamboo mills, and to consider separately their claims for protection. They take first the mills making paper from grass, by which is meant from *sabai* grass. In regard to these mills they make one reservation. There is a mill projected but not yet built at Saharanpur in the United Provinces. The Tariff Board think that the prospects for a grass mill at that place may for special reasons be favourable. But subject to that reservation, they come definitely to the conclusion that the existing grass mills do not satisfy the conditions laid down by the Fiscal Commission. That is to say, in so far as the paper industry of India is dependent on grass for the manufacture of paper, its claim for protection fails. I have no doubt that that finding of the Tariff Board came as a great disappointment to a distinguished Member of this House, but the Government have no hesitation in accepting that finding. I do not know whether the House will expect me to go at any great length into the reasons which actuated the Tariff Board in arriving at that conclusion. I will deal with them very briefly. Their definite finding is that the existing paper mills using *sabai* grass as their chief paper-making material have no natural advantage, and that on the contrary they are at a disadvantage. Now first there is the quality of paper made from *sabai* grass. It has certain merits particularly as writing paper. It is a most excellent writing paper. On the other hand it has certain defects which militate against its usefulness as

[Sir Charles Innes.]

a printing paper. Efforts are made to minimize those defects by mixing imported wood pulp with the *sabai* grass. But even so the result is not entirely satisfactory : and the Tariff Board find that the *sabai* grass paper cannot meet all the reasonable requirements of consumers in India, that it has only a limited usefulness, and that there is no room for the extended use of this paper in India. Now that is one reason. There is another reason. I have mentioned just now that the Tariff Board find that *sabai* grass paper has no natural advantages but that on the contrary it is at a disadvantage. This is very largely due to the fact that, no doubt owing to internal competition among the mills themselves, they have had to go further and further afield for their supplies of grass, and moreover they have had to pay a heavier and heavier royalty for the right of collecting that grass, and the result is that grass is now an expensive material. The Tariff Board find that the claim fails because they see no reason to hope that the mills using *sabai* grass will ever be able to do without protection, and if we protect them, they will always be a burden round our necks. The case of bamboo paper is different. We have had sufficient experience of making bamboo paper in India now to know that excellent paper can be made from bamboo. For certain purposes it is not as good as paper made from *sabai* grass, but a special advantage of paper made from bamboo is this, that that paper approximates much more closely than paper made from *sabai* grass to the paper made from ordinary chemical wood pulp. That is to say, paper made from bamboo is likely to meet in greater measure the requirements of consumers in India and is likely to have a bigger market. Then again bamboo paper has a great advantage over paper made from grass in its supplies of raw materials. I have just mentioned that the mills have to go further and further afield for *sabai* grass but everybody knows that the supplies of bamboo in India are very abundant indeed and they are very widely distributed. Only a proportion, and a steadily diminishing proportion at that, of India's demand for paper can be met by *sabai* grass paper ; on the other hand, there is reason to hope that if we can develop the making of paper from bamboo in India, we shall not only be able to supply practically all our own demands for paper, but that also in the future we may build up a very important export trade in bamboo pulp ; and the Tariff Board find that as the cost of chemical wood pulp goes up, as imported paper becomes more expensive, there is reason to hope that bamboo paper will in time be able to dispense altogether with protection. I have just mentioned that chemical wood pulp, and therefore paper, is likely to go up in price ; and this brings me really to what is one of the most important factors in the case. The Tariff Board after inquiring into the matter and examining all the available literature on the subject came to the following conclusion :

> "The world's supplies of coniferous woods are steadily diminishing, while the demand for such woods, whether as timber or for pulping, is increasing. As a paper-making material wood must become more and more expensive, and an increase in the price of paper seems inevitable. But it is impossible"

they say :

> "to forecast the date when the price of imported paper will go up substantially and it may not take place for several years to come."

I had recent confirmation of that statement of the Tariff Board in a report of which I saw a notice in a paper the other day, a report from Canada, where it was stated that the Canadian paper makers are getting seriously

alarmed at the rate at which supplies of coniferous woods in Canada are being diminished and that they thought that before very long—I think the actual period put was 10 years—there must be a very serious increase in the price of wood pulp and therefore of paper. Now, at this point the Tariff Board came up against a difficulty. The general lines of their conclusions were clear, but their difficulty was that the possibilities of bamboo paper have not yet been fully tried out in India. They are merely in process of experiment. As I said, there is one mill making this paper in India at the present time, that is, the Naihati mill ; encouraging results have been attained. It is quite a recent mill, but it has already brought its works cost down considerably below the works cost of the very much older grass mills, and that is an encouraging sign. That mill is trying out one of the processes by which you can make paper from bamboo pulp, namely, the sulphite process, but it cannot try out the matter properly because though it is a mill which was designed and built and has a power plant equipped for two paper machines, so far only one paper machine has been installed ; and the result of that is of course that costs must be high, because the overhead is so great. Then, again, there is another process, the soda process. That has not been tried at all in so far as bamboo paper is concerned, and moreover very important modifications of that soda process have been developed at any rate on a laboratory scale at Dehra. I refer to what is called fractional digestion.

Now the Tariff Board consider that both those processes ought to be properly tried out, the sulphite process and the soda process, and therefore they are not able to commit themselves at present to a final decision whether we should embark finally on a permanent policy of protecting the bamboo paper industry. Consequently, they make what I might call *ad interim* proposals. In the first place, their first proposal is that on writing papers and certain classes of printing paper the existing duties of 15 per cent. *ad valorem* should be raised to a specific duty of one anna. They suggest that those duties should be imposed for a period of 5 years and that they should be imposed on writing papers and on certain classes of printing paper. In addition they suggest that a loan or a guarantee of debentures should be given to the Indian Paper Pulp Company to enable them to instal a second paper machine at Naihati. The Tariff Board say that that second paper machine would cost Rs. 10 lakhs. I understand that the cost will be rather greater, but not very much. Thirdly, they suggest that an inquiry should be made into the prospects of the mill which is being constructed at Rajahmundry and that if that inquiry satisfies the Government of India that the prospects of that mill are really good, then a loan, or similar assistance, should be given to the Carnatic Paper Company which owns that mill to enable it to try out this soda process. The House will of course observe that that is a complete scheme, all the parts of which are interdependent. The tariff protection is intended to keep the industry alive, while these processes are being tried out. I do not propose to discuss the question whether the actual rates proposed by the Tariff Board are right or not. I think that we must accept the Tariff Board's opinion in that matter. I will not say that the protective duties which the Tariff Board propose are light duties, because they are not, but the Government are quite prepared to accept the finding of the Tariff Board that those duties are the minimum necessary for the purpose in view. I should also like to say that the Government quite accept the finding of the Tariff Board

[Sir Charles Innes.]

that we ought to make an effort to protect the bamboo paper industry for a period of years in order that these possibilities may be tried out. There is no difference between the Government and the Tariff Board in that matter and I can assure the House that we on these Benches are just as anxious to get ahead with this matter as any one in this House can be. But there is a difference of opinion between the Tariff Board and the Government and that is on the question of subsidies, and I should like to explain that it is because of that very difference of opinion that I have proceeded by means of a Resolution instead of putting up my proposals in the form of a Bill. I understand, Sir, that according to the rulings given by your predecessor in the Chair, it would not be in order for any private Member of this House to propose subsidies in a Government Bill which proposes only tariff duties. And it is because the Government were anxious that the whole matter should be open to the discussion of the House that we have elected to proceed by Resolution, so that we may discuss the whole matter.

I should like to explain—and I conceive that this is my main duty—very briefly the reasons why the Government have found themselves compelled to differ from the Tariff Board in regard to this question of subsidies. I will take first the proposed subsidy to the Naihati Mill. This mill is owned by the Indian Paper Pulp Company. I am quite prepared to admit that the proposal is in a way an effective proposal and it is a logical proposal. It is very important to have this sulphite process tried out. And it cannot be properly tried out as long as this mill has only one paper machine. Therefore, lend it the money and let it put up another machine. I quite agree that this is superficially an attractive and is a logical proposal. But there are certain difficulties in the way of this proposal which have impressed the Government of India very much indeed. The House will realise that we have to look at this matter from a slightly different angle of vision from that of the Tariff Board. Now, our first difficulty is this. The Indian Paper Pulp Company is not even a joint stock company. It is a private company consisting, I believe, of three or four shareholders. The second difficulty is that one of the owners of the company is the owner of the patent process which is now being tried in the mill. The Tariff Board's proposal, therefore, is that we should advance 10 lakhs of rupees to a monopolist in order to enable that monopolist to try out a process which is covered by patent rights. That seems to us a very great difficulty indeed. Our third, and possibly our greatest difficulty of all, is this. We feel that if Government does give financial assistance to industries, it should be the sort of financial assistance which is equal for all competitors in that industry. Now, you have here a number of mills. Some of them are making paper from grass and one of them is making paper from bamboo. They are competing with one another in the Indian paper market, and we feel very great difficulty in advancing money to one of those mills and thereby giving it an advantage over its competitors in the Indian market. We think that such a course on behalf of the Government of India would be extremely difficult to justify. Moreover, if we adopt this proposal, we doubt very much if we can stop the subsidy to the Indian Paper Pulp Company. As soon as the Tariff Board's proposal was published, we got applications from other companies in India making paper from grass. They told us that they were

considering changing over from grass to bamboo and they asked that if we gave financial assistance to the Indian Paper Pulp Company we should also give them assistance for installing machinery for making bamboo paper. I think the House will agree with me that we should have found ourselves in an extraordinary difficulty had we accepted this proposal of the Tariff Board.

Then, again, much the same objections apply to the somewhat conditional proposal of the Tariff Board that we should give assistance to the Rajahmundry Mill. The soda process which it is proposed should be tried out in the Rajahmundry Mill is also a process which is covered by patent rights. Moreover, as soon as the Rajahmundry Mill begins to make paper, then, again, it will be competing with other mills in India. The Government of India are in a different position in this matter from a Provincial Government. A Provincial Government, quite legitimately I think,—because the development of industries is a transferred subject—may give special consideration to industries in its own province. And if there is one mill only, which is a pioneer industry of that province, then the Provincial Government no doubt can consider whether or not it should assist that mill. But the Government of India are in a different position. We have to take India as a whole and we have to consider the industries of the whole of India. Now, I hope that the House will agree with the proposal that I have put forward, namely, that, had we accepted these particular proposals of the Tariff Board that we should grant subsidies first to the Paper Pulp Company and then, in certain contingencies, to the Rajahmundry Mill, we should have found ourselves in an extremely invidious and difficult position. I hope the House will agree that in a matter of this kind the policy of Government should be that it should not discriminate unfairly between particular firms competing in an industry. Therefore, we devoted a great deal of time and care to try and find out an alternative solution. As I said we are very anxious to carry out the spirit of the Tariff Board's proposal. We are very anxious, in view of the Tariff Board's recommendation, to do what we can to help on this bamboo paper industry. That is why we have submitted this alternative proposal. The Tariff Board say : Give this protection for a period of five years. Our suggestion is that we should guarantee the protection for practically a period of seven years. The additional two years ought to give both to the Naihati Mill and the Rajahmundry Mill about just as much money as if we gave this subsidy. And we suggest that this is a much better way of achieving the end in view. We hope that, as we are offering the protection for a period of two years longer than is proposed by the Tariff Board, the shareholders of the Indian Paper Pulp Company and the promoters of the Karnatic Mills will be able to obtain from the public or put up themselves the necessary money for the trying out of this process. I have said that we are proposing to guarantee this protection for seven years, but I must make it plain that if after a reasonable period of time we find that no effort has been made to try out these processes, then we shall again have to come before the House and we shall have to consider with the House whether or not we should repeal this Bill. We shall not be able to take any action of that kind ourselves. It will be a matter for decision by the House.

I should just like to explain now why we have called the Bill the Bamboo Paper Industry (Protection) Bill. I have noticed that Mr.

[Sir Charles Innes.]

Kelkar and some others have got amendments down on the paper in regard to that point. We are following here the recommendation of the Tariff Board. They recommend that we should bank on the bamboo paper industry and that is the industry that we should protect. But I would draw the attention of the House to the fact that our import duties would protect all mills alike. The grass mills will get the benefit of these enhanced duties as much as the mills that are making paper from bamboo. That action, I think, is right, because here again all the mills which have invested money in this industry will compete on equal terms whether they are making paper from bamboo or from grass.

Now, Sir, that is my case and it is for this House to decide whether they are prepared to accept these proposals or not. The Tariff Board say that the burden on the consumer will amount to about 20 lakhs of rupees a year. It is for the House to decide whether they think it worth while to place that burden upon the consumer. We are prepared to accept what the Tariff Board say on that point. I should like to read an extract from paragraph 163 of the Report.

"The issue which the Government of India and the Legislature will have to decide is clear and well defined. If no assistance is given, it is probable that the manufacture of paper in India will cease, with a somewhat remote prospect of revival when wood pulp has grown very dear. The question for decision, therefore, is whether it is worth while to keep the industry going at what in all the circumstances is a moderate cost, or whether it must be left to its fate. For our own part we feel strongly that the disappearance of the industry at the moment when the use of bamboo opens up fresh avenues of development in the future would be very regrettable, and we believe that the proposals we have made are in accordance with the national interest."

I hope, Sir, that the House will accept the proposal that I have made. As I have said, we on the Government Benches are very anxious to make a start in this matter and that we should do what we can to help this industry to go ahead. If the House will pass my Resolution, I hope they will also agree to pass my Bill to-day because this is almost the last day on which, if we pass the Bill through the Assembly, we can pass it through the whole Legislature.

Sir, I move my Resolution.

Mr. President: It will clear the air if I were to explain how I propose to deal with this Resolution. I propose, in the first instance, to allow a general discussion to proceed for some time in order to afford an opportunity to those Members who want either to support or to oppose this Resolution. After that is over, I propose to take the amendments in the following order, of course, subject to the question of admissibility in each case. I propose to take the amendment standing in the name of Mr. N. C. Kelkar first. Next I propose to take the amendment standing in the name of Mr. K. Rama Aiyangar, which is 2 (*a*), and then I will take up the amendment standing in the name of Mr. Dumasia. After that I propose to take up the amendment standing in the name of Mr. Rangaswamy Iyengar, and next I propose to take up the amendment standing in the name of Mr. K. Rama Aiyangar, which is 2 (*b*), and also the amendment standing in the name of Mr. M. K. Acharya, both together. Lastly I will take the amendment standing in the name of Mr. Joshi.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhamadan Rural) : Sir, the two parts of my amendment (*a*) and (*b*) practically go together.

Mr. President : The Honourable Member will be given an opportunity to move 2 (*a*) first, and when that is disposed of, he will move 2 (*b*) later in due course.

Mr. Devaki Prasad Sinha (Chota Nagpur Division : Non-Muhammadan) : Sir, may I ask you to say whether those Members who have an interest in the bamboo paper industry will be called upon to declare their interest in the industry before we discuss and decide this question. I understand, Sir, that on the last occasion when the question of protection to the steel industry was under discussion, some Honourable Members were good enough to declare what interest they had in the steel industry. Therefore, I request you, Sir, in the interests of fairness and the good name of the Assembly to say that those Honourable Members who have any interest, personal and direct, in the bamboo pulp industry, should kindly declare it and not take part in the discussion.

Mr. President : The Honourable Member will address this inquiry to those who have an interest in the industry and not to the Chair.

Mr. T. C. Goswami (Calcutta Suburbs : Non-Muhammadan Urban) : It is a well recognised Parliamentary practice, Sir.

Sir Willoughby Carey (Bengal : European) : Sir, I wish to declare the fact that I am interested in one of the paper mills, but I appear to-day to speak on behalf of the industry as a whole, and not for any particular mills.

Mr. Devaki Prasad Sinha : Including the special mills ?

Sir Willoughby Carey : Yes, certainly.

Sir, we have heard the proposal of the Honourable Member for the imposition of a specific protective duty of one anna per lb. on all printing papers, with the exception of a few special kinds, the supply of which are not at present obtainable from the factories in this country, and with the proviso that such printing paper shall contain less than 65 per cent. mechanical wood pulp, and on all writing paper. This proposed increase in the present duty is about 4 pies per lb. over the existing duty of 15 per cent. *ad valorem*, which, at the present price and exchange, is equal to about 8 pies. We have been told by the Tariff Board and by the Honourable Member that this proposal is made with the idea of fostering the growth of bamboo pulping in India, and paper made from bamboo, and I was very glad to hear from the Honourable Member's closing remarks, that it is with the idea of also supporting the present established industry both working this fibre and also as a matter of necessity to assist the mills working with other fibres that this tariff is proposed. This is essential, because, as at present constituted, the majority of the mills are not working bamboo ; some may never be able to work bamboo, but others will. There are at present eight mills in India, some of which have been shut down for considerable periods owing to the rise in exchange and increase in post war costs, but chiefly due to foreign competition assisted by the exchange. It is for this reason, they are unable to pay any dividends, that they have arrived at the

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present position. We have persistently applied for the protection of the industry, in fact ever since the Industrial Commission first sat in 1916. From the year 1910 onwards, Germany and Scandinavia both, but principally Germany, made a dead-set at the Indian market in all kinds of paper, and for 18 months before the war, and for some period after the commencement of the war, they were unable through this intensive foreign competition to show anything in the way of profits. I do not attempt to define "dumping". It is altogether too controversial, but the fact remains that the surplus production of mills in other countries was put down here in India and sold at prices which to the best of our information it could not be produced at, and below the price in those countries themselves. This gives rise to the belief that now, as then, the same position is being reproduced. The war assisted the Indian mills to make good profits for a time, out of which some of them were able to pay their shareholders for a short time dividends which gave them an average over the previous ten years of about 10 to 12½ per cent. thus compensating them for the years in which they had received nothing. This, I think, Sir, the House will agree, is after all a fair return. The balance of profits during this short period of prosperity was placed to reserve, depreciation, renewals on machinery, modernising plant, and generally attempting to put the mills in a position to meet competition as far as possible when this period of prosperity had come to an end, as it was anticipated it must sooner or later do and as a mater of fact it has done.

I think, Sir, it will be agreed that this was a reasonable method of dealing with these exceptional profits for the benefit of the industry's future. As a result—here I am venturing to differ slightly from the opinion of the Tariff Board—these larger mills are now to a great extent modernised and up-to-date as compared with paper mills of the same age in other countries. Hopes were entertained that post-war conditions would prevent the very keen competition which existed before the war. The general slump all over the world has proved that this is not to be the case, and for the past two and a half to three years the industry has again been faced with much the same sort of competition, assisted still further by depreciated foreign exchanges, which they suffered from before the war, with the result that the appeal for protection has been made in order to avoid the complete extinction of the industry, which otherwise—if the present recommendations of the Tariff Board had not been accepted by the Government—must have occurred. We are indebted to the Government for their referring our claim to the Board and giving us a chance of making our case, and on the principle of the half loaf for their accepting the Board's recommendations—at any rate as far as they have done. I should like also to say that the industry is indebted to the Tariff Board themselves for their very keen and earnest endeavours to get down to the situation, to the actual facts, and to deal with them in the best way, and for their very courteous and helpful methods of examination. (*The Honourable Sir Charles Innes*: "Hear, hear.") During the whole period when the examination was going on, I should like the House to realise that the industry has not been sitting idly waiting but has been continuously pressing forward with improvements, in qualities of paper, in modernising of plants, in new systems and methods tending to reduce cost,—some of which arose out of suggestions made

by the Board during examination, but many of which were already in the programmes of the mills which had so far survived but which they had not had the funds to go on with, and some of which still remain necessarily to be completed. This line of action was taken in the confident hope that the Tariff Board and the Government and this House would recognise this industry as one essential for the country, and would make some recommendation to save it, such as this which now lies before the House. And I trust, now that the Government have made their recommendation, that the House will justify the faith of the industry and will accept it and put it into immediate force. India, no less than other countries, must have this essential industry firmly established all the time. There were 8 mills, of which 5 only are at present working, one of them only tentatively, and with their Local Governments' support, and the remainder working on reduced outturn and showing a steady monthly loss. This last condition, as I have already said, has been one of the regular features of the industry for the last two years or more and I am advised that, unless this protection is afforded by the Assembly, there will be no alternative but that the remaining mills also will close and the industry will be lost for ever to India. We have heard some remarks from the Honourable Member already on the subject of the possibility of this industry having to close down. I would like the House to consider what this would mean. Primarily it would throw many thousands of men and women out of employment—men and women of a class trained for the last forty years or so in paper-making and practically in paper-making only. It would mean a loss of wages to the country from this industry of 29½ lakhs per year, (which includes 8½ lakhs paid annually to labour upcountry for collecting the raw materials which the industry uses) ; a loss of 16¾ lakhs direct revenue to the State in railway freights, 2¼ lakhs loss to Government for royalties. It would also mean endangering the rosin trade, built up by the Forest Department, of which the paper mills are the best customers by a long way. It will also mean a certain loss from rates and taxes, and also the throwing on to the markets of large quantities of coal, lime and all sorts of other indigenous materials. There would be also an almost certain impossibility of being able to revive the industry if once the present mills are allowed to close. I say this because, even supposing India has a vast store of raw materials in the future, when the scarcity of wood supplies raises the price of wood pulp to a figure with which perhaps Indian pulp might compete, yet those who might otherwise have been tempted to come in will certainly think twice when once the industry has been allowed to die out. And even supposing capitalists bold enough might be found, yet even then the whole work will have to be done over again to re-establish the industry. Another danger which I think has already been pointed out but I think not clearly enough would be one which it is possible to read from the lessons of the war. I remember when giving evidence before the Industries Commission the question was raised as to why it was necessary to protect an industry of this kind. Why not let it die ? It was agreed then, Sir, that paper must be one of the essential industries of the country, in the event of war. And there were two or three years during which the supply of paper from outside the country for military purposes, post and telegraphs, railways, hospitals, general administrative government work, and so forth, was almost entirely provided by the mills then existent in the country. Further than that, the mills then in the

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country supplied the Ceylon Government post and telegraphs and as far afield as Hongkong and even Australia, owing to the fact that, while transport was possible from India to these countries, transport from Europe was not. In the same way transport from Europe was so continuously interrupted that over and over again all these activities which I have mentioned, and the Press itself, would quite possibly have had to close down temporarily and the general administration would have been seriously interfered with, to say the least of it. In this way, I may claim that perhaps the paper mills are just as essential a part of the life of a country, particularly a large country like India, as steel works or any other industry.

There are two main objections which, as far as one has been able to see from objectors' evidence and from press reports, have been raised to this small additional tariff which is now being proposed—(*Mr. Devaki Prasad Sinha* : " Small ? ")—and they are on the score of education being made to some degree more expensive, and secondly that the publishing industry in the country might suffer with a slight increase in the price of cheap literature. It is recognised by the industry that cheap literature and cheap education are both essential, but the incidence of the increased tariff is infinitesimal per head when you come to education, compared with the cost of the other essentials for educating the people, such as school buildings, land, furniture, teachers and all the other essentials. Apart from this I understand that a great deal of the primary education is conducted with the use of slates and black-boards, so that the argument with regard to education, when you get down to it, is really not a very strong argument. Then, with regard to publishing, the idea is not so much to raise the price of paper from the indigenous mills by this tariff but to suggest to the consumer that he should, as far as possible, use the product of those mills instead of foreign goods for his printing. What the industry wants is to regain its markets and get the quantities which will enable them to work at full output and so to reduce their overheads, which markets at present, without this small increased tariff, they cannot hold because of foreign competition.

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As regards quality, improvements are taking place constantly with the introduction of the better methods which have become possible by the expenditure of the reserves on plant, and I have here with me a book of all the qualities of the mills which will show that there is very little indeed of ordinary printing or writing papers which the mills cannot make even to-day with the exception, of course, of specialised qualities made from fibres not existing in this country, and with which the industry cannot at present be expected to compete. The question of quality is one which is always receiving attention and I think I am not wrong in saying that it has in the last two or three years been vastly improved and with better processes will improve still.

As regards the Press, Sir, those presses which have always used or can use foreign mechanical paper will still be able to use it because we had a discussion with the Tariff Board and willingly withdrew the request for protection of this class of paper and of any other definite classes of papers with which we cannot compete. Those, on the other hand, of the

presses who have been in the habit of using Indian made paper will still be in a position to do so, perhaps even more advantageously than now, when it is clearly understood that it is market and quantity that the industry asks for, not so much an increase of price.

One further argument which may be fairly used in favour of this increase in tariff is, I think, the fact that the Directory of Tariffs of all the world shows that every country in which paper is manufactured at the present time has taken stringent measures by tariffs to protect its factories. If I might give a few figures, Germany at the present time protects printing paper and writing paper at specific duties varying from 18 to 32 per cent., America 14 to 59 per cent., Japan 10 to 16 per cent., Canada 25 per cent., and France, Belgium, Italy, Scandinavia and other competing countries have all in the same way large tariffs in protection of their own mills, so that India will be by no means singular in wishing to protect this industry and keep it alive. I think, Sir, this is probably evidence that these countries all feel that paper mills are an essential part of their national life and that is why they wish to keep them going. Free trade as a principle is no doubt very sound and it has been of the very greatest value to some countries, but in an industry such as this, where every other country protects itself, free trade is surely an anomaly to the country which does not.

I believe and hope, Sir, that I have said enough to convince this Assembly of the desirability of this measure as proposed by the Government, and I repeat that the industry is duly grateful for this consideration which, I hope, will to-day receive the imprimatur of the House. This, if done, will encourage the industry to expand, and revive hope in the minds of those responsible for conducting the industry, who are themselves so largely financially interested in seeing it expand. I would remind the House that this is an industry in which a preponderating proportion of financial interest is now Indian. Even in those mills which are apparently run by European firms that is the case. The majority of my own mills' shareholding is in Indian hands, and four of our Directors are well-known Calcutta Indian business men, and I believe that some of the other mills which are not entirely and absolutely owned and run by Indians have the same record to show.

It is also an industry in which there is a possible future for many Indian educated men to take part. The question has been raised by the Tariff Board and elsewhere as to how far the industry is prepared to teach Indians the trade. Well, Sir, ever since I have known it, there have been opportunities given to men to come and learn. The Indian mills, of course, have sent men abroad or had them taught in India and they are now doing work in those mills. In the other mills a great deal of technical work, such as Chemistry, which is most important, is already in the hands of Indian educated trained men. We have in the mills in which I am particularly interested 5 Indian apprentices in training now. I would recommend in this as in other technical subjects that it would be advantageous for young men of sufficient education and a good physique, which is necessary because it is a hard, damp and trying industry, to take a portion of their training in some other country where mills are more varied in type and where processes are more constantly being renewed than has been possible in India up till now, and where also they would have the very great advantage of first-rate technical schools and institutes

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within easy reach. A training of that sort would fit men of the right kind to come into the Indian mills and take the place of technical men whom at present we have to import. It may perhaps even be possible to suggest to the Government that they might provide facilities in the way of special technical training by scholarships abroad.

The Honourable Member and the Tariff Board both mention a possible expansion in bamboo. I should like to say that in addition to the sulphide process about which the House has been told the soda process has been worked in the mills with which I am connected and we have experimented with it for many years in fact ever since 1912. We have made considerable quantities of paper from bamboo by the soda process and have worked both for ourselves and for Government in pure pioneering work since that date, and have at the present time a plant ready in the country for erection. So far, the failure of markets has prevented the raising of capital to enable this to be gone on with. There might have been much further development in this direction perhaps in Burma but for the fact that the Burmese Government made conditions very difficult by not being willing to give a concession for longer than 21 years for the working of bamboo, which of course was a period insufficient to assure the return of capital even on a successful venture during that time. Also other difficulties existed in Burma in the direction of the riparian rights on the big rivers, the bamboo cutting rights, and so forth, which were vested rights and which it was very difficult indeed to overcome. The passing of the tariff will encourage those responsible undoubtedly to go on with it, possibly elsewhere, and to work it so as to get commercial results as soon as their finances permit. I think very likely that other mills in addition to those that have already touched it or those which are proposing to do so, will be encouraged by the increased security of markets to consider the use of bamboo in paper making in due time, by which time those who are at present working will have obtained a certain amount of definite commercial results. I would suggest that when the time comes these processes and the assistance of them may be taken further into consideration and if necessary some assistance given later in making this development easier. In the meantime, the pioneer work will go on, and if successful, must be a great asset to the country.

If I may be allowed one criticism of the terms of the Bill, it is the omission of Browns and Badamis from protection. These are commonly used as writing papers, and are by no means only to be included under the heading of wrapping papers. Then also Manillas should have been included as these are the chief source of Indian postcards and also the Indian quality has a large general sale which will now probably disappear. Another point of criticism which I wish to make is that no provision has been made to protect the trade against rises in exchange. On page 30, paragraph 47 of the Tariff Board's report they state :

> "The tariff machinery must, however, make provision to safeguard industries from the injury they may suffer by sudden fluctuations in exchange."

Sir, I submit that the Government Resolution and proposals do not provide this machinery. We have seen the pernicious effect of this omission in another case by which another industry has been forced to come again and again to Government in order to make up the necessary margin to enable them to live, which was anticipated when the tariff was imposed

they would have had, but of which they have been robbed by the successive rises in exchange. Sir, it seems to me that the present would have been a favourable opportunity for starting a machinery such as is mentioned, which would in this trade and in others have obviated this constant need for application for further assistance, with all the waste of time to the industry itself, to the Government, and to this Assembly, involved in each instance. I admit that there are very well known difficulties and that other countries which have attempted this automatic adjustment have found it difficult. But which is better—to face these difficulties now at the outset of a fresh tariff, or to face a possible and almost certain recurrence of these applications for assistance? It seems to me, Sir, that it should be possible, although those more versed in the special line of tariffs may possibly say that there are difficulties even in this—it seems to me that it should be possible to make a half-yearly adjustment, not retrospective, but covering the following half-year automatically by taking the average rate of exchange for six months and fixing a duty based on it as the rate for the following six months.

Mr. B. Das: May I know whether the Honourable Member wants to fix the exchange at 1*s.* 4*d.* or 1*s.* 6*d.*? What is his idea about the fixity of exchange?

Sir Willoughby Carey: I am not talking of fixity of exchange at all.

Mr. B. Das: Would you like to have a fixed rate of exchange for such periods of six months?

Sir Willoughby Carey: No, Sir. I think the Honourable Member is not following me. I should be very pleased to discuss that with the Honourable Member at any time. An arrangement of this sort should not surely cause a great deal of trouble in the Customs, and would ensure that whatever the rises were in exchange, sooner or later the industry would recoup their losses. This industry has been driven very hard against the wall in the last two or three years, and is very nearly at the end of its tether, and therefore even if I trespass in making this suggestion I trust that I may be forgiven, and I recommend it to the consideration of Government if exchange rises. The Honourable Member when speaking of the grass mills said.....

Mr. President: Order, order. Considering the great importance of the subject I have allowed him sufficient indulgence. I hope that he will now bring his remarks to a close.

Sir Willoughby Carey: Very well, Sir, I will finish at once. I have now placed the case before the House. Owing to the peculiar circumstances of the case which have been explained to us, in order to prevent any possibility of the passage of the Resolution and the Bill being delayed until the next Session, with the certainty of the country being flooded with foreign goods, I would request the House to accept and pass this Resolution and in due course the Bill, to-day. I sympathise with many of the amendments on the paper but much of what the Honourable Sir Charles Innes has told us seems to me to deal with a good many of them and I accept his explanations. For the time, therefore, I trust that none of them will be pressed to the point of jeopardising the passing of the Resolution and the Bill to-day, and so at least give the trade the half loaf to keep them from immediate starvation.

Mr. Devaki Prasad Sinha (Chota Nagpur Division : Non-Muhammadan) : I rise to oppose this Resolution wholesale. Sir, for a long time we in this country have been accustomed to many kinds of epidemics. People suffer from the epidemic of plague, the epidemic of cholera, the epidemic of small-pox, but under the new regime of the Reforms Act a new epidemic has been let loose upon the people of this country in the form of an epidemic of protection. (*An Honourable Member* : "What about unemployment ?") Sir, a year ago we were discussing whether to grant protection in the form of bounties and protective tariffs to the iron and steel industries in India or not. Some of us apprehended that once we encouraged the policy of protection we shall be flooded with applications for protection from all parts of the country. Well, Sir, our apprehensions have now proved true.

Mr. A. Rangaswamy Iyengar : It was a certainty all along.

Mr. Devaki Prasad Sinha : We have in this country an infernal nuisance called the Tariff Board which invites all people to come before it with a begging bowl and we have here a benign Government which listens to all applications forwarded to it through the Tariff Board for inflating the dividends of a few capitalists. Sir, I know that my humble voice of protest against this policy of robbing Peter to pay Paul will not have much effect here, but I feel that I shall be lacking in my sense of duty to my constituency and to my country if I do not in unmistakable terms declare that the present measure which is supported in the name of Indian nationalism is no patriotic cause at all but a measure for deceiving the large bulk of the nationalist population in this country who are guided by vague ideas of patriotism into doing things which are clearly against the interests of the vast bulk of our countrymen. (*Honourable Members* : "Question.") Well, Sir, my Honourable friends do question this, I know that, and I also know the reason why my Honourable friends question it. Well, Sir, the arguments which we have heard this morning advanced—I fully believe in the public interest—by my Honourable friend Sir Willoughby Carey are the usual arguments advanced in favour of protection whenever protection is demanded by any capitalist. We have been told, and very cleverly, that the first danger which faces us is that a large number of labourers will be thrown out of employment. Well, Sir, the concern which our capitalists show for the cause of labour and the interest which they manifest in labour employed in certain industries are well known to Members of this House. Capitalists in India more than capitalists elsewhere regard their own dividends and the profits of the middlemen as the first charges on their industry and the protection which they demand at the hands of Government is not protection for an industry which they describe as a national industry but protection for their own dividends and protection for the profits of the middlemen. We have been told that if the paper industry is allowed to sink down, it will be very difficult to revive it again. If it is an industry in which there is something intrinsically wrong, and is incapable of competing with industries in other countries, then it is the duty of the capitalists first to improve their machinery and to bring about a better method of production because after all when this industry prospers and when they are enjoying dividends they would not come to the State and return the money which they have taken from the State in times of necessity. The income and the dividend which they will derive if this industry prospers

will all go to fill their own pockets. If it is an industry which is described as a national industry and which, in the words of Sir Willoughby Carey it is necessary to preserve for the maintenance of the national life of our country, then I believe that the only effective remedy that can be applied to remove the present diseases in the industry is to nationalise that industry. If the capitalists want subsidy, there is no difficulty in finding money, but when we want to be given what really belongs to us in justice and in equity, then my Honourable friends the capitalists and the bogus capitalists of this House like Mr. B. Das and others raise the bogey of poverty before us.

Mr. B. Das : Is the Honourable Member entitled to call me a bogus capitalist ?

Mr. N. M. Joshi : Is "bogus capitalist" a Parliamentary expression ?

Mr. President : Mr. Devaki Prasad Sinha.

Mr. Devaki Prasad Sinha : I know, Sir, that capitalists are always adepts in the art of making their own material necessity appear as moral virtues for a country (*An Honourable Member* : " Like lawyers.") The demand for protection in this country is backed by the patriotic sentiments of a large bulk of educated opinion in our country. I admit that. I do not overlook that fact, but the fact that at present the majority of educated Indians are in favour of a policy of protection is due to the widespread propaganda carried on for securing their favour by the resourceful and unscrupulous capitalists of this country. (*Honourable Members* : " No.") I hope that some day we shall realise that the Indian capitalists are as much a danger to our country as the British Government itself.

Mr. B. Das : Mahatma Gandhi says so.

Mr. Devaki Prasad Sinha : Mahatma Gandhi says so and his interpretor Mr. B. Das explains his views to us. Protection, if it is necessary for any industry, should be given first of all to that industry which is the oldest industry in the country and which feeds all other industries, namely agriculture. If agriculture—which I do maintain, in spite of the laughter of my agriculturist friend Mr. Gaya Prasad Singh, is the largest industry—receives protection, the purchasing power of the community will increase and the demand for all articles produced in the country will consequently increase. The result will be that all our native industries would receive a natural stimulus which no State aid can provide. Although we listened to the speeches of His Excellency the Viceroy and His Lordship the Secretary of State about their proposed programme for an agricultural revival and an agricultural improvement in this country, when we come to concrete facts we find proposals for protection to be given to industries that are anything but national. In this case we are discussing whether we should grant protection to the paper industry or not. To put it plainly we are discussing whether we should impose a tax upon education or not. In my province at any rate, the average cost of educating a boy in the primary schools is about Rs. 3 per year. My Honourable friend Sir Willoughby Carey says that the rise in the cost of education of a boy will be very infinitesimal. Well, Sir, I do not know what experience my Honourable friend Sir Willoughby Carey has of primary education in the rural areas. In our

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province at any rate I find that whenever we make proposals for the expansion of primary schools and for educating more boys in the three R.'s we are faced with the difficulty of finding money, although any amount of money which can be spent on spreading primary education would be so much benefit conferred directly on our people. Here in this case, Sir, we are imposing taxes upon the spread of knowledge and the spread of democratic ideas in our country. Then again the tax on paper will also produce a very bad effect upon vernacular journalism in this country. (*Cries of* "No, no.") Yes, it will. If my Honourable friends will only have the patience, I shall explain what I have to say. It is well known that if one kind of paper receives protection and the price of that paper goes up in the market, then it has its effect upon other kinds of paper as well, and, Sir, I believe that the first industry to be affected on account of protection being given to the bamboo pulp paper industry would be the vernacular press in this country. (Laughter.) Well, Sir, I believe that in due course this Resolution will be passed and in a few minutes we shall also have on our Statute-book a law declaring the grant of protection to the paper industry, and I also believe that next year the paper industry will, like the Tata iron and steel industry, come up for additional protection from us. I believe that our patriotic leaders, like Mr. Jinnah and others, will say, 'what does it matter if we take 60 lakhs or 20 lakhs or 30 lakhs from the taxpayer? Let us pay that to the rich industrialists in Bengal or Bombay.' Well, Sir, I know that with many of our countrymen the demand for self-government is nothing but this: they want an unrestricted right to exploit the vast bulk of our countrymen undisturbed by capitalists abroad. (*An Honourable Member*: "Question.") (*Cries of* "Hear, hear.") I do hope that in the near future we shall realize the dangers from this mischievous policy which is being pursued by a section of our countrymen. To-day we have not got the resources with which the insidious propaganda that is carried on by capitalists in all parts of the country can be combated, but I hope that the conscience of the people of our country will soon be roused and they will realize that a demand for protection in the name of a nationalism is nothing but a demand for self-aggrandisement at the cost of the vast bulk of our countrymen. For these reasons I oppose this Resolution, which I submit is the first of a series of proposals for granting protection to various industries that do not deserve any protection at all. (Applause.)

Mr. Narain Dass (Agra Division: Non-Muhammadan Rural): Sir, I would not like to give my whole-hearted support to the proposals of the Honourable the Commerce Member. The best that I can think of it is that, so far as the recommendations of the Tariff Board in favour of fostering the paper industry are concerned, the Honourable the Commerce Member has given but a step-motherly treatment. If we turn to page 93 of the Tariff Board's Report, we find their main recommendations in very clear terms. I will not read the whole of that, but I would refer to a very small passage:

"The two aspects of our proposals may be summed up in this way. In order that the manufacture of bamboo paper may be kept alive during the next five years and its possibilities thoroughly explored, two things are necessary, namely: (*a*) The raising of additional capital not exceeding Rs. 20 lakhs in all. (*b*) An average net price for white printing and writing paper of about Rs. 560 a ton at the mill. Neither of these remedies will suffice without the other."

The Tariff Board clearly say that the one recommendation, divorced from the other, if brought into operation will lead us nowhere, and I do not know, Sir, why one of the main recommendations has been left out. One will find from the interesting report that it is not only the protection of the paper industry that is required at the present moment ; there is a good deal to explore, there is a good deal to experiment with, and it has been definitely laid down that capital, at least for the paper industry, will be very difficult to raise. That is why they make it as one of the main recommendations. Sir, the inquiries of the Tariff Board not only in respect of this industry, but I should say, concerning all the industries that have been referred to them, are distinguished by a thoroughness which perhaps we do not find in other inquiries. I will just refer to the well-deserved credit given by His Excellency the Viceroy while speaking in general terms of the few inquiries entrusted to the Tariff Board. Such being the thoroughness, such being the level, the standard, of its inquiries, it is all the more regrettable that their main recommendation has not been incorporated in the Bill. Sir, many exemptions have already been made in this report. All the newsprint has been exempted from the operation of the duty and many more kinds of paper besides. No sort of restriction is going to be imposed upon them, and they have tried to meet the situation from every point of view ; and the minimum of help that they can think of, having in view all the factors of the situation before them, they have incorporated in their recommendations. Sir, when we have once committed ourselves to the principle of protection, the bogey of cost, small and trifling, need not stand in our way. If we keep in mind the words of the Tariff Board, "keeping the industry alive", then we will realize that it is not a question of stimulating their development ; it is a question of maintaining their very existence, their very life. If so, is the question of a small rise in prices going to stand in our way ? But they have not ignored that point of view also ; as I have submitted, they have exempted from the operation of their recommendations a very large volume of paper which is used by newspapers and known by the name of "newsprint".

I will not say anything, Sir, about the particular views given expression to by the Honourable Mr. Devaki Prasad Sinha. Those views, so far as we are concerned in this country, are chiefly outlandish. They may apply in the case of countries of established prosperity, but so far as our poor country is concerned, so far as our industries are concerned, I think it is a more or less parrot-like repetition of certain principles which are not at all applicable to our country. Sir, with regard to that propaganda, I do not know what messengers and what emissaries have gone to our Honourable friend Mr. Devaki Prasad Sinha and carried that tale. Sir, I am living amongst capitalists, I am living amongst industrialists, I am living amongst shopkeepers. Nobody came to me and made any insinuation. How does he lay such a charge at the door of the capitalists and industrialists ? Are they not going to foster the industries, are they not going to apply their experience to the good of the country ? Are they going to be scared away by the insinuation of a propaganda ? Who carries on the propaganda and what for ? Here is an important industry which is in a dying condition, and here are the findings of very disinterested people (the Tariff Board) to keep the bamboo paper industry alive, and I think that carries

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the idea that the bamboo industry is in a bad way, and that substantial help should be given to it, in the way of loans as well.

Sir, I believe the paper industry is one of those industries which if given substantial help will very soon become self-supporting. It is not the case, I think, with many other industries. We find that it is only a very small increased production that would suffice to meet the demand of this country, if it is not very fastidious in the use of fine paper so far as ordinary wants are concerned ; and it is all the greater reason why this industry should be given all possible help. Giving a loan should have been one of the proposals contained in this Resolution. With these words, Sir, I support the motion so far as it goes, but at the same time, I submit that it is a rather halting measure.

Mr. E. G. Fleming (Burma : European) : Sir, the Tariff Board in their Report at page 71, section 111, state :

> "Five sites were selected by Mr. Pearson and Mr. Raitt as being those where the exploitation of bamboo as a paper-making material could best be attempted in the near future."

Of these, three sites were in Burma. Honourable Members may have seen an amendment which I have submitted and in view of this paragraph may have thought that that amendment was frivolous. I maintain that that paragraph of the Tariff Board is misleading and to those who are uninformed it will give a wrong impression. My Honourable friend Sir Willoughby Carey has already informed you of the experience his firm had when they attempted to start bamboo pulp making in Burma, Pegu district. Some 12 or 15 years ago, that is before the war, the firm I was connected with in Burma investigated the possibilities of starting the bamboo pulp industry on the reports received from the Forest Department, but the prospects of the venture proving profitable on a commercial scale appeared so unlikely that the consideration of the proposition was abandoned. I have it on reliable authority that recently the area in the Arrakan Division, near the port of Akyab, has been thoroughly investigated and nothing has materialised, if the propositions have not absolutely been abandoned. There are sixteen thousand square miles, according to Mr. Pearson's estimate of rustling bamboo jungle, which must be a wonderful sight, one of those places where every prospect pleases and only man is vile. To turn to Tenasserim Division near the port of Tavoy, I possibly am the only person present who has had the experience of residing in that delectable district for any length of time. My Honourable friend, Mr. Roy, may possibly have visited Tavoy district in the course of his duties and he will know something of the jungle there. It is admitted that bamboo is very prolific in that district, but in the Tariff Board's Report they themselves state that conditions are favourable, except that coal would have to be imported by sea and labour would also have to be imported. These two points I fully endorse, but there is one further point that the Tariff Board have omitted to lay stress upon. That is climatic conditions. With your permission, Sir, I will read an extract from Mr. A. W. G. Bleeck's paper on some occurrences of Wolframite lodes and deposits in the Tavoy district, which was included in the Records of the Geological Survey of India, Volume 43, pages 48 and 49 :

"The field-work which furnish all data for this paper, was carried out during the months of August and September. Only those who have passed through a rainy season in Lower Burma can appreciate the difficulties and discomforts of outdoor work during these months. In a sparsely populated country, where rest-houses are few and far between, and where roads are either non-existent, or in a very bad condition, where the jungle is practically impenetrable, and finally where the ordinary conveyances such as bullock carts, boats and coolies are difficult to obtain, it was naturally impossible to go very far afield."

That note terminates with this remark on the climate :

"The climate is by no means all that could be desired. The jungles are infested with mosquitos, sandflies, etc., and every precaution must be taken to guard against fever. The rainfall is a very heavy one, close upon 300 inches per annum, and most of this falls between the middle of April and the end of October."

That, Sir, is the district in which you would have to import your labour to make the bamboo pulp industry. That is the district that the Tariff Board deem fit to express as a place where the conditions are favourable for the exploitation of bamboo and for making bamboo pulp. That statement, I maintain, is incorrect, nor will it be possible to develop the bamboo pulp industry in Tavoy district on a large and commercial scale until some means are found to combat the scourge of Tavoy fever in the jungles, and transport conditions are improved. On the whole, I submit that the prospects of developing the pulp industry in Burma still seem to be a long way off.

(Several Honourable Members rose in their places.)

Mr. President : Order, order. I think if the House desires to make any headway with the large volume of business that appears on the agenda, it should proceed in a businesslike manner. I propose now to take up the amendments and restrict the discussions to each amendment. Mr. Kelkar.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadan Rural) : Sir, I move the amendment which stands in my name, namely :

"That after the words 'the bamboo' the words 'and grass' be inserted."

On the general question I need not say anything. I have anxiously considered the advantages as well as the disadvantages of the duty that is going to be imposed, and I have come to the deliberate conclusion that it is in the interests of my country that this duty should be imposed. About the amendment, I will say this, that it is intended mainly to prevent obliteration of grass as raw material from the minds of the Government and the public, which obliteration, I am afraid, will be the result if the word "bamboo" alone is kept in this Resolution and no mention of "grass" is made. My purpose, if I may put it in another way, would be served if the word "bamboo" is omitted as an alternative. I will at once make my position clear. Not that I object to the word "bamboo" being there, but I insist that if the word "bamboo" be there, the word "grass" also as a companion raw material must be there. You should either take away both the words or keep both the words, for both of them are nearly of equal merits in the field of raw materials which have been having a trial for a long time. Grass perhaps had even a longer time of experience than bamboo. It is true that protection, that is now being given, is taking the form of an import duty, and therefore the possible benefits of the import duty will be automatically absorbed by all kinds of paper mills in the

[Mr. N. C. Kelkar.]

country. I can quite understand that argument, but that very argument militates, in my opinion, against the special and exclusive mention of bamboo. If by the present measure your only object is to give protection to the paper industries of the country then why should you insist upon keeping the word "bamboo", and insist at the same time upon omitting the word "grass"? If it were a case of giving a subsidy, as has been adverted to in the recommendations of the report, then perhaps there might have been some point in saying that, whereas a specific subsidy is being given to a particular industry, namely, the bamboo industry, therefore the word "bamboo" must be retained. But if, according to the admission of Sir Charles Innes himself, the relief to be given is in the form of protection only, then I do not think there is any harm in either inserting the word "grass" along with "bamboo" or omitting both the words from the Resolution as well as the Bill.

Now, I have tried to understand why the word "bamboo" has been retained. Possibly such a special mention may have been intended to express the advertence to the judgment passed by the Tariff Board upon the comparative merits and prospects of paper made from bamboo and grass. But if you go into the discussion of the merits of both these kinds of paper, which is contained in the Report itself, you will find that both these raw materials run almost close to each other in point of efficiency as raw materials. Any impartial reader of the discussion of the merits of the two raw materials in the body of the Report will find that, whereas the Tariff Board started and for some time even developed a scrutiny into the merits of the two raw materials with a sort of impartiality, as soon as they arrived towards the close of the Report and were on the point of making recommendations, the spear point of partiality was forced in favour of bamboo, and grass was allowed to drop through the fingers. The one thing that I have observed, in carefully reading the body of the Report, is this that, though it appears that the Tariff Board has expressed a favourable judgment for bamboo and against grass, the judgment is obviously tentative. And who knows that in course of time, even perhaps a very short course of time, if the Tariff Board were again called upon to revise its judgment, it would not revise that judgment? The reason is this. A very large number of variable factors necessarily enter into the production of both kinds of paper; for instance, the crop of the raw material, supply of coal or fire-wood, or the generation of electric power, or the rate of labour wages prevailing in the locality, the facilities of transport, etc., etc. Now, all these are so many variable factors which go either to make the industry economically advantageous or disadvantageous. For the moment perhaps it happens, according to the evidence placed before the Tariff Board, that the Tariff Board thinks that the paper made out of bamboo has a good prospect before it and its manufacture will be beneficial. But I submit that that judgment must be taken as essentially tentative because it depends mainly upon so many variable factors.

As for grass, you will find favourable references to it in the body of the Report itself. Sir Charles Innes has drawn your attention to some passages of the Report about bamboo. I would like to draw your attention to some passages in the body of the Report relating to grass.

The Tariff Board has assumed that there is an initial difficulty with regard to grass. It thinks that you cannot get clean grass. On page 64, however, you will find this passage :

"This difficulty of obtaining clean *sabai* grass is only a minor disadvantage, which it should be possible to overcome."

Then later on referring to Mr. Pearson's evidence the Report says :

"In giving evidence before us Mr. Pearson said that he adhered to his previous statements, subject to the qualification that there was more grass in the Sewaliks than he was then aware of."

Here is an instance of an expert revising his own judgment and naturally, as evidence grows, experts will have to revise their opinions hereafter also. So my contention is that the opinions of these experts on a matter like this should not be regarded as conclusive and final. All such judgments are bound to undergo revision according to the evidence discovered. Then on the same page (65) the Tariff Board makes the following statement :

"On behalf of the Bengal Mill it was said 'the supply of grass is largely dependent upon labour and transport'."

They have obviously been referring to the variable factors which I have mentioned. The Report continues :

"Eliminating these two factors, there has never been a time when ample grass has not been available for our requirements, in spite of competition from other mills. Extension of the railway system opens up vast areas."

—that is how unfavourable factors are eventually got over—

"and we look upon the supply of suitable paper-making material in India as unlimited."

Then on pages 67 and 68 you have the following statements. Before I read this statement I may say that it is generally agreed that grass has no inherent disadvantages as such. There are no inherent disadvantages but only extraneous disadvantages, which naturally can be got over under conceivable conditions of improvement. Paragraph 105 of the Report says :

"We think the evidence justifies us in saying that, the conditions of the Indian paper market being what they are, and with pulping wood at its present price, the paper mills in India which use *sabai* grass have no natural advantage in competition with imported paper, but on the contrary are at a disadvantage. India may possess an advantage, however, in so far as it may be possible to erect paper mills in the immediate vicinity of the raw materials, provided a site can be selected where cheap hydro-electric power is available."

That means that, if new coalfields are discovered, if fire-wood becomes suddenly and unexpectedly available, if electric power schemes are designed and constructed, and the whole scheme of local conditions improve, then what was at one time considered to be impossible would at once become possible. Therefore, Sir, I still contend that the expert's opinion or judgment in a matter like this ought to be accepted with caution and not in a cocksure manner. Here again in paragraph 106 of its Report, the Tariff Board says :

1 P.M.

"But the estimate that was placed before us"

—speaking about the effort made by the Titaghur Paper Mills—

"But the estimate that was placed before us of the cost of grass pulp in such a mill had not been sufficiently considered and is without value, without evidence. The success of the scheme depends entirely on whether cheap electric power is available, and on the local supplies of fire-wood. If the conditions are *unsatisfactory*

[Mr. N. C. Kelkar.]

in these respects, we are not satisfied that the scheme would reduce the cost of paper made at Titaghur."

That means that, if the conditions are favourable, what was found impossible would become possible. Therefore, again I contend that the judgment of the experts ought to be regarded only as tentative.

Then *per contra,* at page 69 we have got considerations set out against bamboo also. So the House will observe that the merits of bamboo and straw or grass are very nearly equally balanced, and it is perhaps I think only an accident that the merits of Bamboo as raw material have been regarded as predominant as between the two.

Then, finally, I will only say this, that by way of summing up as it were the merits, the Report says, on page 80 :

"It is clear, we think, that the grass mills in Bengal and the United Provinces could not continue production and would have to close down"

if timely protection were not given to them. Now supposing the recommendations of the Tariff Board were accepted as the best judgment that could be relied upon as coming from a body of experts, then we might have to take up the recommendation, which is now turned down by Government, of giving an actual subsidy of 10 lakhs to one mill. If that expert opinion were faultless, I ask, why did the Government turn down that particular scheme of giving a subsidy of 10 lakhs ? Therefore, I think the opinion of the Tariff Board is not infallible, and in my opinion the Tariff Board has unconsciously shown a sort of undue inclination of judgment, I will not say partiality, against grass and in favour of bamboo.

There is one more delicate consideration which, however, I must mention. The scheme of subsidy which the Board has mentioned goes to benefit a company which has no Indian directorate, which has no Indian shareholders, and which has no Indian capital—precisely the conditions which have been laid down as guidance for us in affording any measure of protection to any industry when we passed the scheme of protection to the steel industry at one of the previous Sessions of the Assembly. That again shows, in my opinion, that the Tariff Board proceeded with a sort of undue inclination in their mind towards a particular company and a particular industry which, I think, was not quite fair. Has similar help been given to experiments made with grass as raw material for paper ? If that could be pointed out, then perhaps I may acquit the Tariff Board of this undue inclination or partiality. Now the Board, I think, owes it to itself that ground for objection should arise to concessions to bamboo paper, or a concern which does not satisfy the conditions just mentioned.

One other point that I wish to make is that apparently the possibilities of grass paper have not been fully explored and have not been given up as hopeless. Some mills are at present going on with grass as raw material, and I think there is just a fair prospect of other mills also taking to the manufacture of paper with that material. The Saharanpur Mill has already been mentioned, but I would in this connection refer to a letter which I received the other day from a friend of mine who is an enterprising industrialist and is just going to launch a paper factory in my own province, the Maharashtra. He says this :

"You know, I am interested in a scheme for making paper from grasses in the Khandesh district. I have had experiments made in England from these grasses,

and very good paper can be made. I brought out an English paper expert to India at my cost, and after getting a favourable report from him, I submitted a scheme to the Bombay Government. The Bombay Government after satisfying themselves have given me an agreement in the name of the Secretary of State allowing me certain concessions to use forest grasses in the Khandesh district, near the Tapti river at concession rates. My scheme would require a capital of 30 lakhs."

—not a small sum—

"Now the Dehra Dun paper expert of the Government of India wants that my grasses, although they may have given satisfaction to the London expert, must satisfy the Dehra Dun test. I do not know what this means. However, we are confident that our Khandesh grasses will satisfy Mr. Raitt, the Dehra Dun expert, and I am asking this gentleman to put to the test these grasses as much as he likes. Meantime, the Tariff Board wants to give financial aid only to a European firm which wants to make paper only from bamboo. Bamboo is a good material, but it does not mean that you should shut out grass from Khandesh if it is found to be a good material."

That supports my point, that the possibilities of grass as raw material have not been quite exhausted, for different localities favour different raw materials. Burma may favour bamboo. In Khandesh perhaps you cannot have any bamboo, but you can get abundant grass on the river side. If grass is not in the immediate vicinity of industrial centres, then we can conceive of capitalists taking their concerns and mills right up to the place where you can get the raw material and if in course of time we get good control, as we want it, over the administration of Railways then we can make the Railways arrange for concession rates for the transport of manufactured goods from the factories to the markets. My point is that the industrial survey of the country from this point of view has not been completed, and who knows that the industrial survey, if it is pursued in the proper spirit, will not disclose new coalfields, new schemes or possibilities of electricity, new fields of labour and new facilities of transport. If all these are realised then what was impossible becomes at once possible, and you will find that grass has in its favour predominant advantages over even bamboo. We have seen that the owners of match factories, for instance, are already thinking of removing their factories from industrial centres to the forest where they can get raw material enough.....

Mr. President: The Honourable Member has exceeded his time.

Mr. N. C. Kelkar: And I have finished my speech, Sir. For all these considerations it would be unjust to confine the protection to bamboo and to condemn grass.

***Diwan Bahadur M. Ramachandra Rao** (Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, the only point that I would like to raise is whether this Resolution which says that there should be an imposition of protective duty should in its terms confine it to the bamboo paper and paper pulp industry. The Honourable Member who has moved this amendment himself referred to the contemplated construction of a mill at Saharanpur which would be really fed by grass. That being so, it is quite clear that the imposition of the duty may help not only the bamboo but also the grass industry and every other mill which manufactures paper in India. On page 82 Honourable Members will find that the evidence leads us to think that the manufacture of paper out of *sabai* grass would not be possible in any other region in India under a system of absolute free trade. Further, Sir, the only point for consideration in regard to this amendment is whether it is absolutely correct that the imposition of

* Speech not corrected by the Honourable Member.

[Diwan Bahadur M. Ramachandra Rao.]

protective duty would only help the bamboo paper and paper pulp industry. It is quite possible that some of this protection would also reach mills which are now using *sabai* grass and in that respect I think there can be no quarrel at all between the proposal of this amendment and that of the Honourable Sir Charles Innes, for after all what matters is the protective duty, and that duty helps not only mills which now manufacture bamboo paper but also those that use *sabai* grass. Otherwise, it would lead to difficulties. Honourable Members will also find that in the Title to the Bill my Honourable friend uses exactly the same words :

"to provide for the fostering and development of the bamboo paper industry in British India."

Therefore, Sir, this protection would be a help not only to mills which now use paper pulp but also *sabai* grass and it seems to me that he should bring the Resolution into conformity with the actual facts. (*Mr. Devaki Prasad Sinha* : "What will be the cost ?")

Mr. Abdul Haye (East Punjab : Muhammadan) : Sir, I rise to give my whole-hearted support to the amendment of the Honourable Mr. Kelkar. In doing so, I want to examine the position that has been taken up by the Honourable the Commerce Member. I propose to examine this position in two ways ; one is with a light heart and the other is rather seriously. When I propose to examine his position.....

Mr. President : The Honourable Members already know what the position of the Honourable the Commerce Member is. I would ask the Honourable Member to restrict himself to the amendment. I do not want a general discussion on the whole Resolution now.

Mr. Abdul Haye : I will confine myself to the amendment, Sir, but what I want to say to this Honourable House is that the position of the Commerce Member, when he ignores our amendment, is not justified. What I want to say is that the Commerce Member, when he is out to give protection, would give it to the stronger and would ignore the weaker. I want to tell the Honourable Member that bamboo is strong enough to protect itself—rather it can protect the Honourable Member also. But, Sir, it would be a gross error to ignore the claims of grass and the grass industry will have its grievance against you. Sir, my Honourable friend has related all the grounds that the Tariff Board have put down in their report for ignoring the grass industry. But, Sir, there is another aspect of the question. He has told you that the existing mills that manufacture paper out of grass material have not made out a strong case and have not satisfied the conditions that have been laid down by the Fiscal Commission. Sir, I want to draw particular attention to a mill that has been erected or is being erected. (*Mr. Devaki Prasad Sinha* : "Are you interested in it ?") No. I want to make it abundantly clear, Sir, that I am not interested in any paper mill and there is no likelihood of my getting interested in the near or the distant future. I want to draw the attention of this Honourable House to the Punjab paper mills that are being erected near Saharanpur. Sir, in drawing attention to that mill, I want to quote from paragraph 132 of the Tariff Board's Report. It says :

"The existing paper mills which use *sabai* grass do not satisfy the conditions laid down by the Fiscal Commission, and their needs are therefore irrelevant in

considering the claim to protection. There is, however, one locality in the north of India where the conditions are unusually favourable for the manufacture of paper from *sabai* grass for sale in the markets of Upper India, and a moderate amount of protection at the outset might facilitate the establishment of the industry there."

Sir, the question is why should the Honourable the Commerce Member take into consideration those portions of the Report that speak of the existing mills that manufacture paper from grass. We have to take into consideration the condition of this mill also which is in its infancy, if not in embryo. We are proposing to give protection for a period of seven years. Does my Honourable friend mean to say that during the coming seven years this mill will not be able to manufacture paper from grass? Sir, you will allow me to quote a few passages.

The Honourable Sir Charles Innes : Might I interrupt the Honourable Member for once? I do not think he understands that all grass mills will get just as much benefit from the new tariff as will the bamboo mills. I think most of his speech is being made under a misapprehension.

Mr. Abdul Haye : Then why not include grass also?

The Honourable Sir Charles Innes : Read the Tariff Board's Report.

Mr. Abdul Haye : What will you do if my Honourable friend's amendment is accepted?

The Honourable Sir Charles Innes : Read the Tariff Board's Report; you will get your answer.

Mr. Abdul Haye : I want to draw the attention of this Honourable House to paragraph 128 of the Report, which says :

"The condition is clearly not satisfied in the case of the existing grass mills. But a mill erected near Saharanpur would have an andvantage of Rs. 75 a ton in the cost of grass, and, provided its hydro-electric power costs no more than steam power does at Calcutta, it would have a very fair chance of survival. The evidence leads us to think that the manufacture of paper out of *sabai* grass would not be possible in any other region in India under a system of absolute free trade."

Then in another passage, while dealing with an analogous case, the framers of the Report have said this :

"It would be unfair to the Punjab Paper Mills Company to grant a State subsidy to one of its competitors, when paper can be probably made as cheaply from *sabai* grass at Saharanpur as it can from bamboo at Cuttack. In these circumstances we think that the two materials must be treated alike and left to fight their battles on an equal footing."

If in the case of subsidy they are to be treated alike, my point before you, Sir, is that in the case of protection they should also be treated alike. With these remarks, Sir, I support the amendment.

The Honourable Sir Charles Innes : Sir, I must confess that I cannot understand why we have spent the best part of an hour in discussing this particular point. The terms of my Resolution follow exactly the recommendation of the Tariff Board. The Tariff Board record a definite finding that *sabai* grass has not made out its claim for protection. The existing mills do not satisfy the conditions laid down by the Fiscal Commission. Their needs are irrelevant in considering the claim for protection. As I said in my opening speech, they make a possible reservation in favour of the Saharanpur Mill. That mill has not yet been started. It is merely a project at present. The Tariff Board consider that conditions there are favourable and that that mill may make good. I sincerely province at any rate I find that whenever we make proposals for

[Sir Charles Innes.]

hope—we all hope—that it will make good. But at present it is merely a contingency. The Tariff Board, therefore, say that the claim to protection depends entirely upon the possibility of manufacturing paper from bamboo. Now, Sir, that is the reason why I propose to entitle my Bill, if the House will pass this Resolution, a Bill for the protection of the bamboo paper industry. But, as Mr. Ramachandra Rao has pointed out, and as Mr. Kelkar has pointed out, the form of the protection we give to this bamboo paper industry is by increasing the import duties, and all mills, whether they are making paper from grass or whether they are making it from bamboo, get the benefit of these increased duties. Sir, I cannot see why in these circumstances the House should ask me to alter either my Resolution or the terms of my Bill. My Resolution is strictly in accordance with the recommendation of the Tariff Board, and if I were to accept Mr. Kelkar's amendment, I should be saying that we in this House and the Government do not accept the definite finding of the Tariff Board regarding grass mills. I think, Sir, the House ought not to ask me to do that. As I pointed out, it is not a matter of practical importance. We treat all mills alike and they all get the benefit of the protection. I therefore must oppose this amendment, and I hope the House will support me.

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

"That in the Resolution after the words 'the bamboo' the words 'and grass' be inserted."

The Assembly divided :

AYES—40.

Abdul Haye, Mr.
Abhyankar, Mr. M. V.
Aiyangar, Mr. C. Duraiswami.
Aney, Mr. M. S.
Belvi, Mr. D. V.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Ghulam Bari, Khan Bahadur.
Gour, Sir Hari Singh.
Govind Das, Seth.
Hans Raj, Lala.
Iyengar, Mr. A. Rangaswami.
Kartar Singh, Sardar.
Kasturbhai Lalbhai, Mr.
Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Mahmood Schamnad Sahib Bahadur, Mr.
Majid Baksh, Syed.
Malaviya, Pandit Krishna Kant.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Pandit Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi Sayad.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Purshotamdas Thakurdas, Sir.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Samiullah Khan, Mr. M.
Singh, Mr. Gaya Prasad.
Singh, Raja Raghunandan Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Kumar Ganganand.
Syamacharan, Mr.
Venkatapatiraju, Mr. B.
Yusuf Imam, Mr. M.

NOES—49.

Abdul Mumin, Khan Bahadur Muhammad.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Aiyangar, Mr. K. Rama.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaswami.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Burdon, Mr. E.
Chalmers, Mr. T. A.
Chartres, Mr. C. B.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Dalal, Sardar B. A.
Datta, Dr. S. K.
Fleming, Mr. E. G.
Ghose, Mr. S. C.
Gordon, Mr. E.

Gordon, Mr. R. G.
Graham, Mr. L.
Gurner, Mr. C. W.
Harper, Mr. K. G.
Hira Singh Brar, Sardar Bahadur Captain.
Innes, The Honourable Sir Charles.
Langley, Mr. A.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Makan, Mr. M. E.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Naidu, Mr. M. C.
Panduranga Rao, Mr. V.
Raj Narain, Rai Bahadur.
Reddi, Mr. K. Venkataramana.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vijayaraghavacharyar, Diwan Bahadur T.
Webb, Mr. M.
Yakub, Maulvi Muhammad.

The motion was negatived.

Mr. K. Rama Aiyangar : I beg to move :

"That for the figures '1932' the figures '1930' be substituted."

I have already submitted to you, Sir, that this is only one portion of the amendment which I propose, though in practice the two should go together. But since you have ruled that I should move only the first, I have no right at present to deal with clause (*b*) of my amendment.

The Honourable Sir Charles Innes : May I rise to a point of order, Sir? Would it not be possible to take both parts of Mr. Rama Aiyangar's amendment together because they entirely hang together and it would be much easier for Government to deal with the matter?

Mr. President : I have no objection if the Honourable Mover is willing to adopt that course.

Mr. K. Rama Aiyangar : My other amendment is :

"That at the end of the Resolution the following be added :

'and by advance of capital or by the guarantee of capital and interest to the extent of Rs. 20 lakhs to the industries referred to in the 'Annexure' to the report on the paper industry subject to such conditions as the Government may feel fit to impose'."

I may say at the outset, Sir, that I have not been able to understand the attitude of Government in this matter. I have not been able to follow the discussion on the previous amendment. In fact, the previous amendment wanted grass to be included within the recommendation of the Tariff Board's Report and it was argued that if the bamboo pulp industry is to be protected protection to the other industry should also be given. In paragraph 132 they say :

"The existing paper mills which use *sabai* grass do not satisfy the conditions laid down by the Fiscal Commission, and their needs are therefore irrelevant in considering the claim to protection."

That is the view the Tariff Board have taken after examining not only the points read out by the Honourable Mr. Kelkar but also the cost of production on the estimates given by the Titaghur Paper Mills which is one of the greatest mills in this country and which will probably benefit the most by this protection if given. The reasons given by the Tariff Board are cogent and nobody here has got either the knowledge or the capacity to go into the question as well as they have done, and their conviction is that it is not possible that the paper industry can proceed to any extent with *sabai* grass so that the terms of the Fiscal Commission may be fulfilled and protection given by Government to it. That

[Mr. K. Rama Aiyangar.]

being so, it is clear that the protection now offered benefits the industry because they do not want that during the period that the other industry develops this should die away, as they seem to think that sufficient grass will be available for a number of years till the other actually takes the field. Therefore, the recommendation of the Tariff Board is quite proper and complete. But I am not able to understand the attitude of Government. I appeal to Government to see that the whole of the Tariff Board's recommendations are carried out in full. There is no point in taxing the consumer alone without any benefit to the country. The main point that is made by the Tariff Board is important. They discussed the question of granting a bounty to the bamboo paper industry and rejected it for the reason that the chances are that that kind of protection will practically kill an industry which has been in existence in India for 40 years. They say that the *sabai* grass mills have been working for 40 years, that they have been working as best they could and that they will get on for some years more. They say that they will be able to keep the field to a certain extent but not for any length of time. So that it will not be proper for Government to come to their rescue, but they do say that the industry ought not to be killed by the indifference of the Government, and therefore, while we give help to the other industry which has come into existence we should not fail to protect also the grass paper industry which could keep on if protection were given. That is the gist of the recommendation and I say that it is one of the most cogent recommendations that we can come across. For the Government of India the question that now arises is this. If you give protection it must be for the clear purpose of starting another industry which will capture the field and may later be able to export bamboo pulp from India, not only supplying the necessities of India but also of foreign countries. Now, can the Government of India place a proposition before the House saying that protection will be given for seven years and if by that time the whole thing dies let it die, and let the consumer pay at the rate of Rs. 21 lakhs per annum. That is the proposal that is now placed before the Assembly by the Government. This Rs. 21 lakhs is in respect of the imported stuff. It will actually mean another 18 or 21 lakhs in respect of paper manufactured in the country, so that in the aggregate the consumer will be charged at least at the rate of Rs. 40 lakhs in respect of the paper industry which helps education, one of the grandest things that ought to be protected from being trenched upon. Government say, "we shall impose Rs. 40 lakhs on the people for a number of years and then shall sit quiet. If other people come in to help the growth of this industry, let them come." At the end of 3 or 4 years they will have got 120 lakhs of the people's money and distributed it among the capitalists and if the industry cannot survive, they will allow it to die. That is the proposition that is placed before the Assembly. I appeal to Government to consider their position. It will not be in the interests of Government to say, "we will for some years levy a sum of Rs. 40 lakhs from the people, who as the House knows are as poor as poverty can make any class of people, and at the end of 3 or 4 years say, nobody comes forward with further capital and the bamboo industry is not progressing, we cannot help it." In the meanwhile the poor consumer has paid about Rs. 2 crores of rupees and loses the little bit of extra education one might like to have. The recommendations of the Tariff Board are given the

go-by. This is what they said in another paragraph. They say that if the bamboo pulp industry is to be sufficiently tested and the cost of production is to be reduced you must give to a certain private company, which happens to be an English private company, 10 lakhs of rupees for starting another machine. The Tariff Board have looked into that matter and they say that the flow of capital should be so arranged that Indian rupee capital might come in and take up the rest of the shares. Conditions may be put upon the company or a guarantee may be given for the ten lakhs advanced or it may be that the company is able to maintain itself. Whatever that may be, when protection is given to a company like that in some form or another, the principles of protection ought to require that they utilise it for the country's benefit. This is a matter which is now resting with the Foreign Capital Committee which has not yet reported. I dare say when they come to certain conclusions, conditions may be put on this company and a guarantee for another ten lakhs may be given, but certainly the attempt should be made to reduce the cost of production in the bamboo pulp industry and make it possible for India to stand on its own legs and see that future generations benefit by the sacrifices that the present generation makes in the matter. That is one point. That relates to the sulphite process. I think the cost might come below Rs. 279 or something like that per ton of paper. I am not sure. I think it is about Rs. 300 or 360. That does not matter.

Another point is in connection with the mill which is being formed in Madras. I have got a detailed letter relating to that company. I find that the Madras Government has also given 6 lakhs. It has already spent 20 lakhs on that and the Tariff Board only recommend that ten lakhs further may be advanced by the Government of India not for the purpose of really keeping up the company because I understand paper production from straw is ensured by the equipments. The bamboo paper production has to be further got by what is called the soda process. The experts of the Government of India have now introduced this fractional digestion process and that has also to be tried there. The Tariff Board say that if the Government start mills to try these processes on a large scale even as an experimental measure to enable the country to advance in this direction it will cost 45 lakhs if it has to start it in the Naihati mills ; it will cost a similar sum to start a plant at Rajahmundry. Instead of that you take 21 lakhs from the people and probably give 20 lakhs to the capitalist. If you do this you also give a guarantee for ten lakhs or provide ten lakhs to the Government of Madras if you like. Add to it a portion which will enable you to try this process and to give a practical demonstration to the people. The Tariff Board say that unless this is done it will not be reasonable to give any protection at all. Therefore to be consistent, as was mentioned by the Honourable Sir Charles Innes in his original speech, you cannot separate one thing from another. If you do separate them you go against the principles that you have adopted—to follow the Fiscal Commission's report in giving protection to any of these industries. I do want the Government to make up their minds. When they give such protection they must give it in a way that actually benefits the country in the long run. My friend Mr. Devaki Prasad Sinha will not then complain and it will not be proper to treat it only as money given away into the hands of the capitalists. It is protecting the

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interests of India but the proposition as set forth does not give this protection. I want the Government of India to consider their position and change their views in the matter. Already the protection that has been adopted has been freely used in the country as a thing that has been taken away from the country and given to the capitalists. We want to prove that it is not so. If the Government pass their Resolution they will prove beyond doubt that they are in the hands of some people in this particular case. I find that one mill produces 15 to 20 thousand tons of paper out of the 27 thousand tons produced in the country and that is not a thing which is not open to objection. In these circumstances it will be only deceiving ourselves if we say that we give protection in the interests of the country. The Tariff Board's arguments prove it completely and the Government have to do their duty either by adopting the principle wholesale or not pressing their Resolution for the acceptance of the Council.

The Honourable Sir Charles Innes: Mr. Rama Aiyangar has, I think, put the case for his amendment as well as it can be put. He said he was not able to understand the attitude of Government in putting up a different proposal. Well, Sir, I can only say that I am sorry that I was not able to explain myself better in my first speech and Mr. Rama Aiyngar's speech leaves me no option but again to restate as briefly as I may the objections which the Government see to this particular proposal. Now the proposal is, as I have explained, to give a subsidy of 10 to 14 lakhs in the first place to a particular mill in Calcutta. That particular mill in Calcutta belongs to a private company. As a matter of fact it belongs to three or four shareholders. One of these shareholders owes the patent rights for the process which they are trying out in that mill. That is the sulphite process. Therefore we are being asked to assist a monopolist to try out a monopoly process. We have been asked to intervene between various firms competing in the same market. Because one firm is making paper from bamboo, we are asked to assist that firm by a subsidy of 10 lakhs. Thereby we give that firm an advantage over the grass mills with which it is competing at the present moment. Now, that is our main difficulty. Does Mr. Rama Aiyangar or does any Member of this House think that it is right to overlook the grave objections to the Government of India intervening in this way to assist a monopolist to work out a monopoly process and to give that monopolist an advantage over his competitors? That seems to us a very real difficulty indeed. That is my first objection. My second objection is, I do not quite know how far this proposal is going to take us. As I mentioned before, no sooner had the Tariff Board's Report been published, some mills using grass wrote up to us and said "We too are thinking of changing to bamboo. What are you going to do for us". If you give assistance to one mill it is very difficult not to give it to another. The same objections apply in the case of Rajahmundry. I have tried to explain in my first speech that we in this matter are in a different position from the Government of Madras. The Government of Madras considers the needs within its own Presidency and it may or may not consider the question of assisting this particular mill which I think is the only mill making paper in the Madras Presidency. The Punalur mills, as Mr. Rama Aiyangar knows, are in Travancore. I think the House will give me credit for wishing to do my best for the Madras Presidency, particularly for any industry in the Madras Presidency, because

for many years I was not only a Madras officer but I was also a Director of Industries in Madras.

Mr. A. Rangaswami Iyengar : The Punalur mills begged of you to support them but you did not.

The Honourable Sir Charles Innes : I do not know where my Honourable friend Mr. Rangaswami Iyengar gets his information from because when I was Director of Industries in the Madras Presidency, I used actually to run the Punalur mills through one of my officers and at that time they used to make a considerable profit, not, I may say, on account of my efficiency but on account of war conditions. At any rate I think Mr. Rangaswami Iyengar will give me credit for wishing to do what I can in this matter. But I hope he will also understand that the Government of India have considered this matter most carefully—we have gone into it very deeply and we are definitely of the opinion that if we give financial assistance in this way, whatever assistance we give to this industry, it ought to be assistance which does not discriminate between firm and firm competing in the same market : and that is why we put up to this House this alternative proposal. I hope that the House will agree with me that the alternative proposal is on the whole the right proposal to go in for. If I fail to convince the House and if the House accepts Mr. Rama Aiyangar's amendment, I can assure Mr. Ramgaswami Aiyangar and the House that their views will be most carefully considered. I am afraid that I shall not be able to consider them this Session or to take action this Session, but they may rest assured that whatever decision the House comes to will be very carefully considered with a view to action being taken next Session. I hope, however, I have given sufficient reasons to the House for them to support me in this matter. I hope they will appreciate our difficulties, and that they will not accept Mr. Rama Aiyangar's amendment.

Mr. B. Das : May I ask the Honourable Commerce Member one question ? The Tariff Board recommended assistance to the bamboo pulp industry all over India. Amongst others Cuttack was mentioned as the best place where bamboo pulp can be manufactured at the cheapest rate, namely, about 200 rupees per ton. I find such assistance is going to be afforded to an industry in the Madras Presidency. But we have had no indication from the Honourable the Commerce Member whether such assistance will also be given to a Company in Cuttack if it is started.

(The Honourable Sir Charles Innes rose to speak.)

Mr. A. Rangaswami Iyengar : On a point of order, Sir,.....

The Honourable Sir Charles Innes : I was just going to reply to Mr. Das. I think what Mr. Das said bears out what I just said to the House, namely, that if we accept this proposal, we do not know how far it will lead us. No sooner had the words fallen from my mouth than Mr. Das rose to ask "What help are you going to give to the industry in Cuttack ?" I think my reply to Mr. Das is that if there are local patriots in Orissa who will put up the money themselves and start that industry in real earnest, then they will get the benefit of these protective duties.

Mr. A. Rangaswami Iyengar : On a point of order, Sir. I desire to ask the Chair whether it would not be possible to take my amendment as

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an amendment to Mr. Rama Aiyangar's amendment and if it is possible for Mr. Rama Aiyangar to accept my amendment, which is a milder request to the Government because.....

Mr. President : Order, order. The latter part of the question is not a point of order. It is for Mr. Rama Aiyangar to decide whether he will accept the Honourable Member's amendment to his amendment. With regard to the first part of the question, we have already fully discussed Mr. Rama Iyengar's amendment, and if the Honourable Member had made the proposal at an earlier stage, I would have considered it. I will put the amendment.

(Mr. K. Rama Aiyangar rose to his feet and several Honourable Members shouted : "The mover of an amendment has no right of reply.")

Mr. President : The question is :

"That the following amendments be made :

(a) That for the figures '1932' the figures '1930' be substituted.

(b) That at the end of the Resolution the following be added :

'and by advance of capital or by the guarantee of capital and interest to the extent of Rs. 20 lakhs to the industries referred to in the 'Annexure' to the report on the paper industry subject to such conditions as the Government may feel fit to impose'."

The question I have to put is that those amendments be made.

The motion was negatived.

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. N. M. Dumasia (Bombay City : Non-Muhammadan Urban) : Sir, in the first place, I beg to tender my thanks to you for allowing me to move the amendment, although notice was sent at a late hour yesterday afternoon. In the second place, I want to make it quite clear to Honourable Members of this House that I am connected with a newspaper and a printing press in India, which has been affected by the kind affection which under the able guidance of the Honourable Sir Charles Innes the Government of India are showing towards languishing indigenous industries. I hope that next week when the subject of the cotton excise duty comes up for discussion, he will manifest the same keen interest for that industry. (Hear, hear.) Sir, as I have said, I have made it quite clear that I am connected with a leading newspaper in India which is affected by the operation of this Resolution, yet, Sir, I base my amendment on the principle which has been recommended by the Tariff Board and which has been accepted by the Government of India that the newspapers are to be exempted from this increased tariff. Sir, the sole reason which prompted me to send notice for committing the Bill to Select Comittee was a representation which I received from the lithographers of Bombay. In a covering letter forwarding that representation the lithographers say :

"Government is rushing through the recommendations of the Tariff Board on paper and giving no opportunity to the Assembly and the public to express opinion. These

protective measures generally throw hardship on the consumers, and the proposed protective duties will mean a tax on education and knowledge. If books printed in foreign countries are permitted to enter this country free of duty on principle that a tax of that nature would mean taxing education and knowledge, it is really difficult to understand the purpose of the proposed high duties on paper which would make paper and printed books dear for every school-boy."

But, Sir as my friend Mr. Devaki Prasad Sinha pointed out, under the reforms we are getting new boons from the Government of India and one of them is the proposal that illustrated newspapers and periodicals which use a particular kind of paper must pay extra duties as Indian mills cannot even with this protection compete in price with the imported article. A 40 per cent. tax on paper used for the distribution of news and the spread of knowledge—and on an illustrated weekly which paper has a distinct educative value is a thing unheard of and unequalled in any part of the world. Sir, the chief reason for this amendment is that super-calendered paper on reels is solely used for the purpose of newspaper production. As I have pointed out, the Bill already exempts newspapers from the proposed increased duty ; so it is only reasonable to include paper used in the production of illustrated papers in the exemption.

Mr. Devaki Prasad Sinha : What is the amendment ?

Mr. N. M. Dumasia : My amendment is that a certain kind of paper used in the production of illustrated papers should be exempted from the increased tariff, as it will amount to a tax on education and knowledge. I will read my amendment, Sir. It runs :

"That for the words 'poster and stereo' the words 'poster and stereo and super-calendered paper imported in reels' be substituted."

That is my amendment, Sir. It has not been circulated to Honourable Members as it was sent late last evening. The representatives of the Indian paper mills who are now in Simla have no objection to my amendment as the particular paper does not compete with the industry at all. The non-acceptance of my amendment will not benefit them in the slightest degree, this being a paper which they cannot make either in requisite quantity or of the proper quality.

Now, Sir, the only excuse for putting this tariff on the kind of paper which I have mentioned is the recommendation in the Tariff Board's report, paragraph 152, page 98. They say :

"It (this kind of paper) is in fact made by one mill",

and they point out that it is not from bamboo and this Resolution seeks to protect the bamboo paper industry. I, therefore, fail to see why it should be recommended for increased tariff. The Tariff Board report then proceeds to state :

"But the important point is that, if it remained subject to the present rate of duty, it would be more largely used instead of other papers and would thus affect the sale of Indian paper."

That is absurd and has no relation to realities. I have great respect for the opinion of the Tariff Board, but I am afraid they are labouring under a misapprehension. There is no ground for the fear that this kind of paper will be largely used if higher duty is not imposed upon it. There is no reason for such an unwarranted assumption. This paper costs £30 per ton, and no printer would cut his nose to spite his face and use this costly paper. The indirect effect, if the increased duty

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is placed upon this paper, will be that it will give such a death blow to the *Times of India, Illustrated Weekly* that the proprietors will have to dispense with this costly paper and use that kind of cheap paper on which no duty is levied. So, Sir, the object with which this item is included in the new tariff will be frustrated. Sir, there are two ways of importing super-calendered papers, one is imported in sheets and another is imported in reels, and what is imported in reels is solely used for the production of newspapers. A Member sitting on the Treasury Bench asked me, where is the guarantee that the papers imported in reels will not be cut and made into sheets ? My reply to it is this. No printing press in India has got a machine for that purpose. It is a very intricate and costly machine and only the paper manufacturing mills have got such machines. We pay full duty on the papers that are imported in sheets. Sir, if Government have any doubt on this subject they can remove that doubt by emphatically stating that such paper as is used only in the production of newspapers will be exempted from the increased duty. That will obviate the difficulty which may be raised against it. So far as I can see, Sir, there is no other difficulty in the way of excluding this kind of paper from the high rate of tariff. I can understand Government's anxiety to protect this industry and give effect to the recommendations of the Tariff Board at an early date and therefore I am prepared not to press my amendment to refer the Bill to the Select Committee. But, Sir, in their anxiety to save one trade Government should not kill another industry. I entreat the Government not to injure another important trade. Printing is also an industry and a trade. It disseminates knowledge and education and this Government will be the first and only one to tax knowledge and education if it increases tariff on that kind of paper which is solely used for the production of a newspaper. I strongly appeal to the Honourable the Commerce Member to accept this amendment. After all, this tariff is not imposed for revenue purposes. It is only laid, as my Honourable friend Sir Willoughby Carey said, to enable the trade to hold its own against competition and to maintain the trade and regain the lost market. In fact, in this kind of paper there was no market and no competition, and I am sure the representatives of the trade will agree with me that this paper does not compete with them and I hope they will not object to my amendment. I once more appeal to the Honourable the Commerce Member and to all the Members on the Treasury Bench with all the earnestness at my command to consider this case very sympathetically. Do what you like, but do not injure another industry and do not put a tax on knowledge and education.

The Honourable Sir Charles Innes : May I put a question to the Honourable Member ? I understand that his reference is to super-calendered paper imported in reels ; indeed he referred only to super-calendered paper.

Mr. N. M. Dumasia : Yes, Sir. I plead for super-calendered paper imported in reels.

The Honourable Sir Charles Innes : May I ask him to word his amendment " poster, stereo and super-calendered paper imported in reels " ?

Mr. N. M. Dumasia : I am quite willing to do that.

The Honourable Sir Charles Innes : I do not wish to mislead the Honourable Member. What I want is to have the amendment in a correct form if it is carried by the House.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I rise to support the amendment moved by my friend Mr. Dumasia. Sir, none of us can dare to oppose the Press in India or elsewhere. None of us dare oppose this amendment and specially those of us that read the *Times of India Weekly Illustrated* on Sundays over our morning cup of tea. Sir, if it were not but for this paper, we may have missed the picture of our Finance Member worrying over the gold exchange problem or the picture of the Honourable the Commerce Member, who is too much worried over the protection duties. The Tariff Board in the paragraph just now quoted by my friend Mr. Dumasia have found it possible to exclude litho paper, but they had some suspicion as to how they are to separate the kind of litho paper that is used for newsprinting. One kind is used for the printing presses. Mr. Dumasia has explained to us that the paper that comes in reels is especially used for the newspaper printing. That is sufficient explanation and I hope the Honourable the Commerce Member will accept Mr. Dumasia's view.

Sir, before I sit down I owe an explanation to this House for the remarks that my friend on the right Mr. Devaki Prasad Sinha made about my being a bogus capitalist. Sir, I am not a capitalist. A bogus capitalist, to my mind, is one who promotes bogus companies and pockets the money. Sir, I am not a capitalist. I am a consulting engineer and industrial adviser in my private profession and I call it a link between the capitalist and the labour. If my frined, who occasionally poses as the representative of labour, or the representative of the agricultural classes or the representative of the socialists as it suits the occasion, instead of himself being a labourite or a socialist or a worker actually, forgets that he is himself a lawyer and yet talks of agriculturists and their non-representation and alleged grievances, I have a better right to speak on questions concerning capital and labour than a lawyer—who lives mostly on the agriculturist classes. Sir, lawyers, in order to continue their career, always realise money from the agricultural classes. Sir, I have given the explanation to the House to shew that I am neither a capitalist nor a bogus capitalist, but there are others who are bogus socialists or bogus communists.....

Mr. President : Order, order. Will the Honourable Member restrict himself to the amendment before the House ?

Mr. B. Das : Sir, I have nothing more to say. I heartily support the amendment moved by my friend Mr. Dumasia and I commend it to the Honourable the Commerce Member.

Mr. H. G. Cocke (Bombay : European) : Sir, I rise also to support this amendment. I think it is really a very simple business proposition. One of the objects of the Tariff Board was not to penalise newspapers but in the case of a certain newspaper they are going to do so, unless this amendment is carried. It is stated in the Tariff Board Report that this particular kind of paper is made in India. Actually that is true, but for practical purposes it is not. The quality, I understand, of the paper manufactured in India is not sufficiently good to enable this particular newspaper to use it. And, therefore, for practical purposes this paper is not made in India. It is further stated in the Tariff Board

[Mr. H. G. Cocke.]

report that it would be more largely used if the duty is not put on. The words are :

"..... it would be more largely used instead of other papers and would thus affect the sale of Indian paper. For this reason it must be brought within the protection scheme."

I am advised, Sir, that that is an incorrect statement in that the price of this paper is very much too high to enable it to be brought into general use. I should like to point out that the newspaper we are considering is one with which Honourable Members on the Front Bench opposite may not be entirely unfamiliar on Sunday afternoons, especially since cross-word puzzles came into vogue. If they were to transfer their activities to Bombay, they would find inside that paper new sheets containing the latest telegrams up to Saturday night. It is not merely a journal or a magazine in the local area, but it is a newspaper with all the latest news up to Saturday night and is bought in Bombay as a newspaper. It seems to me, therefore, that this particular kind of paper should be excluded and I understand that the trade have no objection whatever to this course. I, therefore, hope that the Honourable Member for Commerce will accept this amendment.

The Honourable Sir Charles Innes : Sir, I am rather in a difficulty with this amendment. I am not referring to the fact that I have lost my notes on this rather technical matter, but I am referring to what I consider to be rather a more serious difficulty. I am not insensible to the appeal which has been made to me by my Honourable friend Mr. Dumasia and which has been supported by Mr. Cocke. I must confess that I do not agree that this particular tax is a tax on knowledge and education. I am prepared to admit that it is a tax on the paper referred to by Mr. Bhubanananda Das and I should like to say that I personally have no desire to tax unfairly any paper whether it belongs to the *Times of India* or to any other newspaper in India. But my first difficulty is this. The House has got to realise that in any protective scheme particular interests are bound to be affected. This particular interest was considered carefully by the Tariff Board. I happen to know because I have seen the evidence. These points were put up particularly to the Tariff Board. The Tariff Board considered them and definitely turned down the application for exemption in favour of this super-calendered paper. Now, that is the first point I have to make. Secondly, I am not quite sure what the exact effect of this will be. In fact, the Commerce Department of the Government of India have not had really a proper opportunity of considering the matter. The point was brought to our notice three weeks ago. We asked at once that it might be put into writing. It was put into writing only three days ago and there the very important addition was made "and super-calendered paper in reels". We were told that if we make the entry in that form, then the fears of the Tariff Board as expressed in paragraph 152 of their Report would not be valid. But we have got to remember that, if you exclude the super-calendered paper in reels from this protective duty, you reduce its price by Rs. 56 a ton. And we have not been able to ascertain whether reducing the price by that amount—Rs. 56 a ton—would not lead people to import this paper in reels and then cut it up into sheets in this country. Now that is our main difficulty in this connection. Mr. Dumasia has told us that there is no paper cutting machine in the country which could be

used for that purpose. I am quite prepared to admit that this is the first time this essential fact has been brought to my notice. Consequently, as I say, I am in a difficulty in this matter. But my solution of it is this. If the House desires to accept this amendment, I personally shall not object. I leave it entirely to the decision of the House.

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

"That after the word 'stereo' the words 'and super-calendered paper imported in reels' be inserted."

The motion was adopted.

Mr. President : I do not know, in view of the decision on the amendment of Mr. Rama Aiyanger, whether Mr. Acharya wants to move his amendment.

Mr. M. K. Acharya : I am in the hands of the Chair, Sir.

Mr. President : It is entirely for the Honourable Member to move it or not.

Mr. M. K. Acharya : I do not move it, Sir.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, with your permission I am moving the amendment* which stands in my name.

I do not propose to trouble the Assembly with reading it, but I desire straight away to point out that my amendment is divisible into two parts—the first part of it takes objection to the manner in which the recommendations of the Tariff Board in regard to the grant of loans or subsidies have been turned down by the Government without giving us an opportunity to have our say ; the second part of it is an amendment which is much milder in form than my friend Mr. Rama Aiyangar's and which I cannot see how any reasonable person on the side of the Government can take any objection to. Sir, so far as that amendment is concerned, my case is already fully explained by the observations of my friends who preceded me and criticised the decision of the Government not to grant subsidies or loans. I find, Sir, that this is not merely a tentative decision but that it has been deliberately adopted and that it has been put into the Statement of Objects and Reasons of the Tariff Bill which is to follow this Resolution. There it has been stated, Sir, that the policy of granting subsidies or loans is open to grave objection. And now, when we come to the very lucid exposition, if I may say so, of the Honourable Sir Charles Innes of the conclusions of the Government, he pointed out to us that the Government's objection to the policy recommended by the Tariff Board in regard to the granting of loans or of guarantees or subsidies was three-fold. He said that the recommendation of the Tariff Board in this behalf was made

* "That at the end of the Resolution the following be added :

'But this Assembly conveys to the Governor General in Council its regret that in regard to the recommendations of the Tariff Board for the grant of loans or subsidies to firms with a view to fully explore the possibilities of the manufacture of paper from bamboo by the sulphite, soda or other process, the Government should have come to conclusions without placing them before this House and taking its opinions thereon ;

And this Assembly further recommends that these recommendations be accepted in principle and that further investigations be made in accordance with the recommendations of the Tariff Board as to the most effective manner in which assistance may be given to all the companies or firms that are prepared to explore these possibilities on a commercial scale.' "

[Mr. A. Rangaswami Iyengar.]

in respect of a private company of three people and he said, in the next place, that they have a private patent and in fact the Government's assistance would be helping a monopolist to increase his profits ; and then he said that, if this policy of subsidies is accepted, then they must be applicable to all and that therefore they cannot resist the flood of applications for loans and subsidies that might be brought forward. Sir, that is all an imaginary picture entirely, because so far as the Tariff Board are concerned, I say, Sir, that their recommendation to impose a protective duty would be absolutely nugatory if it was not coupled with the other recommendation which they made as part and parcel of the same transaction, namely, that the whole of this import duty is intended to develop—not the grass industry upon which, wrongly as I think but rightly as the Government have thought, undue stress was laid, and which was assumed to have an established future before it—but with a view to develop the bamboo pulp industry and to make it exist in this country, as that is the industry that has a great future before it. Therefore, Sir, the primary object of this protective duty is—and that is the object upon which my friend Sir Charles Innes laid the greatest stress—that the bamboo pulp industry and the bamboo paper mill industry should grow in this country, and though the present Bill directly benefits the bulk of the grass mill industry, its intent and purpose is to protect and to start and maintain the bamboo pulp industry. If that is so, Sir, they must take all the steps that are necessary to bring this bamboo pulp industry into existence, to see that it is maintained properly and to see that it is an accomplished fact in this country. What does the Tariff Board say in this matter ?

"For these reasons",—*they say*,—"we consider that the assistance needed should be given primarily"

—and I stress the word "primarily"—

"by means of the advance or guaranteeing of capital to firms best equipped to carry out the work which has to be done."

That is the primary recommendation which the Tariff Board make. The Government give the go-by, without giving us an opportunity to consider it, to that recommendation. (*The Honourable Sir Basil Blackett* : "No.") They say, so far as they are concerned, they will only levy a protective duty because it does not involve any expenditure out of their present funds but on the other hand it involves payment into their pockets of the tax-payers' money. It goes to fill their coffers. I think when that money has been got in, the Government will sit tight on it. That is the first offence.

Then, Sir, I am not one of those grass protectionists, and I think I am not like my friend Mr. Devaki Prasad Sinha, a kind of Rip Van Winkle waking up from the days of Richard Cobden and Bright in the days of Joseph Chamberlain and Robert Baldwin. I am one of those who know the dangers and difficulties of adopting a policy of protection and therefore, Sir, I do not say that, unless a proper case is made out, you should go in for indiscriminate protection. But what is the position in regard to this help by means of capital which I think is the form of protection here contemplated ? So far as concerns the Tariff Board, they have very definitely said this :

"We have laid stress on the fact that fresh capital must be secured by the industry if the possibilities of bamboo are to be fully investigated. But the question at once arises whether, if the assistance given by Government is limited to a period of five years with no guarantee of its continuance thereafter, there is any chance that capital could be raised in the open market. It seems to us extremely improbable that it could."

Therefore, Sir, we have the authority of the Tariff Board that by the mere fact of a protective duty being imposed, it is not possible to attract capital to this industry. And they say :

"Whether protection be given in the form of Customs duties or of bounties the danger that they might be withdrawn at the end of five years would be sufficient to deter the investor from incurring a very serious risk."

Therefore, they say :

"For these reasons we consider that the assistance needed should be given primarily by means of the advance or guarantee of capital."

That is the position that they take, and the Government have set aside and lopped off one side of the recommendations and have tried to give effect to the other side.

In regard to the specific objections of my Honourable friend Sir Charles Innes, I say, Sir, I do not want that the Government should immediately pay away without investigation to any particular firm. I will be the last man to go and defend any policy by which this is treated as a means of patronage in the hands of the Government. My proposal is not that. It is this. Why have you definitely stated that you are not going to have anything to do with the policy of giving any loans or bounties ? Why have you said that you will not make further investigation into this matter ? After all, the whole object of this paper industry protection is to explore the possibilities of establishing a big industry in this country, and in order to explore it, the bamboo pulp mills should be helped, and they could not be helped without capital coming in. How can you escape from that position by saying, "No, we will simply impose this duty and try and look on. If necessary, we will extend it to seven years." As Mr. K. Rama Aiyangar pointed out, you can go on doing it for 20 years, but unless you can attract capital to that industry, this protection will only serve to swell your coffers and you would not protect the industry. Therefore, I say, let us examine this matter further. I am not wanting Government to say that they will immediately pay away Rs. 10 lakhs to this company and another Rs. 10 lakhs to that company in my province. What I say is, examine this matter and then come to a decision. Impose proper conditions to prevent monopolists exploiting and to see that Government money is safe. After all, this is much fairer than taxing the people and taking the money merely into the coffers of the Government. Therefore, the proposal I make is eminently moderate. I merely want the Government to reconsider the hasty decision they have arrived at. My Honourable friend Sir Charles Innes apologised to the House for the short notice he gave. I think it must have been an extremely shorter notice that the Government had when they arrived at such definite conclusions, absolute conclusions, so soon. I ask the Government, therefore, to reconsider this matter and to accept the whole of the recommendations, and not merely a part of them, and to say that they will examine the applications for help in the way of advance of capital and that they will then come to their decisions.

There is one more serious position to which we have been driven by the attitude of the Government in this matter. The House will be aware —many Members in the provinces will be aware—that in the Provinces,

[Mr. A. Rangaswami Iyengar.]

Industries is a transferred subject, and by virtue of it, Ministers in charge of the Industries Department have become able to help industries—in my province, and I believe in the United Provinces and other provinces,—by granting loans and subsidies for the resuscitation of old or for the establishment of new industries. The declaration of the Government of India that the policy of giving subsidies or loans is open to grave objection merely means a kind of mandate to the Provincial Governments, a kind of censure as to their past policy upon Provincial Governments to the effect.....

The Honourable Sir Charles Innes : Will the Honourable Member refer me to the place were I have said that ?

Mr. A. Rangaswami Iyengar : It is in the Statement of Objects and Reasons, Sir, over your signature.

The Honourable Sir Basil Blackett : Read the whole of it.

The Honourable Sir Charles Innes : Read it.

Mr. A. Rangaswami Iyengar :

" The Government have considered these recommendations and accept the proposal to impose a protective duty on those kinds of printing and writing paper specified in the Schedule to the Bill. They, however, consider that, as the grant of loans or subsidies in the manner suggested by the Tariff Board is open to grave objections * * "

I understand Sir Charles Innes's point. He says that he has qualified the sentence by the phrase " in the manner suggested ". Shall I take it from the Honourable Sir Charles Innes that if subsidies or loans are proposed " in any other manner ", Government are prepared to consider the matter and to give these loans and guarantees which are wanted ? If that is the position, let us know it. Otherwise, his declared policy is that Government will not embark upon a policy of loans. I do not want that they should escape by a quibble on this matter. In the provinces—at least in some of them—the Ministers are committed to a policy of protecting Indian industries by means of loans and subsidies, and the Legislature in Madras has passed the State Aid to Industries Act for this purpose. That Act has received the assent of the Government of India, and after all this has been done, the Government of India turn round to-day and say that that policy is open to grave objection.

Mr. L. Graham : Not the assent of the Government of India.

Mr. A. Rangaswami Iyengar : Yes, I understand you, but still you have sanctioned that Act. Moreover, we, the Central Legislature, have guaranteed any amount of subsidies and paid bounties under the Steel Protection Act. That seems not open to grave objection. Sir, the position I was driving at was this. In my own province, a particular paper mill whose possibilities of success have been demonstrated and accepted in the recommendations of the Tariff Board themselves, has already been given Rs. 4 lakhs by the Government and they have borrowed Rs. 2 lakhs elsewhere. They require some more money urgently to start work. The Tariff Board say that not merely the sulphite process of the Naihati mills but also the soda process of this Rajahmundry mill as to its possibilities on a commercial scale, ought to be investigated and fully gone into. They say that after the Government experts examine the further data and requirements, they should immediately advance Rs. 10 lakhs to this company, not because it is the Carnatic Paper Mills Co., but because

it is in the interests of the country. There can be no doubt that the establishment of paper mills for making paper out of bamboo by the soda process ought to be an accomplished fact in this country. Therefore, Sir, even if the Madras Government was willing to advance further money under the State Aid to Industries Act, they will necessarily hesitate in view of this declaration of the Government of India and their policy will be materially influenced by this action on the part of the Government of India. I have put my amendment, as I said before, very mildly. I say, "please reconsider this matter; please go into this matter and again come to us". I merely ask you to accept the principle that the industries can be protected also by this means. You accept that principle, and then you go and investigate whether particular cases could come under it. What is the difficulty in accepting it? I say, again, I do not want that Government should pay away the money at once. I want the matter to be investigated. That is the recommendation. That is the basis of the whole of this report, and I call upon this House to accept my amendment without the slightest dissentient voice and to tell the Government that they have not done fairly by us in having concluded this matter without consulting us, that they have not treated fairly the Provincial Governments who have embarked upon a policy contrary to the policy that they have now hastily chosen to declare. It is our duty to ask the Government to reconsider this matter. Sir, I move my amendment.

The Honourable Sir Alexander Muddiman: On a point of order, Sir, before you put the amendment, which has been moved, to the House, I would ask you to rule out the first paragraph on the ground that it is not a recommendation.

Mr. A. Rangaswami Iyengar: I will alter the draft.

The Honourable Sir Alexander Muddiman: The first paragraph of the amendment which is on the paper is out of order as not being a recommendation. I take the point merely in the interests of the House. It does not affect the argument.

Mr. President: I think the Honourable Member himself will realise that the first part of his amendment is not a recommendation to the Governor General in Council and therefore is clearly out of order. He will therefore modify the second part to make it intelligible.

Mr. A. Rangaswami Iyengar: Sir, the reason why I put in the first clause of my amendment is.....

Mr. President: The Honourable Member need not explain the reasons why he put in the first clause.

Mr. A. Rangaswami Iyengar: I will move the amendment thus:

"And this Assembly further recommends that the recommendations of the Tariff Board for the grant of loans or subsidies to firms with a view to fully explore the possibilities of the manufacture of paper from bamboo by the sulphite, soda or other process be reconsidered and accepted in principle and that further investigations be made in accordance with the recommendations of the Tariff Board as to the most effective manner in which assistance may be given to all the companies or firms that are prepared to explore these possibilities on a commercial scale."

The Honourable Sir Charles Innes: I think I must object, Sir. The Honourable Member has entirely altered the whole character of his amendment. The amendment I have got now to deal with runs as follows:

"This Assembly further recommends that these recommendations be accepted in principle....."

[Sir Charles Innes.]

I submit that it is not fair to me that without giving me any notice at all the Honourable Member should alter the character of the amendment.

Mr. President : The Honourable Member (Sir Charles Innes) had sufficient notice because "these recommendations" means the recommendations mentioned in the above paragraph.

The Honourable Sir Charles Innes : As I understand the Honourable Member, he is not moving that portion now. He is moving the second part of his amendment on the paper which is an entirely different proposition.

Mr. President : I understand the Honourable Member from Madras moves :

"That this Assembly further recommends that the recommendations of the Tariff Board for the grant of loans or subsidies to firms with a view to fully explore the possibilities of the manufacture of paper from bamboo by the sulphite, soda or other process be accepted in principle and that further investigations....."

of which the Honourable Sir Charles Innes had sufficient notice.

The Honourable Sir Basil Blackett (Finance Member) : Sir, it is a little difficult to deal with the amendment in the form in which it has now been put after being prepared to deal with it in a somewhat different form. But I would submit that the amendment as it stands is in substance exactly the same amendment as that of Mr. Rama Aiyangar which has already been negatived, because it proposes that we should accept in principle the recommendations of the Tariff Board for the grant of loans or subsidies to firms with a view to fully, etc., etc. That is exactly what the Tariff Board recommended, that a loan of Rs. 10 lakhs should be made to a particular firm for the purpose of continuing its monopoly process in regard to bamboo pulp. The House has already decided that that amendment is not desirable. I am not clear what difference there is between that amendment and the amendment now moved. It is true that Mr. Rangaswami Iyengar has raised very broad questions on this narrow basis. He is, I would like to assure him, entirely mistaken in believeing that the Government ever have conveyed or have intended to convey any kind of general decision in regard to the grant of loans or subsidies in the wording of the Statement of Objects and Reasons which has been quoted. What is said there is this. Government consider that as the grant of loans or subsidies in the manner suggested by the Tariff Board, that is, loans or subsidies to this particular firm which has a monopoly, which has, as a matter of fact, already put something like half a crore of rupees as capital into the working of this monopoly and which may require perhaps another ten lakhs to continue that experiment—Government consider that a loan in that manner is undesirable. Nothing whatever is said there or anywhere else in regard to the action of the Madras Government and other Governments in the matter of loans and subsidies to industries. This is not a question of bounty as I have already interjected, which is quite a different matter. It does not in any way suggest that the Government object to bounties being given in certain circumstances as they have been given with help of the Government vote in the matter of the steel industry. There is no suggestion here whatever of Government intervention in the action of the Madras Government in the matter of loans or subsidies to particular firms and industries. The promotion of industries is a transferred subject and it is entirely within the discretion of the

Madras Government what action it takes in regard to that particular question. I do not propose to-day to discuss the broad principle.....

Sardar V. N. Mutalik : Is the House to understand that it is outside the scope of the Government of India to give loans to any industries ?

The Honourable Sir Basil Blackett : I was coming to that point. One of the objections to the grant of a loan or subsidy in the manner suggested is that it would involve the transfer of the paper industry from being a transferred subject into a central subject. (*An Honourable Member* : " You can do it "). It can be done but it is one of the grounds on which the Government of India came to the conclusion that the particular proposal of the Tariff Board in this particular connection was an undesirable one for the Government to follow up. I would really put it to the Honourable Member that it is undesirable that we should suddenly raise a very big question of principle which is not germane. If the House desires it to be done, I would suggest that it must be done with due preparation and with thought. The Government of India have not in this connection made any attempt to deal with the general question. They have decided to recommend to this House that the particular method of making a loan to this particular firm be not pursued on this particular occasion. I am sure we can leave it at that. There is no suggestion of a censure on a transferred department of the Madras Government for its action. The whole question is entirely outside, irrelevant, I put it, to this matter here under discussion. If we are to raise the big question of principle let us do so in a manner and at a time in which the House may come prepared to deal with the general question. There is a great deal to be said, as the House is aware, on both sides of that very big question. It is very germane to the question of encouragement of Indian capital to take part in Indian enterprise. I do not wish at this moment to pursue the general subject at all because I put it to the House that we can here confine ourselves entirely to the particular question whether a grant of a loan to this particular company working bamboo pulp is desirable. The House has already decided that it is not, because it has negatived Mr. Rama Aiyangar's motion.

Mr. K. Rama Aiyangar : On the statement of the Government on the matter.

The Honourable Sir Basil Blackett : It does not matter on whose statement it was made. Mr. Devaki Prasad Sinha and Mr. Rama Aiyangar spoke and it was negatived. I submit that the House need not raise the general question here. If the general question is raised we shall want very much more time to deal with it than we can possibly have to-day and Government cannot quite clearly accept this amendment without a complete alteration being made in the whole situation. (*A Voice* : " We leave it to you to consider "). On the contrary, we are asked to accept in principle the recommendations. Those recommendations are that a loan of Rs. 10 lakhs be made to a particular company and the question of further loans to any other company be taken up later. We reject them on this occasion. We object to the grant of a loan to a monopolist firm which does not require it. The suggestion that a small group of capitalists, holding a monopolist process, who have already put something like Rs. 50 lakhs into it, will not go on with it if they find it desirable, when they have the additional inducement of a very large measure of protection for 7 years, is surely one which on the face of it does not carry conviction. I therefore

[Sir Basil Blackett.]

put it to the House that we should not raise the general question of principle at this stage, but that we should confine ourselves to the question whether or not it is desirable to grant this loan to this particular company. The Government have already said that there is such grave objection to that that they are unable to accept the recommendation in principle, and if this amendment is passed we are really in exactly the same position as if Mr. Rama Aiyangar's amendment had been passed. The matter cannot be left in the vague position in which it would then be. The Government would have undoubtedly to reconsider the whole matter and the Bill cannot be proceeded with. I do not want to take up the time of the House more but I put it to the Honourable Member once again that if he reads his amendment carefully it is that we should accept in principle the grant of a loan in the manner suggested by the Tariff Board. We have already said.....

Diwan Bahadur T. Rangachariar : Supposing that clause is omitted and the amendment reads "that further investigations be made", and so on.

The Honourable Sir Basil Blackett : We have just had an investition. The Government are unable to commit themselves to any proposal.

Mr. A. Rangaswami Iyengar : The Tariff Board themselves ask for further investigation. I am only asking that these investigations be made and the Government do not commit themselves in any way.

The Honourable Sir Basil Blackett : There is no statement that the investigations will not be pursued. I am dealing after all with this point. The whole of this amendment depends on the words "that these recommendations be accepted in principle". I cannot deal with five or six different amendments as the course of the debate changes. I am dealing with the amendment now before the House and I put it to the House that the wording of that amendment does commit the Government and, if the House accepts the view that we should make a loan in the particular circumstances to this particular company, that is a recommendation which the Government regret that they are unable to accept.

***Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : This is a question upon which I cannot speak with any great authority. I make that confession on the floor of this House. But there is one aspect of this question upon which I think I can speak and I hope to be able to convince the House as to my point. The Honourable Member who has just sat down very rightly said that this amendment if carried would commit the Government to give effect to the principles of the recommendations of the Tariff Board. Quite correct. And the Government have in bringing this Resolution before this House deliberately, advisedly, departed from the principles of the recommendations of the Tariff Board. Now, Sir, what is the Tariff Board, as a mere lawyer understands it ? It is a body of expert men selected by the Government for the purpose of advising the Government what industries there are to which protection ought to be given and in what manner. That body of expert men have after careful investigation made certain definite recommendations. The Government in their superior wisdom, and I am not disputing the superior wisdom of the Government and I am

* Speech not corrected by the Honourable Member.

not suggesting that the Government were absolutely bound to carry out every letter or even the principle of their recommendations, were entitled to examine those recommendations with all the machinery and with all the assistance that they can call to their command. They did so and they came to certain conclusions and the result of those conclusions is the little Resolution of my Honourable friend the Commerce Member and this little Bill which is placed before this House. Now, Sir, this decision of the Government, I believe, was announced a week ago, and to-day what is this House, the Parliament of India (*An Honourable Member* : " Mock Parliament. ") asked to do ? It has been asked to listen to the Honourable the Commerce Member's reasons and his grounds for departing from those recommendations. Now, Sir, is this the position of this Assembly ? What is our position in this House ? Am I in a position now to sit here within a few hours of notice to examine what already has been very carefully examined from the point of view of the Government and say that you are wrong or right ? Now, Sir, the only reason which the Honourable Commerce Member has given to this House for not giving effect to the recommendations of the Tariff Board with regard to subsidies and loans is that instead of imposing a customs duty for five years we are going to impose a customs duty for seven years and, according to the Government, it is a better proposal, it is more beneficial and it is more likely to achieve the object that we have at heart, namely, giving effective protection to this industry. That is the proposition which is placed before us. Now, if I or any Honourable Member of this House or any group of Members of this House had examined this point in connection with the recommendations of the Tariff Board and if we had made up our mind equally as the Government have, and if that proposal had been brought here, would the Government have accepted it ? No. They would have said, as the Honourable the Finance Member says, it requires thought and due consideration. I know that we are here held by a silken string and that silken string is the convention. And what is the convention ? If we do not agree with the Government and if this House says " we reject your proposal ", what happens to us ? The Bill will be withdrawn and we shall be relegated to that great lord and master of us all who is sitting at Whitehall, the Secretary of State for India. I am told that he does not come in here. I have got to learn that he does not come in here. I ask my Honourable friend the Commerce Member a question upon the statement that I have made before this House. Is this going to be our position in this House for ever so long as the Government of India Act of 1919 is going to last ? The Commerce Member will probably tell me that after all the Government cannot take individual Members into their confidence, nor can they have any discussions with individual members of this House, and that after all this is a measure which has got to be kept secret. I concede that point ; but, Sir, anomalous as this situation is under which we are working, I ask the Commerce Member, has he got any proposal to make by which at least sufficient notice should be given to this House, a procedure by which at least some Members of the House may be appraised of the position of the Government after their decision is taken, and that we might sit in some sort of a Committee ? We have got many Committees, and I think we might establish one more Committee for the purpose of discussing the decision of the Government, so that

[Mr. M. A. Jinnah.]

we come to some definite conclusion so far as that particular Committee is concerned. I ask the Commerce Member and the Government of India carefully to consider whether with regard to this policy and programme which we are pursuing and giving effect to, namely, protection to certain industries, the Government must at least place their proposals before this House in due time and give them opportunities for the purpose of discussing these proposals. Sir, this is the point which I want to press upon the House. It is exactly the same—if I may divert for a moment—it is exactly the same with regard to the next Resolution about steel. There again the Government have departed from the recommendations of the Tariff Board. The Honourable the Commerce Member will probably, when he makes his speech, come out with different data. It may be that he has better data than the Tariff Board data, and we shall be asked here on the floor of this House to examine those data. How is that possible? I do appeal to the Government to try and find some procedure by which under this anomalous constitution you should give a fair opportunity to the Members on this side to examine your proposals, and then there will be more consideration and there will be more reason than what the Honourable Finance Member thought there was.

Mr. President: Mr. Acharya.

Mr. Chaman Lall: We are rather in a difficulty on this side of the House. We do not know which amendment is being discussed at the present moment—the one on the paper or.....

Mr. President: If the Honourable Member was here when the amendment was read, he could have known what the amendment was. The first part has been ruled out, and the second part is under discussion.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, I am very very thankful to you for letting me come back to the land of the living. I shall read for the benefit of the Members of the House the final form of the amendment of my friend, Mr. Rangaswami Iyengar, who in proposing that amendment has become a moderate in his own words. It is in this form:

"This Assembly further recommends that the recommendations of the Tariff Board for the grant of loans or subsidies to firms with a view to fully explore the possibilities of the manufacture of paper from bamboo by the sulphite, soda or other process be accepted in principle....."

Mr. President: No, no: "be reconsidered and...."

The Honourable Sir Basil Blackett: Sir, I have not got "reconsidered".

Mr. President: In the copy handed in to me by Mr. Rangaswami Iyengar I find the words "reconsidered and accepted".

The Honourable Sir Basil Blackett: That is not in the original Part II.

Mr. President: It does not make the slightest difference.

Mr. M. K. Acharya: I will go on:

"reconsidered and accepted in principle and that further investigations be made in accordance with recommendations of the Tariff Board as to the most effective

manner in which assistance may be given to all the companies or firms that are prepared to explore these possibilities on a commercial scale."

That, Sir, is the amendment, which I also believe to be a very reasonable amendment.

The Honourable Sir Basil Blackett : May I rise again to a point of order ?

The amendment as read is certainly not the amendment that I was dealing with, Sir.

Mr. President : That is the amendment in question. If the Honourable Member wishes to speak on it, he may do so.

The Honourable Sir Basil Blackett : This amendment is a new one and contains words that are not in the original draft, and we have not had notice. I understood that what was being moved was the second part, with just sufficient emendations to make it read correctly.

Mr. President : The Honourable Member will realize that it does not make the slightest difference—because you cannot accept the recommendations in principle unless you have reconsidered them. You have already rejected them, and unless you reconsider them you cannot accept them. It does not make the slightest difference. If the Honourable Member wants another opportunity of speaking, he will be allowed to do so. Mr. Acharya.

Mr. M. K. Acharya : Sir, the House has had plenty of discussion to-day on a matter which has latterly assumed some interesting proportions. We have heard the oracular utterances of the Commerce Member, we have heard the commercialistic view of the Member from Bengal, and we have heard the socialistic view of the Member from Bihar. We have also had the dialectic dreadnoughts of my friend, Mr. Rama Aiyangar, the pleadings on behalf of the Press, of my publicist friend behind supported by our Orissa friend who claimed to be something between a bogus capitalist and bogus labourite. (*An Honourable Member*: "And lastly?") And lastly, with a view to pouring oil on troubled waters, I think Mr. Rangaswami Aiyangar came forward for the benefit of the ordinary non-expert Members of the House like myself to suggest something which we can understand easily from some point of view other than that of the expert. I forget we have also had some statements made to us by Sir Basil Blackett on the financial difficulties that may lurk somewhere underneath these suggestions, and we have had also from Mr. Jinnah the legal implications of the attitude taken by the Government. Sir, as I say, I desire to speak on behalf of what I may call the man in the street whom I am supposed to represent. I look at the whole matter in this way. Here has been put into our hands the Report of a Board of experts appointed by the Government. We tried to read—I for one in my own humble way tried to read—that Report very carefully, we have tried to understand what the Tariff Board has recommended; and after reading those recommendations without any specialist's assistance, we have come to the view that the chief object of all the recommendations put together is this that the paper industry in India should be protected. The Tariff Board suggest to us the ways and means for establishing, and if not for establishing, at least for helping towards the better establishment of, a very very useful industry in India, namely, the paper industry from bamboo either by what

[Mr. M. K. Acharya.]

is called the sulphite process or the soda process or any other process. The whole object of the recommendations comes to this, namely, that we want this industry to be established on a sound commercial basis in India; we want that several firms devoted to that industry should come into existence in India, and we want in the initial stages that Government should give all possible help towards the establishment of firms devoted to this industry. And there are two ways suggested by the Board—by the imposition of a protective duty of one anna per pound, and also by giving some kind of financial help in the form of loans or subsidies in the initial stages, in the experimental stages, in order to make this a thoroughly proved and demonstrated profitable commercial industry. Now, when an expert Board has made these recommendations, after it has investigated the matter thoroughly, or when it has come out with the suggestion that further investigations are necessary before anything can be decided upon, we laymen have a right to expect that Government, especially if they want to vary the recommendations of the Board, will give us sufficient data upon which we can judge as to whether the recommendations of the Tariff Board or the decisions of the Government are the more reasonable. As it is, Sir, I am unable to understand the Government position. There is nothing except the short and simple statement that "the Government consider that the grant of loans or subsidies in the manner suggested by the Tariff Board is open to grave objections." Excepting this very short and very epigramatic sentence, which I say I am unable to understand, there is nothing before us. Therefore, without other and further data, it is difficult to throw out altogether the recommendations of the Tariff Board. The Honourable the Commerce Member gave us one or two additional reasons in the course of his speech. He said that his reasons were, firstly, that the Government were not prepared to recommend that any assistance should be given to any monopolist concern; and that the Government, secondly, were afraid where it will lead them, once they begin to give loans or subsidies or other forms of assistance to any one company. Where it will lead the Government, he said, he did not know; and he was not prepared to find out. Now we say, let us have further investigations. Verily we do not want you to commit yourselves to anything. I see this difference between the amendment of Mr. Rama Aiyangar and this amendment. Mr. Rama Aiyangar wanted that a definite amount should be, here and now, marked out to be utilised for some definite purpose. The amendment of my friend Mr. Rangaswami Iyengar on the other hand does not commit the Government to any definite proposal of the kind, except to approve the general principle contained in the recommendations of the Tariff Board. Now if we are not going to accept the principle underlying the recommendations, I do not see why, Sir, that report should have been put in our hands at all. If the recommendations made by the Tariff Board are unsound, then Government should have come to us with another report stating all the reasons and considerations, all the various grounds upon which Government have chosen to reject any portion of the Board's report. At present we have only got the Tariff Board's report and we have a right to claim and we do claim that if we are to reject the proposals contained therein, it must be after due consideration and for reasons placed before us by some other report. And I for one, with all my respect for the unquestionable infallibility of the Commerce Member, am not convinced by the arguments placed before us to-day either by the Honourable the Commerce Member or by

the Honourable the Finance Member. Therefore, I say, Sir, we find ourselves in a difficult position. This Tariff Board is a body of experts and they have made some recommendations. That is after all the common-sense point of view. We are very very anxious that this paper industry should be established; we are very very anxious about it, and I hope that Government are equally anxious. If the Government are not as anxious as we are, then the very proposal of giving protection need not have come up for consideration. The only question therefore is how best to give this protection. There is no use in giving it grudgingly; there is no use in giving a little bit of help; it may not help at all. It is like the man in a story current among the orthodox sect, to which I belong. A man, it seems, said about performing the *Sandhya*, that if he did it in time it would go to the Gods; if he did it out of time, it would go to the demons; therefore it seems he said he would perform it neither in time nor out of time. Here is something like that. If help were given to one person or one firm, it would raise all sorts of difficulties ; and therefore—let us give to nobody whatever ! That kind of argument does not convince us. I want Government seriously to consider this matter. Of course there are difficulties. What on earth is there that has not got difficulties—what indeed under the sun ? In every proposal there are difficulties; but we have ample faith and confidence in the very ample talents of the Commerce Member and the Finance Member to take us out of these difficulties. We want that this industry should be helped decently, it should be helped very opportunely and it should be given all the necessary help required to start it and put it on its legs. After some time it may not require the help. It is only in the initial and experimental stages that help is required. Some firms want financial help to demonstrate the possibility of the undertaking. Otherwise where is the very need for protection ? Otherwise I say my friend Mr. Devaki Prasad Sinha will be quite right. The very justification for the protective duty is that it will add to the large economic possibilities of the country. If it is not going to add to the economic possibilities of the country, then there is no use giving protection to the industry; and I for one do not see why I should pay any additional cost for the paper which I want to write my letters on. If I am going to pay more from to-day than I was paying till now, I must do it with a definite object, for a tangible purpose, namely, that the industry will be established in India ; and unless you are going to do that by all the means in your power, there is no use in asking us to pay more. Now, a loan or guarantee of interest is certainly one of the means ; exceptional means it may be ; but we are dealing with the initial, experimental stages. It will not be required afterwards. As a general principle it may be very objectionable to give any subsidy to a monopolist concern. But there are exceptions. And what should be the form of the assistance, I repeat, should be explored by you with the help of experts. I am not here to suggest the form. I only beg of you to explore with the help of experts the way in which this industry ought to be helped, in order that it may become a national industry ; and that is all that this amendment asks. If anybody thinks that the industry ought not to be helped, that its possibilities should not be explored with the help of an expert committee, that an expert should not investigate into this matter, then he may vote against the amendment, and not till then. I therefore appeal to this House, for the reasons that I have put forward in my own very humble way, to accept this amendment. I do appeal to the House to pass it whole-heartedly, and I appeal to the Government to accept it. The amendment does not commit them in any

[Mr. M. K. Acharya.]

way. Government will be only accepting the principle of protection, to which they are already committed. They cannot get out of it. That is all that I am asking. You are committed to the principle of protection. Therefore having committed yourself to the principle of protection, do investigate the matter thoroughly and give protection in full if you are going to render any assistance at all in order to put this industry on a proper basis. If not, drop the whole thing altogether. Let us not needlessly be taxed more for the paper that we are going to use hereafter. I appeal once more to the House that it is very necessary to give some such assistance as an expert committee may recommend, and in such form as the Government and the experts may decide upon. This is a very reasonable amendment, and I repeat the words of my friend Mr. Rangaswami Iyengar that no reasonable Member can raise any opposition or seek to reject this amendment.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, if I intervene in this debate, it is because I feel convinced that the Honourable Mr. Rangaswami Iyengar's amendment will not serve the purpose for which he has asked the vote of this House. I ask, Sir, Honourable Members of this House to read the summary of recommendations of the Tariff Board and they will have no doubt whatever that the Tariff Board are not formulating any general recommendations for the purpose of subsidising the paper industry in this country, but have formulated their recommendations in favour of a single company. Let me read to Honourable Members their specific recommendation. At page 186, they say :

"The Government of India should provide the capital required—about Rs. 10 lakhs—in order to enable the Indian Paper Pulp Company to increase the output of its mill at Naihati from 2,500 to 5,000 tons a year."

A specific recommendation that the Government of India should present to the Indian Paper Pulp Company a sum of Rs. 10 lakhs with a view to increase their output is the first and I submit the only recommendation of the Tariff Board. My Honourable friends from Madras seemed to think that when reference is made to the Carnatic Paper Mills, the Tariff Board have formulated any recommendation.

Mr. A. Rangaswami Iyengar : They have.

Sir Hari Singh Gour : If that be their meaning, they will be sadly disillusioned when I read to them the specific recommendation of the Tariff Board as regards the Carnatic Mills.

Mr. A. Rangaswami Iyengar : Please read page 106, sub-section (3).

Sir Hari Singh Gour :

"The Carnatic Paper Mills, Limited, apparently intend to make paper from bamboo by the soda process, but at present their equipment is incomplete and they are not in a position to commence manufacture."

—Now, mark these words :

"At the stage which this project has reached, it is not possible for us to make a definite recommendation."

Honourable Members will thus see that no recommendation is made as regards the Carnatic Paper Mills and the sole recommendation which

the Tariff Board have submitted to the Government of India is a recommendation to subsidise the Indian Paper Pulp Syndicate. Is this House prepared to force the hands of the Government to adopt that recommendation and subsidise that Company ? I said " that company ", but it is not a company ; it is a firm of three or four European gentlemen who are acting, if my information is correct, for firms overseas stationed in Edinburgh and New York.

Now, Sir, a process which is on experiment in this country for the manufacture of paper from bamboo pulp is being tried at Naihati. And if you ask the Government of India to subsidise this experiment, the result of it would be that the country will not benefit to the extent of one pice. And, if the process is successful, the pulp will be exported to the larger markets of Europe and America. Let me assure the House that not a single pice of the capital of this company is Indian ; not a single Director is Indian and not a single pice has been subscribed by Indian capital. Indeed, it is not a company, but a private concern. Does Mr. Rangaswami Iyengar with these facts and figures try to support the Resolution and ask the Government that this private concern should be presented with a cheque of 10 lakhs of rupees ? Well, Sir, the Honourable Sir Charles Innes has pointed out to this House that the Government of India were unable to accept the recommendation of the Tariff Board and I submit that, if all the reasons which I have disclosed to this House are considered in their true perspective, I think the Honourable Mover of the amendment should hasten to withdraw his amendment. His amendment is not only industrially wrong but, I submit, it is unpatriotic. He is trying to force the hands of the Government of India to subsidise foreign exploiters of the raw produce of this country and I submit, therefore, that no Member of this House, whether elected or nominated, if he is free to vote, should vote in favour of the author of this amendment. The Honourable Mr. Acharya said that he wants the Government of India to subsidise such industries as will show promise. If that were the recommendation of the Tariff Board and if that were the amendment of the Honourable Mover of the amendment, I would be the first to vote for it.

Mr. M. K. Acharya : Will the Honourable Member read the first sentence of paragraph 140 of the Tariff Board Report ?

Sir Hari Singh Gour : My learned friend has drawn my attention to paragraph 140. Has he not seen the summary of the Board's recommendations ? After writing *pro* and *con* generally on the whole question, on the prospect and future of the paper industry in this country, the Board have formulated their final recommendation in the Annexure which they describe as a summary of the Board's recommendations.

I now see the secret of why my friend Mr. Acharya and why my friend Mr. Rangaswami Iyengar have gone astray. They have been misled by stray passages which occur in the Report. The Report is not their recommendation. Their recommendation occupies a separate page (page 106) and it is with reference to that recommendation that this amendment of the Honourable Mr. Rangaswami Iyengar appears to me in order and I submit, Sir, that it is with reference to that recommendation that you have allowed my friend the Mover of this amendment to amend his amendment.

[Sir Hari Singh Gour.]

Now, Sir, I am obliged to my Honourable and learned friend Mr. Chaman Lall for drawing my attention to paragraph 140 which, he says, supports my case. I have not stood here to urge any case at all. I may point out to the House that when I stood up to speak on the subject, I felt in duty bound that the House must be clear as to what it is voting for. Speeches have been made asking us to set up a committee for the purpose of formulating new plans. A very pious thing to say! But this is not the time nor the place to say it. Resolutions have been moved to assist the Indian paper industry. A very substantial and good thing to say. But here, Sir, we have met for the consideration of a limited Bill and a Resolution limited to giving effect to some of the recommendations of the Tariff Board and it is in that light that I regard both the motion of the Honourable Sir Charles Innes and the amendment moved by the Honourable Mover.

Now, to hark back to the point. I was saying that my friend Mr. Chaman Lall, to whom I am much obliged, has drawn my attention to paragraph 140 of the report of the Tariff Board, which supports my contention. They say :

"If the results of the inquiry we have suggested are satisfactory, it would be reasonable, we think, that the Carnatic Paper Mills, Limited, should receive either a loan or a Government guarantee of the extra capital required for the manufacture of bamboo paper at Rajahmundry. What the amount necessary would be we are unable to say."

What they have said was that they suggested a loan, but when they came to the conclusion and formulated a recommendation they said that the Carnatic Mill is at present in such a state of incompletion that they formulated no recommendation at all. And the only recommendation that they formulate in the Chapter dealing with recommendations is a recommendation to subsidise the Indian Paper Pulp Company. Is any Member going to do it? I ask even the author of the amendment : Is he prepared to subsidise the Indian Paper Pulp Company? Then they go on to say once more :

"What the amount necessary would be we are unable to say, but the asistance given should be limited to Rs. 10 lakhs as a maximum, as in the case of the Indian Paper Pulp Company."

Now, Sir, I wish to summarise my arguments. I submit we are here dealing with a specific question and specific recommendations and if my reading of the recommendations of the Tariff Board is correct, then this House in voting for the amendment would be voting for a subsidy of 10 lakhs to the Indian Paper Pulp Company. As regards the larger question, namely, that the Government of India should examine the possibilities of the development of the manufacture of paper in this country, it is, I submit, under the Resolution of the Honourable the Commerce Member, wide of the mark.

Mr. C. B. Chartres (Associated Chambers of Commerce : Nominated Non-Official) : Sir, I am very surprised indeed to see the amendment moved by the Honourable Member. I presume that it is suggested with a view to helping the Carnatic mill.

Mr. A. Rangaswami Iyengar : No, Sir, absolutely not. I deny it.

Mr. C. B. Chartres : It seems to me that the amendment is going to do the very reverse of helping that mill.

Mr. A. Rangaswami Iyengar : May I say, Sir, by way of explanation, that I have nothing to do with the Carnatic paper mill at all either as a shareholder or in any way.

Mr. C. B. Chartres : I accept the explanation, Sir. But the amendment coming from Madras I was misled to that extent. But it seems to me that that mill would be very much better without the amendment, because the amendment recommends Government to give assistance to all companies or firms that are prepared to explore these possibilities on a commercial scale. Well, Sir, I think if this amendment were adopted by the House and accepted by the Government, we would have 20 or 30 firms in Calcutta jumping at the opportunity, probably 4 or 5 in Madras and an equal number in Bombay, and I think the amendment would do very much more harm than good to the existing paper mills. I would therefore recommend that the Honourable Member withdraw it and let us get on with the Bill which will really help the industry and do good to the existing mills.

The Honourable Sir Charles Innes : Sir, I should like first to refer to the remarks of my Honourable friend, Mr. Jinnah, who I see is not in his place. Mr. Jinnah, I think, pointed out what I myself feel to be a real difficulty. I mentioned it in my opening speech. I do feel that I have put the House in some difficulty because only a week ago I gave notice of this Resolution and here I am to-day asking the House to pass that Resolution and not only pass the Resolution but also to pass the Bill. But I do not agree with Mr. Jinnah or Mr. Rangaswami Iyengar that we should have consulted the House before we came to a decision. That is a position I do not accept. It is for the Executive Government to formulate its decision. It then brings its decision to this House and it is for this House to criticise that decision. (*Mr. Rangaswami Iyengar* : "And not alter it ?") It is exactly what happens at Home. The only difference is that, if I were Commerce Member in England, I would come to the House with a great party behind. Here it is different. I am one of the small but happy band of pilgrims on these Benches, and in front of me are all the hosts of Midian, and all I can do is to try to persuade those hosts to agree to my proposals. But I think that Mr. Jinnah's objection really was that we were giving such a little time. Well, that is really not my fault. Were this the Delhi Session, then this Bill might be referred to a Select Committee or it might be given longer consideration. But the trouble is that in this Session there are only a few days left and that is why I am asking the House to come to a decision to-day. Mr. Jinnah suggested that some machinery might be devised by which, after we had arrived at our decision, we should take some Members of the House into our confidence and explain the reasons for arriving at our decision. That machinery exists already in the departmental committee. (*An Honourable Member* : "We have not heard anything about it.") I think that on another occasion, when we have more time, we might certainly either discuss our decisions when we have arrived at them with the departmental committee or issue a Resolution giving our reasons in detail for the decision we have come to. At any rate, I can promise the Honourable Member that the Government will consider the suggestion that he has made.

[Sir Charles Innes.]

I then come, Sir, to Mr. Rangaswami Iyengar's amendment. I must say that, when I saw that amendment on the paper, I was much more afraid of it than I was afraid of Mr. Rama Aiyangar's amendment. Mr. Rama Aiyangar makes a direct frontal attack. Mr. Rangaswami Iyengar is much too clever to do that. He attacks one on every side. I regard his amendment as a much more insidious attack on my Resolution. But, Sir, I would like to know what exactly Mr. Rangaswami Iyengar is driving at. Is it that he objects to what he considers pronouncements against subsidies in the Statement of Objects and Reasons to my Bill? If that is his objection to my Resolution, then I think that my Honourable colleague, the Finance Member, has removed whatever objection he may have. The Honourable the Finance Member has explained the position and he has explained that the Government of India had no intention and have never had any intention of dictating to a Local Government in a matter of this kind. I say now that it is entirely open to the Government of Madras, if they so desire, to help the Carnatic paper mill at Rajahmundry either by a loan or in any way they like. But I cannot help feeling that Mr. Rangaswami Iyengar had another end in view. I see before me a serried phalanx of Madras Brahmins. I have known these Madras Brahmins for many years; I know how they stick together and how strong their sense of local patriotism is. I cannot help feeling, though I know that Mr. Rangaswami Iyengar would deny this, that what they really have in mind is that sooner or later they are going to get something out of the Government of India for this Rajahmundry mill. And, Sir, if that is so, are we going to end there? Already we have had Mr. Das asking what we are going to do for Orissa. As I was going to lunch to-day I had another gentleman coming to me and saying confidentially: "Sir Charles, cannot you give a loan to the Punjab mill?" And so it will go on. Once we accept this principle, it will not stop with the Rajahmundry mill, it will not stop with the India Paper Pulp Company; we shall have to give these loans to mills in all parts of India, and that, as I have explained, is one of my main objections to this amendment. Now, Mr. Rangaswami Iyengar's amendment does not—as Sir Basil Blackett has pointed out—differ in substance from the amendment moved by Mr. Rama Aiyangar, but, as I have said, it is more insidious in form. Mr. Acharya said: "What are we asking you to do? We are simply asking you to accept this in principle. That is nothing at all." Sir, I remember two years ago I was representing India on the Imperial Economic Conference. I was having rather a difficult time because one or two subjects came up on which I had to play a lone hand. I had to play a lone hand against all the representatives of the Dominions all round. And I remember one of these Resolutions—I said that I could not accept it for India. And I remember a prominent politician, whose name I will not divulge, leaning across the table and saying to me: "Mr. Innes, cannot you even accept it in principle?" And I said "No, I cannot." Now, if I had accepted the Resolution—it had something to do with the purchase of stores in India—if I had accepted that Resolution on behalf of India and told you that I had merely accepted it in principle and had no intention of keeping to it, what would you all have thought of it? As I have said, this amendment has really been turned down by the House when they refused to accept Mr. Rama Aiyangar's amendment. I hope the House will take the same view now that they have taken before and

that they will see that it will put me in great difficulty if this amendment is accepted.

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

"That at the end of the Resolution the following be added :

'And this Assembly further recommends that the recommendations of the Tariff Board for the grant of loans or subsidies to firms or companies with a view to fully explore the possibilities of the manufacture of paper from bamboo by the sulphite, soda or other process be reconsidered and accepted in principle and that further investigations be made in accordance with the recommendations of the Tariff Board as to the most effective manner in which assistance may be given to all the companies or firms that are prepared to explore these possibilities on a commercial scale'."

Mr. Chaman Lall : Sir, may I ask your ruling on this point ? I rose to address the House on this amendment before you put the question. Since the question has been put.....

Mr. President : Order, order. The Honourable Sir Charles Innes has already replied to the debate.

Mr. Chaman Lall : There is no definite ruling on this point, Sir.

Mr. President : No ruling is necessary. The Honourable Member has no right to address the House after the debate is closed.

The Assembly divided :

AYES—36.

Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Aiyer, Sir P. S. Sivaswamy.
Aney, Mr. M. S.
Badi-uz-Zaman, Maulvi.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Govind Das, Seth.
Gulab Singh, Sardar.
Hans Raj, Lala.
Iyengar, Mr. A. Rangaswami.
Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.
Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Majid Baksh, Syed.
Mehta, Mr. Jamnadas M.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi Sayad.
Nehru, Dr. Kishenlal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Phookun, Mr. Tarun Ram.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan Bahadur.
Sinha, Kumar Ganganand.
Venkatapatiraju, Mr. B.
Yusuf Imam, Mr. M.

NOES—52.

Abdul Haye, Mr.
Abdul Mumin, Khan Bahadur Muhammad
Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Alimuzzaman Chowdhry, Khan Bahadur.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaswami.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Burdon, Mr. E.
Chalmers, Mr. T. A.
Chartres, Mr. C. B.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Datta, Dr. S. K.
Fleming, Mr. E. G.
Ghulam Bari, Khan Bahadur.
Gordon, Mr. E.

Gordon, Mr. R. G.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Graham, Mr. L.
Gurner, Mr. C. W.
Harper, Mr. K. G.
Innes, The Honourable Sir Charles.
Langley, Mr. A.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Makan, Mr. M. E.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Naidu, Mr. M. C.
Panduranga Rao, Mr. V.
Raj Narain, Rai Bahadur.
Reddi, Mr. K. Venkataramana.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vijayaraghavacharya, Diwan Bahadur T.
Webb, Mr. M.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Monday, the 14th September, 1925.

LEGISLATIVE ASSEMBLY.

Monday, 14th September, 1925.

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

QUESTIONS AND ANSWERS.

TRANSFERS OF MEMBERS OF THE SUBORDINATE SERVICE OF THE MILITARY ACCOUNTS DEPARTMENT.

812. ***Mr. A. Rangaswami Iyengar :** Will the Government be pleased to lay on the table a statement showing :

(*a*) the various transfers effected from one Military District to another of members of the Subordinate Service of the Military Accounts Department during the year 1923-24 and up to 1st August 1925 and the reasons that led to such transfers ;

(*b*) the total expenditure incurred by the Government by way of travelling allowances drawn by the aforesaid incumbents ;

(*c*) whether such transfers carry with them any increase in their emoluments to the incumbents ?

The Honourable Sir Basil Blackett : (*a*) and (*b*). The collection of the statistics required would involve the expenditure of much time and labour which in the opinion of the Government of India would not be justified. Transfers are normally effected for the following reasons [subject to certain restrictions in cases under (*ii*) and (*iii*)] :

(*i*) For administrative reasons, it being a condition of service that men are liable to transfer throughout India.

(*ii*) On compassionate grounds.

(*iii*) By mutual arrangement.

Travelling allowances are granted in all cases falling under (*i*) ; travelling allowances are only admitted in very exceptional cases falling under (*ii*) and no travelling allowances are granted in cases falling under (*iii*).

(*c*) Only when an individual is transferred to an appointment carrying a duty or local allowance.

MEMORIAL FROM THE CURRENCY ASSOCIATION, MADRAS.

813. ***Mr. A. Rangaswami Iyengar :** Will the Government be pleased to state :

(*a*) whether it has received a further memorial from the Currency Association, Madras, detailing the grievances of the members of the Currency section of the Finance Department, Madras ;

(*b*) whether it is a fact that the Government of India Order sanctioning the revision of pay in June 1924 did not afford any protection to many senior clerks by reason of the fact that their pay did not fall short of the pay of their juniors who obtained a larger pay notwithstanding the difference in the service between such seniors and juniors ;

(*c*) if the answer to (*b*) be in the affirmative, do the Government propose to consider the feasibility of granting suitable relief to such senior clerks at an early date ?

DISPARITY IN PAY BETWEEN THE CLERKS OF THE NOTE VERIFICATION SECTION OF THE ACCOUNTANT GENERAL'S OFFICE AND THE CLERKS OF THE TREASURER'S BRANCH OF THE CURRENCY OFFICE.

814. ***Mr. A. Rangaswami Iyengar :** Has the attention of the Government been drawn to the disparity in pay that has occurred between the clerks of the Note Verification Section of the Accountant General's Office and the clerks of the Treasurer's Branch of the Currency Office in the matter of the relief and advantages offered to them in their respective revised scales ?

The Honourable Sir Basil Blackett : The Honourable Member's attention is invited to the reply given by me already to questions asked by Mr. M. K. Acharya on the same subject.

This is in reply to question No. 814 also.

PAY OF THE SUBORDINATE EMPLOYEES OF THE MADRAS CURRENCY OFFICE.

815. ***Mr. A. Rangaswami Iyengar :** Will the Government be pleased to state whether it is a fact that the revised scale of pay granted to the subordinate employees of the Madras Currency Office including shroffs is inferior to the scale of pay granted to Calcutta and Bombay Currency Offices, and if so, whether they will take steps to rectify this disparity ?

The Honourable Sir Basil Blackett : The scales of pay in Currency Offices are fixed with reference to local conditions, and naturally differ at different centres.

SHORTAGE IN THE STOCKS OF TIMBER ON THE SOUTH INDIAN RAILWAY.

816. ***Mr. A. Rangaswami Iyengar :** (*a*) Has the attention of the Government been drawn to the report of a serious shortage of railway stores in timber on the South Indian Railway reported on by the Government Examiner for Railways in December 1923 ?

(*b*) If so, will the Government be pleased to state what steps the railway administration concerned took to investigate and deal with the matter and whether the Government Examiner and the Railway Board have received the report of any such investigation and whether they have examined the matter and satisfied themselves as to the person or persons responsible for the losses involved and what action they have taken or propose to take thereon ?

Mr. G. G. Sim : (*a*) and (*b*). The shortage in the stocks of timber on the South Indian Railway was first investigated by a Committee consisting of the Deputy Chief Auditor and the Deputy Loco. and Carriage

Superintendent of that Railway. The matter was also investigated and reported on by the Government Examiner of Accounts. Their reports have been received and considered by the Railway Board and the Accountant General, Railways, and the former have written to the Agent of the Railway to the effect that, unless satisfactory answers can be given to the Accountant General's criticisms, contained in his note on the report, disciplinary action must be taken against the officers responsible.

Mr. Jamnadas M. Mehta : Sir, is the shortage due to the bodily removal of the timber ?

Mr. G. G. Sim : It is not quite certain how much was due to removal and how much to bad accounting.

Mr. A. Rangaswami Iyengar : Will the House have an opportunity of knowing what is done after the reply of the Company is received ?

Mr. G. G. Sim : The matter will be reported to the Committee on Public Accounts.

ANNUAL GRANT BY THE GOVERNMENT OF INDIA TO THE INDIAN INSTITUTE OF SCIENCE AT BANGALORE.

817. ***Mr. Jamnadas M. Mehta** : (*i*) Are the Government aware whether any Provincial Government in India is paying an annual contribution to the Indian Institute of Science at Bangalore ? If so, what amount ?

(*ii*) Are the Government of India giving an annual donation to the said Institute ? If so, what amount ?

The Honourable Sir Bhupendra Nath Mitra : (*i*) So far as the Government of India are aware no Provincial Government is paying an annual contribution to the Institute.

(*ii*) Yes. As explained by me in answer to question No. 170 on the 27th February 1925, the annual grant is the equivalent of one half of the income derived by the Institute from local assets subject to a maximum of Rs. 1,50,000 in any one year.

RECRUITMENT TO THE INDIAN RAILWAY SERVICE OF ENGINEERS OF STUDENTS OF THE INDIAN INSTITUTE OF SCIENCE AT BANGALORE.

818. ***Mr. Jamnadas M. Mehta** : (*i*) What is the number of the State Railway Engineers recruited or to be recruited during the year 1925 ? How many of them are to be from India ?

(*ii*) How many of the Indian recruits are to be electrical engineers ? How many out of them are educated at the Indian Institute of Science ?

(*iii*) How many students of the electrical department of the said Institute have been employed either in the electric concerns of Government or in the electrical department of State Railways during the years 1922-23, 1923-24, 1924-25 and 1925-26 ?

(*iv*) Is it true that in the regulations stating the qualifications required for the Indian Service of Engineers, students of the said Institute are not recognised while those of many British Universities imparting inferior training are admitted ? If so, why ?

(*v*) What is the status of the said Institute in the eyes of the Government of India so far as Government service is concerned ? Are its students treated on the same footing as the students of English institutions of a similar character ?

(*vi*) In selecting candidates for technical appointments in the various departments of Governments are the claims of the students of the electrical and chemical departments of the said Institute considered equal to those of students trained in England ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : (*i*) and (*ii*). The information will not be available until the end of the year 1925.

(*iii*) None so far as the electrical department of State Railways is concerned. The Government of India have no information regarding electrical departments under Provincial Governments.

(*iv*) Recruitment to the Indian Service of Engineers and the Indian Railway Service of Engineers in England is confined to Europeans with extra-Indian training. Appointments made to those services in India are reserved for students of the Indian Engineering Colleges to which a certain number of appointments has been guaranteed, and for officers promoted from the provincial engineering services. Students of the Indian Institute of Science are not, therefore, eligible for appointment to the Indian Service of Engineers or to the Indian Railway Service of Engineers.

(*v*) Students of this Institute are eligible for appointments in Government service, except those in the Indian Service of Engineers and Indian Railway Service of Engineers, requiring technical qualifications to the same extent as students of other institutions possessing equal qualifications.

(*vi*) Yes, when their professional qualifications are equal.

Mr. B. Das : May I inquire, Sir, if the recruitment of Indian engineers is made in accordance with the recommendations of the Lee Commission's Report ?

The Honourable Sir Bhupendra Nath Mitra : The reply is in the affirmative so far as those recommendations have been definitely accepted.

Mr. Jamnadas M. Mehta : Are the Government of India aware that students of the electrical department of the Indian Institute of Science are regarded by the Institute of Electrical Engineers in England as equal in status to any student who has been trained in England and who are A. M. I. E. E.?

The Honourable Sir Bhupendra Nath Mitra : I have no information on that subject. If the Honourable Member wants the information, I would ask him to give me notice.

Sir Hari Singh Gour : May I inquire, in view of the statement made by the Honourable Member that students trained in the Institute are employed by Government, how many of these students have been employed by the Government of India ?

The Honourable Sir Bhupendra Nath Mitra : I cannot see that I have made any statement to the effect mentioned by the Honourable Member. I said that we have no information as to how many of these students are employed by Provincial Governments. The appointments

which the Honourable Member has in mind probably refer to appointments under the Provincial Governments.

Mr. Jamnadas M. Mehta : Are the students of the electrical department of the Institute eligible for the Indian Service of Engineers and for the Railway Department or are they not ?

The Honourable Sir Bhupendra Nath Mitra : No students of the Institute are eligible for appointment to the Indian Service of Engineers and to the Indian Railway Service of Engineers under existing conditions.

Diwan Bahadur M. Ramachandra Rao : The Honourable Member referred to certain colleges to which appointments have been guaranteed. Will the Honourable Member be so good as to say which are the colleges to which such appointments have been guaranteed, and what is the number of appointments so guaranteed ?

The Honourable Sir Bhupendra Nath Mitra : I can not readily give the Honourable Member information about the number of guaranteed appointments. I can give the colleges readily. They are the Roorkee College, the Sibpur College, the Madras College and the Poona College. Those are the colleges as they now stand. But new engineering colleges are springing up in other provinces. I cannot give the Honourable Member readily the information about the number of guaranteed appointments but they will be found in the calendars of these various institutions.

Mr. A. Rangaswami Iyengar : Can the Government state whether they have any objection to include the Indian Institute of Science among the colleges from which guaranteed appointments are made ?

The Honourable Sir Bhupendra Nath Mitra : Guarantee have been given to the colleges just mentioned for a certain number of years to come. I dare say the question will have to be re-examined when the Public Services Commission is appointed.

Mr. A. Rangaswami Iyengar : May I know if the number of appointments which are guaranteed are the only ones that are made or whether there are more appointments than are guaranteed ?

The Honourable Sir Bhupendra Nath Mitra : The other appointments which the Honourable Member has probably in view are those filled by promotion of officers from the Provincial Engineering Service.

Mr. B. Das : Are Government aware that the Indian Institute of Science is the only Engineering Institute in India that is entitled to membership of the Institute of Electrical Engineers, of which I am also a member ? (Laughter.)

The Honourable Sir Bhupendra Nath Mitra : I submit, Sir, that that question does not arise out of the main question.

PREVENTION BY THE POLICE AT SIRHALI OF VOTERS FOR THE LEGISLATIVE ASSEMBLY EXERCISING THEIR VOTES.

819. ***Mr. Chaman Lall** : (*a*) Are Government aware that a large number of voters for the Legislative Assembly during the last elections were detained by the police at Sirhali and prevented from exercising their votes ?

(*b*) Is it a fact that these voters alleged that they were detained because of their expressed desire to vote for the Nationalist candidate ?

(c) What action do Government intend to take in view of this breach of the privileges of this House ?

Mr. H. Tonkinson : (a) and (b). Government have no information in the matter.

(c) I am not aware of any breach of the privileges of this House and therefore do not propose to take any action.

Mr. Chaman Lall : Do I understand the Honourable Member to say, Sir, that the Government have no information in the matter ? If so, how is it that they say that there has been no breach of the privileges of this House ?

Mr. H. Tonkinson : I submit, Sir, that this is pure argument, but I would repeat my answer to part (c) which was to the effect that I am not aware of any breach of the privileges of this House.

Mr. Chaman Lall : May I, with your permission, Sir, ask another supplementary question ? Why did Government not take steps to make proper inquiries with regard to this question ?

Mr. H. Tonkinson : I assume, Sir, that notice was given of this question 10 days ago on the 4th September, the question apparently relates to an incident which is alleged to have taken place two years ago, and I do not think that any useful purpose will be served by making inquiries into the matter now.

Mr. Chaman Lall : May I ask whether it is the definite opinion of the Government that no useful purpose can be served by going into a matter of the importance revealed in this question where voters have been prevented from voting for a Member of the Assembly by the police authorities in Sirhali ?

Mr. H. Tonkinson : Sir, the question asks for an expression of opinion.

Mr. Devaki Prasad Sinha : May I inquire, Sir, if Government made any inquiries at all before answering this question, or is the answer based on no information ?

Mr. H. Tonkinson : I wish to submit, Sir, that my answer definitely indicated that it was based upon no information.

Mr. Chaman Lall : May I request the Honourable Member to make inquiries and let the House know next Session the results of those inquiries ?

Mr. H. Tonkinson : If the Honourable Member will give further notice, I will consider the matter.

Mr. A. Rangaswami Iyengar : May I know, Sir, whether the question of the purity of the elections is not a matter which has been vitally before this House in connection with the two Bills which my Honourable friend has introduced in this House ?

Mr. K. Ahmed : May I put a supplementary question, Sir ? (Laughter.) Is it not a fact, Sir, that the voting papers are preserved by the Government for a fixed period of time and after that period has elapsed, no inquiries can successfully be made in order to trace the required information ?

RETURN TO INDIA OF MR. B. G. HORNIMAN.

820. *Mr. Chaman Lall : (a) Will Government state if they are now prepared to withdraw all restrictions from the exercise of his right of free entry into India by Mr. B. G. Horniman ?

(b) Are Government aware that their action in deporting Mr. B. G. Horniman from India has resulted in a great deal of financial loss to that gentleman ?

(c) Are Government prepared to contemplate the reimbursement to Mr. B. G. Horniman of the losses suffered by him in being deprived of his professional income ?

Mr. H. Tonkinson : (a) I have nothing to add to the replies given by the Honourable the Leader of the House on the 3rd March last to questions in this House on the subject.

(b) and (c). No.

Mr. Chaman Lall : May I ask the Honourable Member, Sir, whether the Government gave any consideration whatsoever to the considered verdict of this Assembly with regard to Mr. Horniman ?

Mr. H. Tonkinson : Government, Sir, gave due consideration to the Resolution passed by this House in February 1924.

Mr. A. Rangaswami Iyengar : Have the Government at all considered whether, since that reply was made by the Leader of the House on the floor of this House, any new circumstances have arisen to change their policy in this matter and whether they will now exercise their power to give Mr. Horniman his elementary rights ?

Mr. H. Tonkinson : Sir, one circumstance did arise after the Resolution was passed by this House, and that was that a Resolution was moved in the Bombay Council and was rejected.

Mr. B. Das : May I ask the Government, in view of the spirit of co-operation shown by the Nationalist Members of this House and also by the country in general, whether they will reconsider this question and allow Mr. Horniman to return to India ?

Mr. Chaman Lall : May I ask the Honourable Member whether after the decision of this Assembly the Government did discuss this matter of the return of Mr. Horniman, and if so, will the Honourable Member kindly place the minutes of their discussion on the table of this House ?

Mr. H. Tonkinson : The answer to the last part of the question is in the negative, Sir.

Mr. Chaman Lall : May I again, with your permission, Sir, ask the Honourable Member if he will let us know which authority is responsible for keeping Mr. Horniman out of India ?

Mr. H. Tonkinson : Sir, I am afraid, as I said before, that I cannot give any further information on this subject than was given to this House on the 3rd of March last.

Mr. Chaman Lall : May I remind the Honourable Member that no information on this particular matter was given to this House ?

Dr. K. G. Lohokare : May I know if Government have inquired as to the circumstances in which the Resolution in the Bombay Council was rejected ?

Mr. H. Tonkinson : We presumably received information from the Bombay Government.

Mr. Chaman Lall : May I take it, Sir, that it is the considered verdict of the Government to flout the opinion of this Assembly with regard to Mr. Horniman ?

Mr. A. Rangaswami Iyengar : May I know, Sir, whether the Government consider that the reasons which induced them to say that they would not recommend the grant of this passport exist to-day, and how long they are going to exist and whether they are going to ruin Mr. Horniman for life ? (*A Voice* : " Shame.")

Mr. H. Tonkinson : As regards the part of the question as to whether the reasons exist to-day, in the opinion of the Government the answer is in the affirmative. As to how long they are going to exist, I am not a prophet.

Mr. Jamnadas M. Mehta : Do Government realise that this vindictiveness is unworthy of a civilised Government ?

Mr. Gaya Prasad Singh : May I say, Sir, that this wordy warfare will have no effect upon the Government, unless Government are compelled to withdraw the restriction by the irresistible force of public opinion in this country ?

WAGES OF LABOURERS EMPLOYED IN THE COAL MINES IN JHARIA AND RANIGANJ.

821. ***Mr. Chaman Lall :** Will Government state :

(1) The price of coal per ton at the pit's mouth at Jharia and Raniganj ?

(2) The price of Bihar coal per ton in Calcutta and in Bombay ?

(3) The average wages per day paid to (*a*) men, (*b*) women, and (*c*) children, in Raniganj and Jharia ?

(4) The total amount of coal per head per annum raised by the workers in Raniganj and Jharia ?

The Honourable Sir Bhupendra Nath Mitra : (1) Owing to variations in the quality of coal and the different conditions of delivery it is not possible to answer the Honourable Member's question exactly. The following recent quotations from commercial papers are however given:

1st class Jharia Rs. 6-4 f. o. r. colliery,

2nd class Jharia Rs. 4-0 f. o. r. colliery,

1st class Raniganj Rs. 6-2 f. o. r. colliery.

(2) Again the Honourable Member does not specify either the kind of coal or whether he refers to wholesale or retail prices. Wholesale quotations for Calcutta are usually on a f. o. r. colliery basis. At Bombay, a recent quotation for 1st class Jharia coal is Rs. 22-10-0 per ton *ex* coal depot.

(3) Statistics of average wages are not available, but the Honourable Member is referred to the figures given in the report of the Chief Inspector of Mines for 1923.

(4) The average output per person employed above and below ground in 1923 was :

In the Jharia Coalfield	114 tons.
In the Raniganj Coalfield	102 tons.

GRANT OF EXTENSION OF SERVICE TO MR. MEYER, TRAVELLING INSPECTOR OF ACCOUNTS, EASTERN BENGAL RAILWAY.

822. ***Mr. Kumar Sankar Ray** : (*a*) Will the Government be pleased to state if the Travelling Inspector of Accounts of the Eastern Bengal Railway belongs to the ministerial staff ?

(*b*) If the answer to (*a*) be in the negative, will the Government be pleased to state under what special circumstances an extension of service has been allowed to one Mr. Meyer, Travelling Inspector of Accounts, Eastern Bengal Railway, even after he has completed fifty-five years ?

(*c*) Will the Government be also pleased to state if they are aware of any serious reports against Mr. Meyer, and if those reports were thoroughly inquired into before granting an extension of service ?

The Honourable Sir Basil Blackett : The answer to part (*a*) of the question is in the affirmative and to part (*c*) in the negative. Part (*b*) does not arise.

PAY OF MEN ON THE EASTERN BENGAL RAILWAY RE-EMPLOYED AFTER DISCHARGE OR RESIGNATION.

823. ***Mr. Kumar Sankar Ray** : (*a*) Will the Government be pleased to state the principle which is followed on the Eastern Bengal Railway in fixing the pay of men on re-appointment after being discharged or after resignation ?

(*b*) If such re-appointments are made on the market value of the class of employee, will the Government be pleased to lay on the table a list of such appointments made during the last three years, giving the number of Indians and Anglo-Indians separately ?

Mr. G. G. Sim : (*a*) & (*b*). Government have no information and do not propose to call for it as matters of this sort are left to the discretion of the Agent.

RUNNING ROOMS FOR INDIAN GUARDS ON THE EASTERN BENGAL RAILWAY.

824. ***Mr. Kumar Sankar Ray** : Will the Government be pleased to state if any running rooms are provided for Indian guards of the Eastern Bengal Railway at Budge-Budge, Naihati and Ranaghat ? If so, will the Government be pleased to state if any cook is provided there ; if not, why not ?

Mr. G. G. Sim : Government have no information on the subject.

PAYMENT BY LICENCED COOLIES AT SEALDAH OF DEPOSIT MONEY TO THE STATION SUPERINTENDENT.

825. ***Mr. Kumar Sankar Ray** : (*a*) Will the Government be pleased to state if the licensed coolies of Sealdah station are required to pay any money to the Station Superintendent in addition to their license fees ?

(b) If not, are the Government aware that the coolies of Sealdah submitted written complaints to the Traffic Manager, Eastern Bengal Railway, Calcutta ?

(c) If so, what action was taken by the Traffic Manager, Eastern Bengal Railway, Calcutta, and with what result ?

Mr. G. G. Sim : (a) Government understand that no deposit money is taken from licensed coolies at Sealdah station when engaged, but each man pays a monthly license fee to the Station Superintendent, when he is actually working.

(b) and (c). Government have no information.

Lala Duni Chand : Is it not a matter of common knowledge, Sir, that on several big railway stations coolies are forced to pay a part of their earnings to their superiors ?

(Mr. G. G. Sim could not follow the question.)

Mr. President : Will the Honourable Member repeat his question ?

Lala Duni Chand : Is it not a matter of common knowledge that on several big railway stations coolies are required to pay a part of their earnings to their superiors ?

Mr. G. G. Sim : If it is a matter of common knowledge, I do not know, Sir, why the Honourable Member has asked for information.

Mr. K. Ahmed : Do Government propose to take sufficient steps to remove this anomaly, for the benefit of the public ? Or do the Government welcome the fact that station masters should add to their monthly salary and take bribes right and left and then they (the Government) should sit here slowly and sadly while answering questions like this ? (Laughter.) Do the Department of my Honourable friend propose to take sufficient steps to remove this grievance of the people by not allowing station masters to make extra incomes in addition to their salaries ?

Mr. G. G. Sim : I should like to know what grounds the Honourable Member has for making this statement ? Will he kindly substantiate his statement ?

Mr. K. Ahmed : Is it not a fact, Sir, that station masters have some additional income besides their salaries ?

Mr. G. G. Sim : No, Sir. (Laughter.)

COMPLAINTS AGAINST LICENSED VENDORS OF THE EASTERN BENGAL RAILWAY.

826. ***Mr. Kumar Sankar Ray** : (a) Are the Government aware that the licensed vendors of the Eastern Bengal Railway are required to execute agreements with the Eastern Bengal Railway administration that they will sell certain specified articles at the market rate ?

(b) If so, are the Government aware that several reports were made to the Eastern Bengal Railway authorities against platform vendors selling articles above the market rates ?

(c) If not, will the Government be pleased to make inquiry into the complaints and place the result before this House for the information of its Members ?

Mr. G. G. Sim : (*a*) Vendors are bound by their contracts to supply good and wholesome food at current rates.

(*b*) Government have no information.

(*c*) A copy of the question and answer will be sent to the Agent.

CLAIMS INSPECTORS ON THE EASTERN BENGAL RAILWAY.

827. ***Mr. Kumar Sankar Ray** : (*a*) Will the Government be pleased to state if any applications were made from the staff employed in the Traffic Department of the Eastern Bengal Railway for promotion to the posts of Claims Inspectors ?

(*b*) If so, will the Government be pleased to state if the Traffic Manager, Eastern Bengal Railway, has recently appointed outsiders to the posts of Claims Inspectors ?

(*c*) If so, will the Government be pleased to state the special qualifications of those new recruits ?

(*d*) Were those vacancies advertised and were the cases of candidates already in service considered ? If not, why not ?

REDUCTION OF MD. EMANALI BISWAS, A GUARD ON THE EASTERN BENGAL RAILWAY.

828. ***Mr. Kumar Sankar Ray** : (*a*) Is it a fact that a guard, Babu S. C. Mukherji, son of the late station master, Iswardi, has been promoted from class " A " to class " B " though he was drawing Rs. 65 at the time of his promotion ignoring the claims of many senior guards in class " A " ?

(*b*) Are the Government aware that an appeal against this supersession of the legitimate claim preferred by the seniormost " A " class guard, Md. Emanali Biswas, has not only been rejected but he has been reduced and transferred ?

(*c*) Will the Government be pleased to inquire if the District Traffic Superintendent, Paksey, got a statement written by himself signed by Md. Emanali Biswas under threat, and that the contents thereof were never made known to the latter nor was he supplied with a copy of the same, though he applied for it ?

Mr. G. G. Sim : I propose to reply to this and the preceding question together.

I must ask the Honourable Member to believe that it is not the practice of and is quite impossible for the Government to interfere in the promotion of subordinate railway servants.

GRANT OF ALLOWANCES TO INDIAN DRIVERS OF THE EASTERN BENGAL RAILWAY FOR SUNDAY WORK.

829. ***Mr. Kumar Sankar Ray** : Will the Government be pleased to state what action, if any, was taken by them in regard to the question of granting allowances to Indian drivers of the Eastern Bengal Railway for working on Sundays ?

Mr. G. G. Sim : The matter is under the consideration of the Government.

CASE OF PHOOL MOHAMMAD, PUMPING DRIVER AT KATIHAR ON THE EASTERN BENGAL RAILWAY.

830. *Mr. Kumar Sankar Ray : (a) Will the Government be pleased to state whether when an employee living outside the railway boundary submits a medical certificate from any registered practitioner, the subordinate under whom the employee is working is bound to forward the same to his District Officer ?

(b) If the reply be in the affirmative, will the Government be pleased to inquire whether the Loco. Foreman of Katihar refused to accept and forward the medical certificate submitted by Pumping Driver Phool Mohammad of Katihar and marked him absent and in consequence Phool Mohammad was discharged ?

Mr. G. G. Sim : (a) If an employee lives within the administrative district of a Railway Medical Officer ordinarily the medical certificate of such officer only can be accepted.

(b) Does not arise.

TESTING OF THE EYESIGHT OF STATE RAILWAY EMPLOYEES.

831. *Mr. Kumar Sankar Ray : Will the Government be pleased to state if there are any rules regulating the testing and retesting of the eyesight of State Railway employees and if it is the intention of the Government to publish the rules for the benefit of the employees ?

Mr. G. G. Sim : I would refer the Honourable Member to the reply given to the question No. 1131 asked by Khan Bahadur W. M. Hussanally on the 6th March 1925.

GRIEVANCES OF THE LINE STAFF OF THE EASTERN BENGAL RAILWAY.

832. *Mr. Kumar Sankar Ray : (a) Are the Government aware that the cash witnesses of the Southern District of the Eastern Bengal Railway are invariably selected from the relieving staff and not from the line staff to deprive them of their allowance ?

(b) If the answer to the above be in the affirmative, do the Government propose to direct the Agent, Eastern Bengal Railway, to redress the grievances ?

Mr. G. G. Sim : Government have no information.

DILAPIDATED CONDITION OF THE STAFF QUARTERS ON THE TISTA-KURIGRAM BRANCH OF THE EASTERN BENGAL RAILWAY.

833. *Mr. Kumar Sankar Ray : (a) Are the Government aware that the staff quarters on the Tista-Kurigram Branch of the Eastern Bengal Railway are all thatched quarters and are in a dilapidated condition and in consequence the occupants have to suffer a great deal during rain and storm even to the extent of risk to life and property in case of accidents for which the Railway may be liable for damages ?

Mr. G. G. Sim : Government have no information.

SUPPLY OF NEW ENGINES TO INDIAN DRIVERS ON THE EASTERN BENGAL RAILWAY.

834. *Mr. Kumar Sankar Ray : (a) Are the Government aware that whenever any new or repaired engine from workshop is received in any Loco. Shed of the Eastern Bengal Railway under European and Anglo-Indian Foremen the new or repaired engine is given to an Anglo-Indian or European driver and the old engine to an Indian driver ?

(b) If not, will the Government be pleased to inquire how many new or repaired engines have been received by all the Loco. Sheds of the Eastern Bengal Railway during 1920—1924 and how many of those engines were given to Indian drivers ?

Mr. G. G. Sim : The reply to both the parts of the question is in the negative.

SUPPLY OF DRINKING WATER FOR THE INDIAN STAFF STATIONED AT PAKSEY, KATIHAR, SANTAHAR AND LALMONIRHAT ON THE EASTERN BENGAL RAILWAY.

835. *Mr. Kumar Sankar Ray : (a) Will the Government be pleased to state what action has been taken by the Eastern Bengal Railway authorities to improve the supply of drinking water for the Indian staff stationed at Paksey, Katihar, Santahar and Lalmonirhat ?

(b) If no action has yet been taken will the Government be pleased to state when they are going to remove the complaints ?

Mr. G. G. Sim : Government have no information.

EXPENDITURE ON THE MEDICAL DEPARTMENT OF THE EASTERN BENGAL RAILWAY.

836. *Mr. Kumar Sankar Ray : Will the Government be pleased to state what amount has been spent during the last five years for the Medical Department of the Eastern Bengal Railway under the following heads :

(i) Establishment;

(ii) Medicines ;

(iii) Apparatus ?

Mr. G. G. Sim : The information required by the Honourable Member has been called for from the Railway Administration and will be supplied to him when received.

HOSPITALS ON THE EASTERN BENGAL RAILWAY.

837. *Mr. Kumar Sankar Ray : (a) Will the Government be pleased to state how many hospitals there are on the Eastern Bengal Railway ?

(b) Will the Government be pleased to place on the table a statement showing the names of the hospitals on the Eastern Bengal Railway, number of patients treated in each hospital and the amount spent for the supply of medicines to each hospital during the last five years ?

Mr. G. G. Sim : Government are inquiring as to the number of hospitals and the total number of patients treated last year and will furnish the Honourable Member with the information in due course.

RENTS RECEIVED FROM LONGWOOD, ETC.

838. ***Khan Bahadur W. M. Hussanally**: (*a*) What has been the gross income from rent, etc., from Longwood for the past two official years ?

(*b*) What was the total outlay on Longwood including all improvements, renewals and additions up to date ?

(*c*) What has been the total outgoings for the last two years separately in the shape of maintenance, establishments, repairs, proportionate cost of the Public Works Department establishment and all miscellaneous cost ?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Rs. 30,911 in 1923-24 and Rs. 18,335 in 1924-25.

(*b*) Rs. 6,95,834.

(*c*) Rs. 28,791 in 1923-24 and Rs. 23,169 in 1924-25. Details are not available separately for maintenance, establishment charges, etc.

FURNITURE FOR QUARTERS OCCUPIED BY MEMBERS OF THE LEGISLATIVE ASSEMBLY AT DELHI AND SIMLA.

839. ***Khan Bahadur W. M. Hussanally**: Are the Government aware that the Public Works Department expect Members living in the Longwood Range to squat on the ground while dining or to pay extra rent for a small table to serve as a dining table ?

(*b*) What are the reasons why the Government cannot supply reasonable necessary furniture to Members when in Simla or Delhi for the Assembly Session ?

(*c*) Are Government aware that if a Member gets a guest he is refused an extra bed even on hire and he is obliged to go to the bazar for one ?

(*d*) Who is responsible for the scale of furniture for quarters for Members at Delhi and Simla ?

(*e*) Are Government aware that at Delhi two Members residing in one and the same cottage are expected to use the same dressing table and must share the wardrobe and chest of drawers meant originally for a family ?

The Honourable Sir Bhupendra Nath Mitra: (*a*) The quarters in the Range at Longwood are intended for Members who live in strict orthodox style, and for this reason only small tables are provided in the scale of furniture for these quarters.

(*b*) Government are not aware that reasonable necessary furniture is not provided. If it is shown that there is a general desire on the part of Members that the scale of furniture should be increased, they are prepared to consider the question; but an increase in the scale would probably mean an increase in rent.

(*c*) A small stock of furniture is kept from which articles such as beds can, if available, be obtained on hire.

(*d*) The Government of India.

(*e*) The scale of furniture has been drawn up to meet the needs of a single family.

RECRUITMENT TO THE IMPERIAL SECRETARIAT.

840. ***Khan Bahadur W. M. Hussanally** : Will Government be pleased to lay on the table a statement showing the number of employees in all the Secretariats (*i*) in the clerical branch and (2) in the I. S. S. belonging to each Province ?

(*b*) What steps are being taken to see that as far as possible all Provinces are represented in all services in the Secretariats ?

(*c*) In what newspapers in India are the Staff Selection Board's examinations advertised ?

(*d*) Are Local Governments consulted when filling up vacancies in the I. S. S. with a view to find out if those Governments can recommend any men belonging to their provincial service who could be lent to the Government of India in the same way as men of the I. C. S. are lent ?

(*e*) Is it a fact that more recently all Secretariat appointments have become a preserve for men belonging to certain Provinces alone ?

(*f*) If so are Government prepared to consider a scheme by which Government patronage in this direction should be distributed to all Provinces alike ?

(*g*) Are Government aware that there is a considerable discontent among Secretariat employees of the various Local Governments as also among members of the provincial services of the different Provinces ?

Mr. H. Tonkinson : (*a*) A copy of a statement compiled in 1920 is being forwarded to the Honourable Member. Government do not think any useful purpose would be served by collecting fresh information in the form suggested.

(*b*) I would refer the Honourable Member to the reply given by the Honourable the Home Member to Mr. Jeelani's question No. 1221 of 23rd March last.

(*c*) The last examination was advertised in the following ten newspapers :

The *Indian Daily Mail* ; the *Civil and Military Gazette* ; The *Pioneer* ; the *Leader* ; the *Madras Mail* ; the *Times of India* ; the *Bengalee* ; the *Statesman* ; the *New India* ; and the *Tribune*.

(*d*), (*f*) and (*g*). The replies are in the negative.

(*e*) For obvious reasons Bengal, the United Provinces, and the Punjab have a larger representation than other provinces.

MEMORIALS OF THE TRAINS CLERKS OF THE TRAFFIC DEPARTMENT OF THE SOUTH INDIAN RAILWAY.

841. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that some time ago the trains clerks of the Traffic Department of the South Indian Railway submitted a memorial to the General Traffic Manager asking for a reduction of their working hours from 12 to 8 and the revision of their pay ?

(*b*) If so, will the Government please inform the House what action has been taken in the matter ?

Mr. G. G. Sim : Government have no information.

FINING OF STATION MASTERS BY THE DISTRICT TRAFFIC SUPERINTENDENT, MORADABAD.

842. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that the District Traffic Superintendent of the Oudh and Rohilkhand Railway (now East Indian Railway), Moradabad, fined all the station masters between Moradabad and Saharanpur both inclusive, at the rate of Rs. 5 each (*vide* his letter No. 205|12|544|23-T., dated 3rd November 1924) on account of the alleged offence that somebody played an Indian instrument on the telephone at 19 hours on 10th October 1924, although the real man at fault could not be traced ?

(*b*) If so, do the Government propose to take such steps as may be necessary to put a stop to such unfair punishment in future and undo the injustice done to all the station masters ?

DISMISSAL OF MRS. BAID, LADY TICKET COLLECTOR OF SHAHJAHANPUR STATION.

843. ***Mr. Amar Nath Dutt** : (*a*) Is it a fact that one night at about 21 hours in the month of May, 1924, Mr. R. Collett White, District Traffic Superintendent, Bareilly, called for the records of all the ticket collectors including a lady ticket collector, Mrs. Ellice Baid, at Shahjahanpur station and inspected all of them except that of Mrs. Baid ? Is it a fact that Mrs. Baid's papers were not inspected then and there ? If so, why ?

(*b*) Is it also a fact that within a fortnight from the date of such occurrence Mrs. Baid was discharged from service (*vide* District Traffic Superintendent's office letter dated 28th May 1924) on and from the 30th May, 1924, in spite of the fact that she had served for 14 years, for which she was granted a good certificate by the previous District Traffic Superintendent, Mr. Evans ?

(*c*) If the answers to (*a*) and (*b*) be in the affirmative, will the Government be pleased to :

(1) state reasons for the dismissal of Mrs. Baid ;

(2) institute a thorough inquiry into the matter and communicate to the House the facts in connection therewith ?

Mr. G. G. Sim : I propose to reply to questions Nos. 842, 843, 846 and 855 together.

Government have no information and cannot undertake to inquire into such matters.

GRANT OF FREE PASSES OVER FOREIGN RAILWAYS TO THE MENIAL STAFF OF THE OUDH AND ROHILKHAND RAILWAY.

844. ***Mr. Amar Nath Dutt** : Is it a fact that the menial staff on the Oudh and Rohilkhand Railway (now East Indian Railway), drawing below Rs. 40 per month, are not entitled to free passes over foreign railways ?

Mr. G. G. Sim : Yes, in accordance with the rules of the Indian Railway Conference Association which apply to all Railways.

WORKING OF PASSENGER TRAINS BY INDIAN GUARDS ON THE OUDH AND ROHILKHAND RAILWAY.

845. ***Mr. Amar Nath Dutt :** Is it a fact that even senior Indian guards are never allowed to work passenger trains except on branch lines of the Oudh and Rohilkhand Railway (now East Indian Railway), whereas newly appointed European and Anglo-Indian guards are freely utilised for such service ? If so, will the Government please state reasons for such distinction ?

Mr. G. G. Sim : Government have no information. Inquiry is being made and the Honourable Member will be informed of the result in due course.

GRANT OF EXTENSIONS OF SERVICE TO CERTAIN STATION MASTERS ON THE OUDH AND ROHILKHAND RAILWAY.

†846. ***Mr. Amar Nath Dutt :** Is it a fact that Rai Sahib Raja Ram, the station master at Hardwar station on Oudh and Rohilkhand Railway (East Indian Railway), has been granted a year's extension of his service, whereas the station masters at Jaunpore, Shahgunge, Akbarpore, Ajodhya, Patranga, Alamnagar, etc., are deprived of the same privilege ? If so, will the Government please state the reasons for such differential treatment and do the Government propose to extend such privileges to those who have been deprived of it ?

ALLEGED ASSAULT BY MR. C. E. MATHEWS, DISTRICT ENGINEER, BENGAL NAGPUR RAILWAY, ON THE ASSISTANT STATION MASTER OF THULIN.

847. ***Mr. Amar Nath Dutt :** (*a*) Is it a fact that on the 15th November, 1924 in the morning Mr. C. E. Mathews, District Engineer, H. C. C. District No. II of the Bengal Nagpur Railway, went to Thulin station with a whip in his hand, a revolver in his trouser pocket and a gun in his motor car and assaulted the assistant station master Mr. Mohendra Nath Singha Roy while on duty at the station, in the presence of the staff and the public ?

(*b*) Is it a fact that instead of holding an impartial inquiry prayed for by the Bengal Nagpur Railway Indian Labour Union, Khargpur, the said assistant station master has been transferred as a punishment, to a less important station—Garh—Jaipur, on the basis of an official report of an inquiry instituted by the Assistant Traffic Superintendent, Adra, in the presence of another officer Mr. Tulloch, the Deputy Chief Engineer, whereas in the latter part of 1923 on the same railway the services of one Mr. Q. A. Rahman were terminated for a similar offence of having assaulted a European ticket collector ?

(*c*) If the answers to (*a*) and (*b*) be in the affirmative, will the Government please place before the House the full facts of the case referred to above and inform the House what action has been taken or is proposed to be taken against Mr. Mathews ?

Mr. G. G. Sim : Government have no information. If the facts are as suggested in part (*a*) of the question the aggrieved party presumably has his remedy in a court of law.

† For answer to this question, *see* answer below question No. 843.

ALLEGATIONS AGAINST MR. H. G. PRINCE WRIGHT, A TRAFFIC INSPECTOR IN THE DACCA DISTRICT, EASTERN BENGAL RAILWAY.

848. *Mr. Amar Nath Dutt : (a) With reference to the Government reply to starred question No. 789 asked in the Assembly on the 9th February 1925 will the Government be pleased to state whether they inquired into the matter referred to in the question ?

(b) If the answer be in the affirmative, will the Government please inform the House as to the result of such inquiry ?

(c) If not, why not ?

Mr. G. G. Sim : Mr. Naha informed the District Traffic Superintendent in writing that he had no complaint and that the complaint purporting to have been sent by him was neither written nor signed by him.

ALLEGATIONS AGAINST MR. H. G. PRINCE WRIGHT, A TRAFFIC INSPECTOR IN THE DACCA DISTRICT, EASTERN BENGAL RAILWAY.

849. *Mr. Amar Nath Dutt: (a) Will the Government be pleased to state whether it is a fact that on the 8th or 9th February, 1925 Mr. H. G. Prince Wright, a Traffic Inspector in the Dacca District of Eastern Bengal Railway, called at the house of Mr. G. C. Naha, a jute merchant of Ramamritagunge and threatened him that the supply of railway wagons for his jute transhipment would be stopped in case he did not withdraw his complaint referred to in the starred question No. 789 (b) asked in the Assembly on 9th February, 1925 ?

(b) Is it also a fact that the said jute merchant Mr. G. C. Naha, being afraid, signed a letter of withdrawal of such complaint as drafted and demanded by Mr. Prince Wright and subsequently on the same date sent a telegram to the District Traffic Superintendent, Dacca, protesting against the threatening attitude and action of Mr. Prince Wright and refusing to withdraw the complaint ?

(c) If the answers be in the affirmative, will the Government please state what action has been taken or is proposed to be taken in the matter ?

Mr. G. G. Sim : The Honourable Member is referred to the answer to his previous question. The Government have no knowledge of the alleged facts but if they are as stated they do not see how the statements of the alleged complainant could be relied on.

ALLEGATIONS AGAINST MR. H. G. PRINCE WRIGHT, TRAFFIC INSPECTOR IN THE DACCA DISTRICT, EASTERN BENGAL RAILWAY.

850. *Mr. Amar Nath Dutt : (a) Is it a fact that on the 31st May, 1925, Mr. H. G. Prince Wright, Traffic Inspector of the Eastern Bengal Railway, while travelling in his special carriage attached to the 219 Up Train, got down at Singhjani station at about 3-15 P.M. (Standard Time) and entered into the Parcel Office and the Booking Office ? If so, will the Government be pleased to inquire into the reasons for his doing so ?

(b) Was there any interference with the work of the booking clerk by Mr. Wright, when the booking clerk was issuing tickets to passengers ? Was there any complaint by passengers of not having received tickets

although money was paid ? If so, who took the money from the passengers and why was no ticket issued to them ?

(c) Is it also a fact that Mr. Wright got into the same train (219 Up) and the aggrieved passengers at the same time brought this to the notice of the Government Railway police constables who were on duty ?

(d) If the answers to (a), (b) and (c) be in the affirmative, will the Government be pleased to make a thorough inquiry into the case and inform the House as to the result thereof ?

Mr. G. G. Sim : Whoever is responsible for these statements should make them to the Agent.

PROVISION OF SUITABLE OFFICE BUILDINGS FOR GOODS CLERKS AT CERTAIN STATIONS ON EASTERN BENGAL RAILWAY.

851. ***Mr. Amar Nath Dutt** : With reference to the Government reply to starred question No. 795 asked in the Assembly on 9th February, 1925, will the Government be pleased to inform the House of the result of the communications with the Agent, Eastern Bengal Railway, on the subject ?

Mr. G. G. Sim : A copy of the question and answer referred to by the Honourable Member was sent to the Agent, Eastern Bengal Railway, and Government have no information regarding the action taken in the matter.

APPOINTMENT OF INDIANS TO THE HIGHER GRADES OF STATION MASTERS AND ASSISTANT STATION MASTERS ON THE EASTERN BENGAL RAILWAY.

852. ***Mr. Amar Nath Dutt** : With reference to the Government reply to starred question No. 797 asked in the Assembly on 9th February 1925 will the Government be pleased to inform the House as to the result of the promised inquiry ?

Mr. G. G. Sim : The result of the inquiry was communicated to the Honourable Member in May last. As apparently the letter containing the information did not reach him, I may state for his information that in addition to Khulna and Serajgang stations, Ishurdi and Mymensingh are now in charge of Indian station masters.

GRANT OF EXTRA REMUNERATION FOR SUNDAY WORK TO INDIAN DRIVERS ON THE EASTERN BENGAL RAILWAY.

853. ***Mr. Amar Nath Dutt** : With reference to the Government reply to starred question No. 857 asked in the Assembly on the 16th February, 1925 will the Government be pleased to state what decision has been arrived at in the matter of granting the same privileges in respect of extra pay to the Indian drivers for working on Sunday, as are enjoyed by the European and Anglo-Indian drivers on the Indian Railways and specially the Eastern Bengal Railway ?

Mr. G. G. Sim : The attention of the Honourable Member is invited to the reply given to Mr. Kumar Sankar Ray's question No. 829 on the same subject.

SUPPLY OF FILTERED WATER TO THE RAILWAY EMPLOYEES AT PAKSEY ON THE EASTERN BENGAL RAILWAY.

854. ***Mr. Amar Nath Dutt** : (*a*) With reference to Government reply to starred question No. 869 asked in the Assembly on the 16th February, 1925 will the Government please state whether they have received the remarks of the Agent, Eastern Bengal Railway ?

(*b*) If so, will the Government please communicate the same to the House ?

Mr. G. G. Sim : The result of the inquiry was communicated to the Honourable Member in the Railway Board's letter No. 961-T. of 19th May 1925, addressed to Burdwan, and a copy is now being sent to him.

GRANT OF EXTENSIONS OF SERVICE TO MR. SIMPSON, SUPERINTENDENT OF THE OFFICE OF THE TRAFFIC MANAGER, EASTERN BENGAL RAILWAY.

†855. ***Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state whether it is a fact that one Mr. Simpson, the Superintendent of the Eastern Bengal Railway Traffic Manager's Office at Calcutta, was once granted extension of his service in the year 1924 in spite of his age being over 55 and has been again granted a further extension this year, whereas Mr. P. C. Banerji, the Superintendent of the Eastern Bengal Railway Chief Engineer's Office at Calcutta, was not granted a similar extension even for a year although he applied for the same six months before the due time of his retirement on attaining the age 55 ?

(*b*) If the answer to (*a*) be in the affirmative, will the Government please state the reasons for this differential treatment and grant the extension to Mr. P. C. Banerji, as has been done in the case of Mr. Simpson ?

CASE OF MR. ASHUTOSH CHAKRAVARTY, LATE A GUARD OF THE EASTERN BENGAL RAILWAY.

856. ***Mr. Amar Nath Dutt** : (1) Will the Government be pleased to state :

(*a*) If it is a fact that one Mr. Ashutosh Chakravarty, a guard of the Eastern Bengal Railway, was discharged from his service on the 3rd February, 1923, on account of negligence of duty as alleged by the railway authority, and was subsequently prosecuted and sent up to the court of law seven months from the date of his discharge, for trial in connection with the collision between 323 Up and 326 Down Goods Trains at Raghurampur station on 21st December 1922 ?

(*b*) If it is a fact that in his judgment, dated 31st August, 1923, the Sub-Divisional Officer of Nator Court, wherein the said guard Mr. Ashutosh Chakravarty and others were tried, acquitted Mr. Chakravarty saying "I therefore find guard Ashutosh Chakravarty and pointsman Latif not guilty and acquit them under section 258 of the Criminal Procedure Code" ?

† For answer to this question, see answer below question No. 843.

(c) Is it a fact that employees on any railway when proved in a court of law, not guilty and accordingly acquitted, get their previous employment and the salaries, allowances, etc., during the period of their suspension or discharge including the actual cost of expenses incurred in connection with the legal suit ?

(2) If the answers to (a), (b) and (c) be in the affirmative, will the Government be pleased to state the reasons for refusing the payment of Mr. Chakravarty's salaries and mileage for the period (3rd February, 1923 to 25th April, 1924) of his discharge and also the cost of suit amounting to Rs. 5,040 for which the said guard already claimed and do the Government propose to pass orders for the immediate payment of the total sum claimed by him ?

Mr. G. G. Sim : Government will make inquiries and furnish the Honourable Member with the information in due course.

PROCEDURE RELATING TO THE CALLING FOR TENDERS BY THE INDIAN STORES DEPARTMENT.

857. ***Pandit Nilakantha Das** : (1) What is the procedure for calling for tenders by the Indian Stores Department ?

(2) Is it a fact that most of the tenders are not called for in a public manner, only select firms being invited to send their quotations ?

(3) If so, will the Government be pleased to state the reasons for such procedure ?

The Honourable Sir Bhupendra Nath Mitra : (1) and (2). The attention of the Honourable Member is invited to the reply given by the Honourable Mr. A. C. Chatterjee to question No. 2310 on the 22nd September 1924.

(3) Does not arise.

STRENGTH OF THE CLERICAL ESTABLISHMENT OF THE OFFICE OF THE CHIEF CONTROLLER OF STORES.

858. †**Pandit Nilakantha Das** : (1) What is the present strength of the clerical establishment at the headquarters of the Office of the Chief Controller of Stores, Indian Stores Department ?

(2) How many of these appointments are held by men belonging to the Punjab, including Delhi, and the various other provinces of India ?

(3) Are there any men from Bihar and Orissa in the Department ?

(4) If not, will the Government take steps, so that the Department may not be practically the monopoly of a particular province or provinces ?

The Honourable Sir Bhupendra Nath Mitra : (1) The present strength of the clerical establishment of the office of the Chief Controller of Stores, Indian Stores Department, is 108.

(2) A statement giving the information required is laid on the table.

(3) Yes, two.

(4) Does not arise.

The clerical appointments in the office of the Chief Controller of Stores are held by the residents of the various provinces as below :

Statement.

(1)	The Punjab (including Delhi)	60
(2)	The United Provinces of Agra and Oudh	14
(3)	Madras	11
(4)	Bengal	9
(5)	Bombay	3
(6)	Bihar and Orissa	2
(7)	North-West Frontier Province	1
(8)	Indian States	6
(9)	Nepal	1
(10)	Non-Asiatic	1
	Total	108

PAY OF EUROPEAN AND INDIAN GUARDS ON THE BENGAL NAGPUR RAILWAY.

859 ***Pandit Nilakantha Das** : (1) What is the strength of the guard establishment on the Bengal Nagpur Railway ?

(2) How many of them are Indians or how many are Europeans or Anglo-Indians ?

(3) Is it a fact that Indian guards are paid less than Anglo-Indians doing the same or quite similar service ?

(4) Is there any secret or open circular in the Bengal Nagpur Railway prescribing more payment to Anglo-Indians than to Indians for the same or similar service ?

Mr. G. G. Sim : (1), (2), (3) and (4). Government have no information.

EMPLOYMENT OF ORIYAS ON THE BENGAL NAGPUR RAILWAY.

860. ***Pandit Nilakantha Das** : (1) How many stations excluding mere flag stations with a single line are there on the Bengal Nagpur Railway in the Oriya speaking tract ?

(2) What is their proportion to the total number of such stations on the Bengal Nagpur Railway ?

(3) How many Oriya speaking gentlemen have been put in charge of such stations on the Bengal Nagpur Railway ?

(4) How many Oriya speaking gentlemen are holding appointments carrying more than Rs. 100 on the Bengal Nagpur Railway ?

(5) What is the total strength of Indians holding such appointments on the Bengal Nagpur Railway ?

Mr. G. G. Sim : Government have no information.

Mr. B. Das : Will Government collect the information from the railway authorities ?

Mr. G. G. Sim : Government do not propose to collect the information as they do not know of what value it would be.

EXCESS LUGGAGE CHARGES REALISED FROM THIRD CLASS PASSENGERS TRAVELING BETWEEN HOWRAH AND PURI LAST YEAR.

861. ***Pandit Nilakantha Das :** (1) Is it a fact that travelling ticket inspectors are required to show more income to the company than what they are paid ?

(2) Is there any arrangement at Howrah and other big stations to weigh and examine the luggage of third class passengers before they get into the train ?

(3) What was the excess luggage charges realised from third class passengers travelling between Howrah and Puri last year and what was their proportion to the penalties realised on the same account from the same class of passengers ?

Mr. G. G. Sim : (1) No.

(2) Yes.

(3) Government have no information.

PAUCITY OF MUSLIMS IN THE EDUCATION DEPARTMENT OF AJMER-MERWARA.

862. ***Maulvi Muhammad Yakub :** (*a*) Is it a fact that the Provincial Muslim League of Rajputana Ajmer passed a Resolution at a meeting of the League in August, 1925, with regard to the paucity of Muslims in the Education Department of Ajmer-Merwara ?

(*b*) Is it a fact that a copy of the above Resolution was sent to the Agent to the Governor General, Rajputana, and to the Government of India ?

(*c*) If so, will Government kindly say what action, if any, has been taken on it ?

Mr. J. W. Bhore : (*a*) The Honourable Member apparently refers to a representation made by the Rajputana Provincial Muslim League on the 31st July, 1925.

(*b*) The Government of India received a copy of the representation and they understand that another was sent to the local Administration.

(*c*) The representation is under consideration.

PAUCITY OF MUSLIMS IN THE EDUCATION DEPARTMENT OF AJMER-MERWARA.

863. ***Maulvi Muhammad Yakub :** (*a*) Is it a fact that out of a total of 188 appointments in Ajmer-Merwara comprising inspection officers, Professors in the Government College, Ajmer, Government High School, Normal Training, Secondary and Primary Schools for boys and girls (excluding Moinia Islamia High School) 168 appointments have been held by Hindus, 17 by Muslims and three by Christians ?

(b) Is it a fact that there is not a single Muhammadan in the inspecting staff in Ajmer-Merwara ?

(c) Is it a fact that since the creation of the Educational Department in Ajmer-Merwara there has never been any Muhammadan officer in the inspecting staff ?

(d) Is it a fact that this paucity of Muhammadans in the Education Department is due to the apathy of the inspecting staff ?

(e) If so, do Government propose to take steps to increase the number of Muslims in the Department ?

Mr. J. W. Bhore : (a) Excluding the staff of the Moinia Islamia High School, Ajmer, the total number of educational appointments of all classes in Ajmer-Merwara is 229. Out of these appointments 203 are held by Hindus, 23 by Muhammadans and 3 by Christians.

(b) Yes.

(c) Yes.

(d) and (e). I regret I do not follow the Honourable Member's question but have no doubt that the claims of suitable Muslims will receive consideration at the hands of the local Administration.

POSITION OF MUSLIMS IN AJMER-MERWARA.

864. ***Maulvi Muhammad Yakub** : (a) Is it a fact that deputations of the Rajputana Provincial Muslim League, Educational Conference and other influential persons waited upon the Agent to the Governor General and other high Government Heads of Departments many times ?

(b) Is it a fact that these deputations pointed out the apathetic attitude of Government towards Muslims ?

(c) If so, will Government kindly say what, if any, action has been taken to redress the grievances ?

Mr. J. W. Bhore : (a) The reply is in the affirmative.

(b) The deputations brought forward the position of Muslims in Ajmer-Merwara.

(c) A committee of the Provincial Muslim League has been appointed to inquire into certain matters and to report on them to the local administration.

ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA.

865. ***Maulvi Muhammad Yakub** : (a) Is it a fact that a deputation of the Rajputana Provincial Muslim League and other Muslim gentry waited upon Sir R. E. Holland, the then Agent to the Governor General in February, 1925, in connection with the newly created appointment of Assistant Superintendent of Education ?

(b) Is it a fact that the Agent to the Governor General gave a sympathetic hearing to the deputation and promised that a local man would be appointed to the post ?

(c) Is it a fact that the person appointed to this post is not a local man ?

(*d*) Is it a fact that the person appointed is a resident of the Almora district of the United Provinces and does not possess any secondary and primary teaching experience and is not trained ?

(*e*) Will Government kindly state the reasons for this appointment ?

Mr. J. W. Bhore : (*a*) and (*b*). The information asked for is not available.

(*c*) and (*d*). The official appointed, on probation, as Assistant Superintendent of Education, Ajmer-Merwara, though a native of Almorah, has been in residence in Ajmer-Merwara since July 1914. He is technically not trained but he possesses 15 years' teaching experience in college and school classes.

(*e*) No information is available regarding the reasons for this appointment, but it was presumably made in the public interest.

ALLOTMENT OF QUARTERS AT SIMLA AND DELHI TO MEMBERS OF THE CENTRAL LEGISLATURE.

866. ***Mr. S. C. Ghose :**
***Lala Duni Chand :**
***Khan Bahadur Sarfaraz Hussain Khan :**
***Mr. S. A. K. Jeelani :**
***Mr. Ismail Khan :**

(*a*) Will the Government be pleased to explain the criterion or the canon, by which the allotment of the cottages and quarters for the residence of the Members of the Central Legislature takes place both at Simla and at Delhi ?

(*a*) Is it that the Member whose application is received first gets the precedence ? or

(*c*) Is it through the ballot ? or

(*d*) Is it at the sweet will of the officer in charge of the said accommodation ?

(*e*) If (*d*) is the case, why is this autocratic principle in force ?

(*f*) Do the Government propose to hold the allotment in future by ballot according to the applications for the grant of such quarters, bungalows, houses, rooms, etc., for the Members of the Central Legislature ?

Mr. L. Graham : I would refer the Honourable Members to the reply given by me on the 7th instant to an identical question, No. 702, by Baba Ujagar Singh Bedi.

TRANSFER OF THE POST OFFICE AT HAMPANAKKATTA IN MANGALORE TO KODIALBOIL.

867. ***Mr. Mahmood Schamnad Sahib Bahadur** : (*a*) Will the Government be pleased to state why the post office at Hampanakkatta in Mangalore was transferred to Kodialboil ?

(*b*) Are the Government aware that Hampanakkatta is the centre of Mangalore town and much more important than Kodialboil, being the converging point of seven roads and also being in the vicinty of the railway station, the Government College, the Market, Bar Offices and also three or four clubs ?

(*c*) Is it a fact that this transfer to near the Bishop's house at Kodialboil, was made to oblige the Roman Catholic Bishop there ?

(*d*) Do the Government propose to retransfer the same to Hampanakkatta ?

(*e*) If not, are the Government prepared to open a separate post office at Hampanakkatta ?

Mr. G. P. Roy : (*a*) In order to improve the delivery arrangements in Mangalore, some of the delivery work was decentralised from the head office and an additional delivery office opened at Kodialboil, a convenient centre, on the 1st January, 1920. The Hampanakkatta no-delivery office could not be made a delivery office as it was too near the Mangalore head office and, as it was only 2½ furlongs from the new office, it was closed when the latter was opened. Moreover, the building occupied by the Hampanakkatta post office, which was situated in an insanitary locality, was too small for a delivery office and no other suitable building was available there.

(*b*) I am not prepared to express an opinion as to the relative importance of Hampanakkatta and Kodialboil. The latter contains the District Judge's house, St. Aloysius College, the District Court, the Sub-Court, the Munsiff's Court, the Canara High School, the Kodialboil Press and some large firms.

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

(*e*) The question of opening a no-delivery town sub-office at Hampanakkatta will be inquired into.

Mr. Mahmood Schamnad Sahib Bahadur : If a suitable building is available at Hampanakkatta are Government prepared to open a separate post office there ?

Mr. G. P. Roy : The matter will be duly considered.

CONSTRUCTION OF A PERMANENT STATION BUILDING AT TRIKANNAD ON THE SOUTH INDIAN RAILWAY.

868. ***Mr. Mahmood Schamnad Sahib Bahadur** : (*a*) With reference to the reply to my starred question No. 654 put in the Legislative Assembly on 8th March 1924, will the Government be pleased to state

when it is proposed to replace the temporary structure of the Trikannad railway station in the South Indian Railway, with a permanent standard type station building with waiting shed, platform, etc. ?

(*b*) Is it a fact that this experimental station was opened in a temporary shed as early as 20th April 1908, and every year till now the Company was getting a very large net income as seen from the reply, 1 (*a* & *b*), to the question referred to above ? If so, are the Government prepared to see that this long pending construction is taken in hand immediately ?

CONSTRUCTION OF A PERMANENT STATION BUILDING AT TRIKANNAD ON THE SOUTH INDIAN RAILWAY.

869. ***Mr. Mahmood Schamnad Sahib Bahadur** : (*a*) Will the Government be pleased to state whether the opening of a station at 517.16 in Udnia, about 3 miles to the north of the Trikannad station has been decided upon ?

(*b*) Are the Government aware that the present site of the temporary structure of the Trikannad station is very inconvenient to the travelling public as detailed in my starred question No. 654 put on the 8th March 1924, is in a big curve close to the railway bridge over the Bekal river and is also not sufficiently far from the permanent Pallikere railway station to the south ?

(*c*) Do the Government propose to consider the advisability of giving up the idea of opening the new station at Udnia and instead of that, of shifting the site of the Trikannad station about a mile towards the north somewhere in mile 515, while constructing a permanent standard type building for the Trikannad station, as promised in the answer to my question referred to above ?

Mr. G. G. Sim : I propose to answer this and the preceding question together.

Government have no information on the points raised in these questions beyond that which was supplied to the Honourable Member with Railway Department letter No. 1227-W. of 15th March 1924. They would suggest that the matter be brought to the notice of the Agent, South Indian Railway Company, through the Local Advisory Committee.

Mr. Mahmood Schamnad Sahib Bahadur : Are Government going to get further information in the matter and supply it to the House ?

Mr. G. G. Sim : No, Sir.

ROAD TO THE BIG MOSQUES AND THE ISLAMIA TILE FACTORY ACROSS THE KASARAGOD RAILWAY STATION PREMISES.

870. ***Mr. Mahmood Schamnad Sahib Bahadur** : (*a*) With reference to the Government reply (*b*) to my starred question No. 948, put in the Legislative Assembly in March 1924, regarding the road to the big mosques and the Islamia Tile Factory across the Kasaragod railway station premises, will the Government be pleased to state whether it is not a fact that half of the town of Kasaragod is on the eastern side of the Railway while the other half of the town with the big mosque, the Islamia Tile Factory, the Saw and Oil Mills & Co. is on the western side

of the railway line and that therefore the road running parallel to the Railway on the east and also across it to the mosque is not at all convenient to those on the western side of the Railway to go to the mosque, factory, etc. ?

(*b*) Do the Government propose to see that a road similar to the one allowed to be constructed (through the premises), to the mills (as is admitted in the reply (*c*) to my question referred to above), is also allowed to the mosque and Tile factory to be constructed under similar conditions and even in continuation of the same ?

Mr. G. G. Sim : (*a*) and (*b*). As already intimated to the Honourable Member in reply to his previous question, Government do not propose to take any action. The policy of the Government is to leave to the discretion of Railway Administrations such matters as the provision of overbridges or level crossings where the road traffic requires them, and the question, therefore, is one which could suitably be referred to the Agent of the Railway concerned through the Local Advisory Committee.

Mr. Mahmood Schamnad Sahib Bahadur : Are Government aware that the parties concerned are going to file a suit against Government for closing the road to the big mosque there ?

Mr. G. G. Sim : No, Sir.

RETURN OF INDIAN PILGRIMS FROM THE HEDJAZ.

871. ***Mr. Mahmood Schamnad Sahib Bahadur** : (*a*) Will the Government be pleased to say whether all the Indian pilgrims to the Hedjaz this year have returned safe ?

(*b*) Is it a fact that some of the Indian pilgrims were looted and stabbed on their way back from Medina ?

(*c*) Is it a fact that a distinction is made at the port of embarkation between Indian and non-Indian pilgrims and the latter are compelled to purchase return tickets while the former had only to deposit the amount for return passage, thus entailing great loss on the non-Indian pilgrims who died in the Hedjaz or somehow failed to return ?

Mr. J. W. Bhore : (*a*) Government understand that the pilgrimage was generally accomplished in safety. Complete detailed information as to numbers is not yet available. Up to the 24th August last 1,840 pilgrims, including 12 infants, had returned to India from the Hedjaz. It is not known how many of these were Indians.

(*b*) Government have noticed one such report in the papers, but have received no confirmation.

(*c*) No such distinction is made under the provisions of the Indian Merchant Shipping Act.

BOMBARDMENT OF MEDINA.

872. ***Mr. Mahmood Schamnad Sahib Bahadur** : Have the Government got any information about the rumoured bombardment of Medina and consequent damage to Rouzatun Nabi or the Mausoleum over the tomb of the Holy Prophet ?

Mr. H. Tonkinson : I would refer the Honourable Member to the answer given by Sir Denys Bray on the 31st August last to a

similar question by Khan Bahadur Sarfaraz Hussain Khan. Government have still no confirmation of the rumour.

COLONISATION OF THE ANDAMANS BY MOPLAHS.

873. *Mr. Mahmood Schamnad Sahib Bahadur : (a) Are the Government aware that the Government's colonization scheme of the Andamans by the Moplahs is condemned and resented by the Muhammadans ?

(b) Are the Government aware of the Resolution passed at a present meeting of the Madras Legislative Council recommending the immediate suspension of the scheme of colonising the Andamans by the Moplahs and all propaganda in support of that scheme and also the appointment of a committee of non-official members to go to the Andamans and to inquire and report into the conditions there ?

(c) Are the Government prepared to consider the advisability of cancelling the whole scheme of colonising the Andamans ?

Mr. H. Tonkinson : I have nothing to add to what was said in this House on the 31st August in reply to questions by Mr. Sadiq Hasan and other Honourable Members.

Mr. Mahmood Schamnad Sahib Bahadur : To a supplementary question put by me the other day the Honourable the Home Member said that prisoners sentenced for short periods were not, to his knowledge, transported to the Andamans. Have the Government made further inquiries and come to know whether short term prisoners are also sent to the Andamans ?

Mr. H. Tonkinson : So far as I am aware, no.

Mr. Mahmood Schamnad Sahib Bahadur : Is it not irregular for short term prisoners to be sent to the Andamans ?

Mr. H. Tonkinson : I imagine that no short term prisoners have been sent.

Mr. A. Rangaswami Iyengar : May I know, Sir, whether the Resolution passed by the Madras Legislative Council has been communicated to the Government of India, or whether the Government of India have put themselves in correspondence with the Madras Government with reference to this important matter ?

Mr. H. Tonkinson : I am afraid I must ask for notice of that question.

APPLICATIONS FOR "DOUBLE REFUNDS" RECEIVED BY THE INCOME-TAX OFFICER, SURAT.

874. *Mr. Jamnadas M. Mehta : (a) Will Government be pleased to state whether during the year 1924-25 a number of applications were received by the Income-tax Officer, Surat (Bombay Presidency), claiming what is known as "double refund" for the years 1921-22 and 1922-23 ?

(b) What was the number of such applications and what was the total amount claimed as "double refund" ?

(c) How many of the said applications were admitted and what was the amount refunded ?

MEANING OF THE PHRASE "DOUBLE REFUND" OF INCOME-TAX.

875. *Mr. Jamnadas M. Mehta: (a) Will Government be pleased to explain what exactly is meant by the phrase "double refund" of income-tax?

(b) How many applications for the double refund are now pending and what is the total sum involved therein?

(c) Was the Central Board of Revenue consulted before the double refund was granted? Have Government taken any legal opinion as to whether double refund is legal?

(d) Have Government made calculations as to the total sum of money that will have to be refunded all over India if similar applications were received from places other than Surat?

(e) Will Government be pleased to state what steps they propose to take to recover the amount of public revenues lost by the payment of "double refund" if the admission of the application for the said refund was considered illegal?

The Honourable Sir Basil Blackett: I will answer questions Nos. 874 and 875 together. The Government are not in possession of the detailed information asked for in these questions. The matter is however capable of a fairly simple general explanation. Owing to the passing of the new Income-tax Act in 1922, the income of the year 1921-22 was the basis of assessment in two successive years, once under the old Act and once under the new Act, and refunds under section 48 were claimable in respect of each assessment. This is what is referred to as "double refund", and the nomenclature has evidently led to some misapprehension.

ENCOURAGEMENT OF INDIAN ARTS AND CRAFTS.

876. *Mr. N. M. Joshi: (a) Will Government be pleased to state whether their attention has been drawn to the article on the threatened future of Indian Art published in the *Bombay Chronicle* of 25th August 1925?

(b) Have they received a scheme for the encouragement of Indian arts and crafts formulated by the Prize of Delhi Committee. If they have, do they propose to consider it favourably before giving final sanction to any other similar scheme for the encouragement of the arts and crafts?

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

(b) No copy of the scheme has been officially received by Government.

Mr. N. M. Joshi: Have they received a copy unofficially?

The Honourable Sir Bhupendra Nath Mitra: They have seen copies of the scheme in the papers.

Mr. N. M. Joshi: Will they take that as an official communication?

The Honourable Sir Bhupendra Nath Mitra: They cannot.

SCHEME OF THE GOVERNMENT OF BOMBAY FOR THE ENCOURAGEMENT OF INDIAN ARTS AND CRAFTS.

877. *Mr. N. M. Joshi: Did the Government of India receive in 1922 a scheme for the encouragement of Indian arts and crafts from the Government of Bombay? If they did, will they place it, for information,

on the table of the Assembly? Will they give the reasons why the scheme was not considered along with that submitted by Sir Edwin Lutyens?

The Honourable Sir Bhupendra Nath Mitra: I am not aware whether any scheme was received in 1922 from the Government of Bombay, though there was some correspondence with Local Governments in 1921 and 1922 on the subject of improving Indian arts and crafts.

Mr. N. M. Joshi: Will they publish that correspondence?

The Honourable Sir Bhupendra Nath Mitra: No, Sir.

Mr. N. M. Joshi: Why not? Will Government explain why the correspondence cannot be published? Is it against the interests of the public?

The Honourable Sir Bhupendra Nath Mitra: Yes, Sir.

Dr. K. G. Lohokare: "Public" meaning the Government or the people?

MURAL DECORATIONS FOR THE NEW CAPITAL.

878. ***Mr. N. M. Joshi**: Will the Government inform the Members in regard to the terms of the contract of the architects of the New Capital with the Government, how far are they legally entitled to claim a voice in the decorations of the New Capital, and the period of their engagement? How far have Government committed themselves in regard to the mural and similar decorations for the New Capital?

The Honourable Sir Bhupendra Nath Mitra: Under the terms of their agreement the architects act as general architectural advisers to the Government of India in all architectural matters connected with the new Imperial City of Delhi, and they are to be employed as long as their services are required.

Government have not committed themselves in any way in regard to the mural and similar decorations for the New Capital.

Mr. B. Das: Will Government take up the question of getting the Bombay School of Mural Painting to decorate the Viceregal Lodge at Delhi?

The Honourable Sir Bhupendra Nath Mitra: If there is any money available for the purpose, the matter will be considered in due course. My friend Mr. Joshi who has put a number of questions on the agenda paper in connection with a Central School, was present at a meeting of the Advisory Committee attached to my Department in March last. He saw all the papers which were available and the Committee unanimously gave the advice that Government should not incur any expenditure in this connection at present.

Mr. N. M. Joshi: Am I to understand, Sir, that the proceedings of the Advisory Committee are public, and if they are so, will the Honourable Member publish everything?

The Honourable Sir Bhupendra Nath Mitra: I have simply given certain information which was being called for in connection with those proceedings.

Mr. N. M. Joshi : May I ask for your ruling, Sir, whether it is fair for any Honourable Member to make statements here in regard to the proceedings of a particular Committee which are not available to the public ? I want your ruling, Sir, on this point.

Mr. President : The Chair has got nothing to do with it.

Mr. B. Das : May I remind the Honourable Member that the Standing Finance Committee sanctioned so many lakhs for the inside decoration of the Viceregal Palace at Delhi, and ask whether they will take advantage of the services of the Bombay School of Mural Painting in decorating the Palace at Delhi ?

The Honourable Sir Bhupendra Nath Mitra : I have no information in regard to the first part of the question.

SCHEME FRAMED BY THE ARCHITECTS OF THE NEW CAPITAL FOR THE ENCOURAGEMENT OF INDIAN ARTS AND CRAFTS.

879. ***Mr. N. M. Joshi** : Will Government lay on the table of the Assembly Resolution No. 189 of the New Capital Committee empowering the architects of the New Capital to frame a scheme for Indian arts and crafts ?

The Honourable Sir Bhupendra Nath Mitra : A copy is placed on the table.

Extract from the Proceedings of the 16th meeting of the New Capital Committee held on the 3rd March 1922.

189. *Considered.*—Sir Edwin Lutyens' proposals for a studio for painting, etc., and Mr. Baker's Memorandum on craftsmanship.

Resolved.—That the principles expressed by Sir E. Lutyens be accepted and that Sir E. Lutyens, Mr. Baker and Mr. Keeling be asked to draw up a detailed scheme in consultation, if possible, with Sir J. Marshall, for the consideration of the Committee.

ESTABLISHMENT OF A STUDIO OF ARTS AND CRAFTS.

880. ***Mr. N. M. Joshi** : Will Government inform the Members in regard to the "initial conception with regard to sister arts and crafts" referred to in Mr. Baker's memorandum on craftsmen ?

The Honourable Sir Bhupendra Nath Mitra : I have no information on the point. I may add that no provision for the establishment of a studio of Arts and Crafts has been made in any phase of the project estimate.

ENCOURAGEMENT OF INDIAN ARTS AND CRAFTS.

881 ***Mr. N. M. Joshi** : (*a*) Have the Government of Bombay addressed the Government of India recently on the subject of the encouragement of Indian arts and crafts ? What are their proposals ?

(*b*) Have Government approved of the scheme, in part or whole, of the scheme submitted by the architects of the New Capital ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) and (*b*). No.

EXAMINATION OF THE EYE-SIGHT OF RAILWAY EMPLOYEES.

882 *Mr. N. C. Kelkar : (a) Is it a fact that the new rules about periodical medical examination of servants in particular Departments of railway service have caused dissatisfaction among servants of the Departments ?

(b) Has the attention of Government been drawn to a signed letter by one Dattatraya Sidharam Kumar of Lonavla appearing in the daily *Lokamanya* newspaper in Bombay, dated 27th August, containing complaints against the rules of medical examination ?

(c) Has the attention of the Government been drawn to the specific allegation contained in the letter that the said Dattatraya Sidharam has such good eye-sight that he has up to now shot twelve tigers in the jungle surrounding Lonavla, the latest tiger having been killed only on the 15th of August, 1925, and that notwithstanding his possession of good eye-sight he has been declared as the result of medical examination to be unfit for work as a fitter ? If so, do the Government propose to inquire into the matter ?

Mr. G. G. Sim : (a), (b) and (c). Government have no information and do not propose to make any inquiries.

Mr. N. C. Kelkar : I did not follow the Honourable Member. Did he say that the Government are not prepared to make any inquiries ? Why not ?

Mr. G. G. Sim : The Honourable Member can hardly be serious in asking the Railway Board to make inquiries as to whether a particular individual has qualified for railway employment by shooting 12 tigers.

Mr. N. C. Kelkar : Does the Honourable Member not think it a matter of great importance ?

Mr. G. G. Sim : No, Sir.

CONSTRUCTION OF A RAILWAY BETWEEN SANGLA AND CHINIOT.

883. *Sayyad Ghulam Abbas : (a) Are Government aware of the fact that the necessity of a railway line betwen Sangla and Chiniot (Punjab) has been keenly felt by the people for a long time ?

(b) Is it a fact that Sir Henry Burt when Manager, North-Western Railway, announced in the Punjab Legislative Council that the line would receive first consideration ?

(c) Is it a fact that construction of this line was held in abeyance, either on account of financial stringency or as a result of the alternative scheme of its extension to Jhang, Handewali and Sargodha ?

(d) Will the Government be pleased to state if there is an early prospect of the construction of this line irrespective of the Sangla Khushab project ?

The Honourable Sir Charles Innes : (a) Yes.

(b) Government have no information.

(c) The construction of this section was held in abeyance pending consideration of the whole project from Sangla to Khushab *viâ* Chiniot.

(*d*) The Government have under consideration the construction of the whole project in sections and if as a result of further investigation it is found that any portion is likely to be remunerative no unnecessary delay will be allowed to occur in sanctioning its construction.

ALLEGED MALPRACTICES OF RECRUITING AGENTS FOR MAURITIUS.

884. ***Mr. Gaya Prasad Singh** : (*a*) With reference to my starred question No. 567 of the 2nd February last, has the attention of the Government been drawn to the letter of Srijut Ramdeo Chokhani, published in the *Servant*, dated the 11th April 1925 ?

(*b*) Is it a fact as stated in the letter that Lieutenant-Colonel Gourlay, the then Protector of Emigrants, discharged them (*i.e.*, Ramjee Sonar and 26 others who were recruited), and sent them back to their homes at Government expense after satisfying himself by personally examining each man that the case was purely one of fraudulent recruitment ? Will the Government be pleased to obtain and lay on the table the report of the Protector of Emigrants on this point ?

(*c*) Is it not a fact that the statement (showing the names of the recruiting Agents, and the districts in which they were authorized to recruit) which was laid on the table on the 8th September 1924, does not show that any Agent was authorized to operate in any district of the Central Provinces ? If so, will the Government be pleased to say how and why Ramji Sonar and others came to be recruited in the Central Provinces, and why no legal action was taken against those who were responsible for their recruitment ?

(*d*) Is it not a fact that under section 26 of the Emigration Act, recruitment by means of intoxication, coercion, or fraud, is punishable with imprisonment, or fine, or both ?

Mr. J. W. Bhore : (*a*) If the Honourable Member refers to the letter published in the *Servant*, dated April 13th, the Government of India have seen it.

(*b*) As I said in my reply to the Honourable Member's question No. 567 on the 2nd February last, the allegation regarding the fraudulent recruitment of the men concerned is not correct. The Bengal Government's report then obtained shows that the Protector of Emigrants, Calcutta, sent back the recruits in question to their homes at the expense of the Mauritius Government not because they had been fraudulently recruited but because at that stage they expressed their unwillingness to go to Mauritius. No further report on this point is necessary.

(*c*) The statement referred to gives names, etc., of recruiting agents employed to recruit men for the Benares depot. Emigrants recruited in the Central Provinces were sent to the Calcutta depot and consequently the recruiting agents employed in the Central Provinces were not included in the statement. The second portion of this part does not arise.

(*d*) Yes.

Mr. Devaki Prasad Sinha : Sir, what is the name used in the official terminology for persons who are recruited and taken to a place where they are not willing to go, if it is not fraudulent recruitment ?

Mr. J. W. Bhore : I have just pointed out that this is not a case of fraudulent recruitment at all. In this particular case the men in question merely changed their minds, and directly they changed their minds, they were sent back.

Mr. Gaya Prasad Singh : Did the officer satisfy himself, when the men were recruited, that they were willing to go and that they subsequently changed their minds ?

Mr. J. W. Bhore : He did Sir ; the Bengal Government satisfied themselves on that point and reported this conclusion to us.

Mr. Gaya Prasad Singh : Are Government in possession of the report of Lieutenant-Colonel Gourlay, and if so, will Government lay it on the table ?

Mr. J. W. Bhore : We have not got Lieutenant-Colonel Gourlay's report, but we have the report of the Bengal Government, which is presumably based on Lieutenant-Colonel Gourlay's report.

Mr. Gaya Prasad Singh : My information is that Lieutenant-Colonel Gourlay in his report made a specific allegation to the effect that these people were fraudulently recruited, and if this is so, do Government think it necessary to call for that report and lay it before this House for verification ?

Mr. J. W. Bhore : I have told the Honourable Member that the report of the Bengal Government does not bear out the allegation which he has just referred to.

ALLEGED ILLEGAL CONFINEMENT OF CHOTAY LAL RECRUITED UNDER FALSE PRETENCES.

885 ***Mr. Gaya Prasad Singh** : With reference to my starred question No. 299 of the 27th January 1925, will the Government be pleased to say whether the evidence of the Brahman boy, Chotay Lal, and Dr. Mani Lal, Bar-at-Law, was taken by the officers who made inquiries about the illegal confinement, and recruitment under false pretext, of the boy Chotay Lal ? And if so, will the Government be pleased to lay a copy of the evidence on the table ?

Mr. J. W. Bhore : From the United Provinces Government's report it does not appear that the evidence of the boy Chotay Lal or Dr. Mani Lal was taken.

Mr. Gaya Prasad Singh : Will Government kindly state why the evidence of that boy Chotay Lal who was concerned in this case was not taken, and also that of Dr. Mani Lal, barrister ?

Mr. J. W. Bhore : I cannot say why the United Provinces Government did not consider it necessary to have their evidence taken when they made their report.

Mr. Gaya Prasad Singh : Will Government be pleased to ascertain this from the Government of the United Provinces ? If not, why not ?

Mr. J. W. Bhore : Sir, the matter has been closed long ago, and no useful purpose will be served by reopening it.

Mr. Gaya Prasad Singh : Is not the evidence of that boy and of Dr. Mani Lal on the record now ? Has the record been destroyed ?

Mr. J. W. Bhore : I should not think it has been destroyed, but it is certainly not with the Government of India.

THE INDIAN MARRIAGES AND DIVORCES ACT IN TRINIDAD.

886. ***Mr. Gaya Prasad Singh :** With reference to my starred question No. 569 of the 2nd February 1925, will the Government be pleased to say if it is a fact that an Act, called the Indian Marriages and Divorces Act has been, or is about to be passed in Trinidad ; and will the Government be pleased to obtain, and lay a copy of it on the table ?

Mr. J. W. Bhore : A draft Bill relating to Indian Marriages and Divorces was prepared in 1924 for introduction into the Legislative Council of the Colony of Trinidad. The object of the Bill was to legitimize the children of unregistered marriages contracted according to Hindu or Muhammadan rites. Since, however, opposition to the Bill has developed among Indians, the Governor has decided to postpone its introduction until its effect is more generally understood and the demand for it more clearly expressed. A copy of the Bill prepared in 1924 has been placed in the Library of the House.

ALLEGATIONS AGAINST THE ACCOUNTANT GENERAL, UNITED PROVINCES.

887. ***Mr. Amar Nath Dutt :** Has the attention of the Government of India been drawn to letter in the *Servant* of the 18th August 1925 headed " Affairs in the United Provinces Accountant General's Office " ? If so, will the Government be pleased to state :

(1) Whether junior men have been placed in charge of sections in preference to senior men ?

(2) What are the reasons for getting an accountant named Mr. A. K. Ghose invalided ?

(3) Is it a fact that the men who contributed for the silver tea set, have got promotions out of their turn, or duty allowance ? To whom was the silver tea set presented ? Has the cost of the same been refunded in full ?

(4) How many of the recruits made from Madras are relations of the Accountant General ?

(5) Besides the silver tea set was any other present received by any officer ? If so, by whom and what was the nature of the presents ?

(6) Are certain branches of the office kept open on holidays under the Negotiable Instruments Act ?

(7) The total number of men whose increments have been stopped ?

The Honourable Sir Basil Blackett : The attention of the Honourable Member is invited to my reply to his questions Nos. 671 to 675 during the current Session, and to the reply I gave to Mr. M. Yusuf Imam's question No. 336 on the 27th January.

REFUSAL OF COMPLIMENTARY PASSES BY THE RAILWAYS TO THE ALL-INDIA RAILWAYMEN'S UNION FEDERATION.

888. *Mr. Amar Nath Dutt : (a) Is it not a fact that in opening the fifth Session of the Legislative Assembly on the 20th January, 1925, His Excellency the Viceroy and the Governor General of India admitted that "great weight must be given to the view that at a moment when labour has commenced organisation and is assuming prominence, recognition should be given by Statute to the fact and development on the right lines should be secured" ?

(b) Is it not a fact that in order to organise the railway employees in India on sound and correct lines, the All-India Railwaymen's Unions Federation approached all the Railway Administrations and the Railway Board to grant it a few complimentary card passes for its executive officers ?

(c) Is it not a fact that all the railways have refused such passes, although they on many occasions allow complimentary passes to Associations and Unions and other public Institutions, Railway Institutes and Credit Societies and even private individuals who are not connected with the Railways ?

(d) If the answers to (a), (b) and (c) be in the affirmative, will the Government be pleased to state reasons for the refusal of passes to the All-India Railwaymen's Unions Federation ?

The Honourable Sir Charles Innes : Government leave it to the discretion of Agents to grant or refuse free passes.

RESOLUTION REGARDING GRIEVANCES OF THE SUBORDINATE EMPLOYEES OF INDIAN RAILWAYS.

889. *Mr. Amar Nath Dutt : (a) Will the Government be pleased to inform the House as to whether any action has been taken up to date to give effect to the Resolution passed by this House on the 5th February 1925, recommending to the Governor General in Council to hold an inquiry into the grievances of the subordinate employees of the Indian Railways ?

(b) If the answer be in the negative, will the Government be pleased to state reasons for the same and also state when they propose to hold the inquiry ?

The Honourable Sir Charles Innes : The Honourable Member's attention is invited to the answer given to a similar question No. 336 asked in this Assembly on 1st September 1925.

Lala Duni Chand : May I know, Sir, exactly what value the Government put on the Resolutions passed by this Assembly ?

The Honourable Sir Charles Innes : All such Resolutions are most carefully considered by the Government, but in this case the Government were not prepared to subordinate their own opinion to the opinion expressed by this House.

Pandit Shamlal Nehru : May I inquire, Sir, if there has been a single instance of a Resolution having been accepted by the Government ?

Dr. K. G. Lohokare : May I know, Sir, whether Government will be prepared to lay on the table statements giving their reasons for not accepting Resolutions in each case ?

The Honourable Sir Charles Innes : As regards this particular Resolution I must refer the Honourable Member to the various speeches I made during the debate.

Mr. M. K. Acharya : May I know, Sir, if there has been any case in which the Government of India have subordinated their opinion to the opinion of this House ?

Mr. A. Rangaswami Iyengar : May I know, Sir, with regard to this particular Resolution whether, after it was passed and that in spite of the Honourable Sir Charles Innes's speech, the Government further considered the matter ? And if so, whether they will lay before the House the reasons why they did not carry out that Resolution ?

The Honourable Sir Charles Innes : The Government did further consider the matter. The reasons are contained in a confidential Government of India file and I cannot therefore lay them before the House, but they were much the same reasons as I gave in my speeches.

Mr. A. Rangaswami Iyengar : So there is not much confidence about a Government of India confidential file !

LOWER DIVISION EMPLOYEES IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

890. ***Mr. Amar Nath Dutt :** Will the Government be pleased to state what is the total number of employees in the lower division under the Accountant General, Posts and Telegraphs and what would be the actual expenditure of establishment cost every year if all such employees are paid at the upper division rate ?

ACTING ALLOWANCES TO MEN OF THE LOWER DIVISION PERFORMING UPPER DIVISION WORK IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

891. ***Mr. Amar Nath Dutt :** (*a*) Are the Government aware that some lower division assistants are often made to perform upper division work in times of arrears or on some emergency in the office of the Deputy Accountant General, Posts and Telegraphs, Calcutta, without any acting allowance ?

(*b*) If so, do Government propose to pay suitable acting allowances for their efficient discharge of upper division work ?

(*c*) If not, why not ?

UPPER AND LOWER DIVISION MEN IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

892. ***Mr. Amar Nath Dutt :** Will the Government be pleased to state :

(*a*) What percentage of men both upper and lower, under the Accountant-General, Posts and Telegraphs, Calcutta, would retire on Rs. 50 before the introduction of the time-scale of pay ?

(*b*) What percentage of men serving in the upper division retired on Rs. 60 and upwards ?

(c) Did any upper division men ever choose voluntarily the lower division to ensure an early promotion in the grade before 1919 ?

(d) What percentage of revision was made in the pay and prospects of the upper and lower division men during the introduction of the time-scale of pay ?

The Honourable Sir Basil Blackett : I would refer the Honourable Member to the reply given by me on the 7th September 1925 to his other questions regarding these offices.

EXPENDITURE ON LONGWOOD, SIMLA.

893. ***Baba Ujagar Singh Bedi :** (a) Is it a fact that Longwood at Simla was purchased by the Government and the money spent was public money ?

(b) Is it further a fact that Longwood was purchased at Simla for the residence of the Members of the Imperial Legislature only ?

(c) How many cottages or other buildings, with their numbers since then, have been built in Longwood and how much money has been spent on them ?

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

(b) Loogwood was purchased primarily to accommodate Members of the Legislature, but the allotment of quarters to Government officials was also contemplated.

(c) One block of 22 quarters, Nos. 33 to 54, has been built at a cost of Rs. 1,31,043.

QUARTERS FOR MEMBERS OF THE CENTRAL LEGISLATURE AT RAISINA, DELHI.

894. ***Baba Ujagar Singh Bedi :** (a) How many buildings, bungalows and quarters, have been built at Raisina, Delhi, for the residence of the Members of the Imperial Legislature ; and how much money has been spent on them ?

(b) Is not the money spent public money ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). Eighty-five quarters have been built and equipped at a cost of approximately fifteen and three quarter lakhs charged to capital.

RENT REALISED FROM MEMBERS OF THE CENTRAL LEGISLATURE AT SIMLA AND DELHI.

895. ***Baba Ujagar Singh Bedi :** (a) What amount of rent, was realised from the Members of the Central Legislature, in the year 1924, both at Simla and at Delhi, respectively ?

(b) How much money, was realised as rent from persons other than the Members of the Central Legislature in 1924, both at Simla and at Delhi, respectively ?

The Honourable Sir Bhupendra Nath Mitra : (a) In Simla Rs. 9,177 : in Delhi Rs. 29,112.

(b) In Simla Rs. 3,13,371 : in Delhi 3,87,487.

RESERVATION OF LONGWOOD FOR THE EXCLUSIVE USE OF MEMBERS OF THE CENTRAL LEGISLATURE.

896. *Baba Ujagar Singh Bedi : (a) Is it a fact, that the main building of Longwood is allotted to persons other than the Members of the Imperial Legislature ?

(b) Is it also a fact that the accommodation in Longwood is insufficient even for the Members of the Imperial Legislature, who come up to Simla with their families, and having regard to this, do the Government propose not to allot the main building, of Longwood in future to any person other than the Members of the Imperial Legislature ? If not, why not ?

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

(b) The accommodation at Longwood together with the quarters provided on the Cart Road and at Summer Hill is considerably in excess of the requirements of Members of the Legislature ; and in the circumstances Government do not propose to incur the very considerable loss in revenue which would result from reserving the main building at Longwood for the exclusive use of Members of the Legislature.

Pandit Shamlal Nehru : Are the Government aware, that the Members of this Legislature are put to a great deal of inconvenience on account of these quarters not being decent enough for them to live in, and that they prefer going to a third-rate hotel to going to the Assembly slums ?

The Honourable Sir Bhupendra Nath Mitra : I have no information on that point, Sir.

ALLOTMENT BY BALLOT OF QUARTERS AT SIMLA AND DELHI TO MEMBERS OF THE CENTRAL LEGISLATURE.

897. *Baba Ujagar Singh Bedi : 1. Will the Government be pleased to state what principle is adopted for the allotment of quarters, buildings, bungalows, etc., both at Simla and at Delhi to the Members of the Central Legislature for their residence ?

(2) Who was and is the officer in charge of such allotment both at Simla and at Delhi, in 1924, and 1925 ?

(3) (a) Do the Government propose for the future to make allotment of the quarters, both here at Simla and at Delhi, according to the number of the applications for such quarters, bungalows, cottages, rooms, etc., through a select committee, consisting of the members of both of the Houses, namely, Council of State and the Legislative Assembly ?

(b) Do they propose to make allotment by ballot in future ? If not, why not ?

Mr. L. Graham : (1) I would refer the Honourable Member to the reply given to him on the 7th instant to question No. 702.

(2) The Secretary of the Legislative Assembly.

(3) (a) Government would be very pleased to hand over the allotment to a House Committee containing representatives of both Chambers.

There is however a practical difficulty because the allotments have to be made before the Members come up and the Committee would therefore be obliged to assemble some considerable period before the beginning of the session.

(*b*) The Honourable Member is referred to the reply given to his question 702 (*c*) on the 7th instant.

Khan Bahadur Sarfaraz Hussain Khan.: May I know, Sir, why has Longwood Annexe not been allotted to Members this year as it used to be allotted in previous years ? Will the Government please give reasons ?

Mr. L. Graham : I am sorry I heard nothing at all, Sir.

APPLICATION TO THE WHOLE OF INDIA OF LEGISLATIVE MEASURES NECESSITATED BY THE RATIFICATION OF INTERNATIONAL CONVENTIONS ON BEHALF OF INDIA.

898. ***Mr. N. M. Joshi** : (1) Will Government be pleased to state whether it is British India or the whole of India which is a member of the League of Nations ?

(2) Have the Government of India ratified any conventions, recommendations, and resolutions passed by (1) the Assembly of the League of Nations, (2) the Opium Conference, (3) the International Labour Conference and other bodies connected with the League of Nations ?

(3) Will the Government of India state whether legislative or administrative measures necessitated by the ratifications have been taken in the whole of India or whether they were only confined to British India ?

Mr. L. Graham : (1) India.

(2) (1) and (3). Yes.

(2) The Government of India have not yet ratified the agreement and protocol of the first Opium Conference or the convention and protocol of the second Conference.

(3) Government are not in a position to make any statement about action taken in those parts of India which are not included in British India.

Mr. N. M. Joshi : May I ask the Government, Sir, what is the reason why they do not propose to make any statement ?

Mr. L. Graham : We cannot make any statement because any such statement must relate to the administration of territories of Princes and Chiefs under the suzerainty of His Majesty within the meaning of the proviso to rule 9 of the Rules of Business. Therefore such a statement could not be made, I submit, Sir.

Mr. B. Das : Will the Government be pleased to say if these delegates to the League of Nations all draw equal allowances or are there special allowances for some high personages ?

Mr. L. Graham : I submit, Sir, that question does not arise.

Mr. N. M. Joshi : May I know, Sir, whether the Government feel justified in ratifying a convention or any resolution when they cannot take action in the whole of India ?

Mr. L. Graham : Government have not said they cannot take action in the whole

POSITION OF INDIANS IN SOUTH AFRICA.

Mr. M. A. Jinnah : Sir, I have given private notice to the Honourable Member of certain questions which with your leave I propose to put.

Is it a fact that since 1924 the Government of India have made several representations to the Secretary of State to arrange a settlement of the Indian question in South Africa by consultation and conference ?

Mr. J. W. Bhore : The reply is in the affirmative.

Mr. M. A. Jinnah : Is it a fact that in April last the Government of India addressed the Union Government direct in the matter and suggested a conference to bring about a satisfactory settlement of this important Indian question ?

Mr. J. W. Bhore : Yes, Sir.

Mr. M. A. Jinnah : What was the answer given by the Union Government to these communications and when were they received ?

Mr. J. W. Bhore : The Union Government replied last June indicating the difficulties which confronted them in agreeing to a conference but they have not yet given a final answer to the rejoinder made by the Government of India.

Mr. R. K. Shanmukham Chetty : When was the rejoinder made ?

Mr. J. W. Bhore : I am afraid I cannot tell the Honourable Member straight off, the exact date.

Mr. R. K. Shanmukham Chetty : Was it about three or four months ago ?

Mr. J. W. Bhore : No, not so long ago.

Mr. R. K. Shanmukham Chetty : Have the Government of India represented to His Majesty's Government through the Secretary of State that the Indian question in South Africa is an Imperial question and that His Majesty's Government must so consider it and take action and bring pressure to bear upon the Union Government ?

Mr. J. W. Bhore : We have placed the whole matter before the Secretary of State for India and we have asked him to use his best offices to secure a satisfactory settlement.

Mr. M. A. Jinnah : Will the Honourable Member, Sir, state what were the exact terms of the proposal that the Government of India made to the Union Government and what were the exact terms of their reply ?

Mr. J. W. Bhore : That, Sir, I am unable to do at the present moment because I have not the papers with me, but I have already stated the general purport of them.

Mr. M. A. Jinnah : What was the general purport ?

Mr. J. W. Bhore : It was, as I have already said, that this question which was a matter vitally concerning the future of Indians in South Africa could only be settled satisfactorily at a round table conference.

Mr. M. A. Jinnah : Will the Honourable Member say what the general purport of the Union Government's answer to that was ?

Mr. J. W. Bhore : I have already stated that their reply placed before us certain difficulties in the way of a settlement by a round table conference. We did not consider this final and we therefore again approached them.

Mr. M. A. Jinnah : What were the difficulties ?

Mr. J. W. Bhore : I am not prepared, Sir, to give the Honourable Member a reply at this stage when negotiations are still in progress.

Mr. R. K. Shanmukham Chetty : What action have the Government of India taken, since they received the text of the new anti-Asiatic Bill ?

Mr. J. W. Bhore : If the Honourable Member will wait, he will have a reply as a question on that point is being put.

Sir Purshotamdas Thakurdas : May I ask the Honourable Member if the Government of India are justified in keeping back the difficulties which the South African Government say they feel in accepting the proposal of the Government of India ?

12 Noon.

Mr. J. W. Bhore : Certainly, Sir, because as I have already suggested the Government of India do not consider that the negotiations have yet been finally concluded.

Mr. A. Rangaswami Iyengar : May I know, Sir, if it is merely a question of difficulties in the way of accepting a round table conference or difficulties in the way of accepting any proposal at all of the round table conference ?

Mr. J. W. Bhore : I do not quite follow the distinction which the Honourable Member has made in his question.

Mr. A. Rangaswami Iyengar : The point is this : Is it that they have difficulty in accepting the proposal for a round table conference, or is it that they feel that it would be difficult to solve this question at a round table conference ?

Mr. J. W. Bhore : The former, Sir.

Pandit Shamlal Nehru : May I ask, Sir, whether the Government remember that some years ago they promised to adopt retaliatory measures against the South Africans in India if this question were not satisfactorily settled, and if so what action do they propose to take ?

Mr. J. W. Bhore : I have no recollection of that promise, Sir.

Sir Hari Singh Gour : May I remind the Honourable Member that there is such a thing as the Reciprocity Act on the Statute-book and that the Government of India are empowered to make rules for the purpose of enforcing that Act and that that Act was passed at a single sitting of this Legislature ?

Mr. J. W. Bhore : I am well aware of that fact, Sir.

Sir Hari Singh Gour : I wish to ask, Sir, what action the Government of India contemplate taking in case the negotiations fail.

Mr. J. W. Bhore : That, Sir, is a hypothetical question. The Government of India consider that the time has not yet arisen to take any action under the Act.

Sir Hari Singh Gour : Is the Honourable Member aware that Indians have been excluded by a decree of the Supreme Court of America and that the Reciprocity Act might be enforced against America ?

Mr. J. W. Bhore : I submit, Sir, that that question does not arise.

Mr. M. A. Jinnah : May I ask the Honourable Member or the Government that he represents to consider that it is very misleading and it is doing great injustice to the people of India here and to the Indians in South Africa not to state frankly as soon as possible the difficulties that exist with regard to the reply of the South African Government ?

Mr. J. W. Bhore : I have already explained to the Honourable Member that while negotiations are in progress it is not possible, without jeopardising those negotiations, to make public the preliminary stages.

Mr. M. A. Jinnah : May I ask in connection with these negotiations when was the last communication made by the Government of South Africa ?

Mr. J. W Bhore : The Honourable Member has already put that question—either he or Mr. Shanmukham Chetty—and I have already given a reply.

Mr. Chaman Lall : May I ask if the attention of the Government of India has been drawn to the resolution passed at the Empire Labour Conference authorising a deputation of the All-India Trade Union Congress to meet the representatives of South African labour and settle this question, and if so whether the Government of India are prepared to afford facilities for the meeting ?

Mr. J. W. Bhore : I have not seen that resolution, Sir.

Mr. M. A. Jinnah : I do not think the Honourable Member is correct : there was no question put by me before. My question was when was the last communication made by the Government of India and what reply, if any, was sent by the South African Government, and when ?

Mr. J. W. Bhore : I have already given a reply to my Honourable friend, Mr. Shanmukham Chetty ; and I regret that that is all that I can say, for I do not recollect the exact dates: I cannot go beyond that.

Mr. A. Rangaswami Iyengar : May I know, Sir, what Government consider to be a reasonable period of time within which to get an answer ?

Mr. J. W. Bhore : That, Sir, is a matter of opinion.

Mr. M. A. Jinnah : Is it a fact that the Union Government in face of these communications have already introduced a Bill called the Areas Reservation and Restriction Bill in the South African Parliament on the 23rd July 1925 ? Have the Government got a copy of the said Bill and are not the provisions of the Bill intended virtually to drive Indians out of South Africa ?

Mr. J. W. Bhore : The Government have received a copy of the Bill. The Minister of the Interior in introducing it stated :

"I must say that the Bill frankly starts from the general supposition that the Indian, as a race in this country, is an alien element in the population, and that no solution of this question will be acceptable to the country unless it results in a very considerable reduction of the Indian population in this country."

Mr. Devaki Prasad Sinha : May I inquire, Sir, if Government consider it worth while negotiating with a Government which during the period of negotiations adopts measures that are intended for the extermination of Indians there ?

Mr. J. W. Bhore : Certainly, Sir.

Sir Purshotamdas Thakurdas : Referring to the principle which the Honourable Member has just now mentioned as being the principle of the Bill, is it not terrible enough to move the Government of India to realise that the problem is one which ought not only to command their best attention but on which they should take this Assembly into their confidence as to the difficulties which the South African Government perceive in regard to the round table conference that has been suggested ?

Mr. J. W. Bhore : My Honourable friend seems to have overlooked the explanation I have already given.

Sir Purshotamdas Thakurdas : I am afraid it is not satisfactory ; otherwise I would not have asked a supplementary question.

Mr. J. W. Bhore : I regret, Sir, if it does not appear satisfactory to my Honourable friend ; but to me—and I hope it will to all reasonable-minded men in this Assembly—it appears quite satisfactory.

Sir Purshotamdas Thakurdas : That can be judged, Sir, from the number of supplementary questions that are being put on the answer about which the Honourable Member seems to be so very self-satisfied.

Diwan Bahadur M. Ramachandra Rao : May I ask the Honourable Member if, after the introduction of the Bill, he still regards the position as hopeful or whether he considers that he should still withhold the difficulties of the Union Government which have themselves introduced a Bill which strikes at the very root of the matter ?

Mr. J. W. Bhore : Sir, I have already pointed out that we ought not to lose hope until we get the final reply of the Union Government putting out of court all possibility of a satisfactory solution of this question.

Sir Hari Singh Gour : I wish to ask if it is not a fact that the Bill contains a clause to the effect that it will operate from August 1925 and that the second reading of that Bill was to have taken place some time in July and whether the negotiations have had any effect with the South African Government in stopping the further progress of this Bill.

Mr. J. W. Bhore : I think the Honourable Member's information is not quite correct.

Sir Hari Singh Gour : I got a letter to that effect yesterday.

Mr. J. W. Bhore : The information is probably incorrect. May I say.....

Mr. N. M. Joshi : May I ask how long Government propose to wait for the final reply of the South African Government ?

Sir Hari Singh Gour : My question has not yet been answered. My Honourable friend was answering the question when he was interrupted.

Mr. J. W. Bhore : If you will permit me, Sir, I shall answer Sir Hari Singh Gour's question first. I wanted to point out that all that has taken place is the introduction of the Bill in the South African Parliament. Dr. Malan, the Minister of the Interior, in introducing it said that no further steps would be taken during the current Session of the Union Parliament, and that it would be proceeded with further only at the next Session, which we understand does not take place until January. He also made it clear that the door to negotiations was still open and that the Union Government were prepared to receive representations in regard to the matter.

Mr. M. A. Jinnah : Has the Honourable Member received any communication from the Union Government and, if so, which was the last communication after the introduction of the Bill ?

Mr. J. W. Bhore : I really cannot say which was the last communication, Sir.

Mr. M. A. Jinnah : Can the Honourable Member tell the House whether he received any communication from the Union Government after the introduction of the Bill ?

Mr. J. W. Bhore : As far as I remember the only communication after that date was the letter communicating to us copies of the Bill.

Mr. Devaki Prasad Sinha : May I ask, if during the period of negotiations the Government of South Africa could proceed with the Class Areas Bill, what is there to prevent the Government of India from proceeding under the Reciprocity Act during the period of the negotiations ?

Mr. J. W. Bhore : The reply is simple—the interests of the resident population of Indians in South Africa.

Sir Hari Singh Gour : May I inquire if it is not a fact that during the progress of the negotiations with the Government of India Dr. Malan introduced that Bill and promised to Union Parliament that that Bill, whenever it is passed, will take effect from August 1925 ?

Mr. J. W. Bhore : I do not think that he merely promised that —I think it is a clause in the Bill itself.

Mr. M. A. Jinnah : Sir, what steps do the Government propose to take in the matter and will they be pleased to make the fullest statement on the question, having regard to the very grave and vital issues that are involved regarding the status and relationship of India, South Africa and the British Empire ?

Mr. J. W. Bhore : In the first place the Government have subjected the proposed legislation to the closest examination and are taking steps to place their views before the Union Government. They have already sent them a telegram on the subject and are considering other methods of representing to them the strength of the Indian case against this measure and the depth and unanimity of feeling on the subject in this country. They have consulted the Standing Emigration Committee fully and have had the advantage of hearing a debate on the subject in the Council of State. Government are fully alive to the very grave issues involved but are anxious to commit themselves to no course of action which may react adversely on the interests of the Indian community resident in South Africa. They are taking all possible steps to ascertain the needs and wishes of that community, but are not in a position

to indicate what further action they may take until the results of this inquiry are available.

Mr. M. A. Jinnah : Do not the Government consider that it will be in the best interests of the residents in South Africa and also of India to openly declare that they are utterly hopeless in this matter ?

Mr. J. W. Bhore : No, Sir, I do not think so. That is a counsel of despair which is not justified at present.

Mr. Devaki Prasad Sinha : Do Government propose to send a final letter to the Government of South Africa that if within a certain period the negotiations are not brought to a successful close, they will take action under the Reciprocity Bill ?

Mr. J. W. Bhore : I do not think the Government of India will be justified in doing so.

Mr. Chaman Lall : Are these the advantages of Indians remaining within the British Empire ?

Mr. J. W. Bhore : I suppose the Honourable Member will answer that question for himself.

Sir Purshotamdas Thakurdas : Will the Honourable Member be pleased to say whether the minutes of the meeting of the Standing Emigration Committee were circulated to the Members before the Honourable Member in charge of the Department gave it as his opinion that the Standing Emigration Committee had come to a certain decision ?

Mr. J. W. Bhore : I am afraid I do not follow what the Honourable Member means.

Sir Purshotamdas Thakurdas : The Honourable Sir Mian Fazl-i-Husain said that the Standing Emigration Committee had come to a certain decision. Were the minutes of the Committee at which that decision was said to have been arrived at circulated to the Members who were present at the meeting of the Standing Emigration Committee ?

Mr. J. W. Bhore : I think, Sir, to the best of my belief the minutes of the Standing Emigration Committee were circulated. They were passed by me before circulation.

Sir Purshotamdas Thakurdas : Will the Honourable Member take it from me that I as a Member have not yet received the minutes ?

Mr. J. W. Bhore : I am sorry if the Honourable Member has not received the minutes. I will see that he receives them without delay.

Sir Purshotamdas Thakurdas : Is the Honourable Member aware that the Honourable the Leader of the Swaraj Party and the Leader of the Independent Party who are said to have been present at the meeting of the Committee, take exception to what was mentioned in their names by the Member in charge ?

Mr. J. W. Bhore : I cannot say what they feel, Sir.

Sir Purshotamdas Thakurdas : Is the Honourable Member aware of that, I am asking ?

Mr. J. W. Bhore : I understand that is so from a conversation with a Member of this House.

Mr. R. K. Shanmukham Chetty : Has the attention of the Honourable Member been drawn to the fact that a statement was made by

the Honourable Sir Mian Fazl-i-Hussain about the conclusions arrived at by the Standing Emigration Committee ?

Mr. J. W. Bhore : I have not seen that statement.

Mr. R. K. Shanmukham Chetty : Does the Honourable Member think that that statement represents the correct decision or opinion of the Standing Emigration Committee ?

Mr. J. W. Bhore : That is a matter of opinion. I have, as I said, not yet seen the statement.

Mr. N. M. Joshi : Sir, I strongly protest against the action of the Honourable Member who made known the decision of the Committee.....

Mr. J. W. Bhore : The Honourable Member may put a supplementary question, if he wishes.

Mr. N. M. Joshi : Because it is a statement made about the proceedings of the Committee.

Mr. R. K. Shanmukham Chetty : Will the Honourable Member be pleased to lay on the table the minutes of the Standing Emigration Committee ?

Mr. J. W. Bhore : No, Sir. But I would like to say that the Government fully realise the anxiety in this House on this question. They realise that it is a true reflection of the anxiety in the country. The minutes of the proceedings of the Standing Emigration Committee are of course confidential, and I cannot place them on the table of this House. But I want to make it quite clear that the whole question was considered by the Committee absolutely fully and frankly, and the Government have lost no time in putting into effect those suggestions which it was possible to act upon at once.

Mr. M. A. Jinnah : Sir, was it not a breach of faith on the part of the Honourable Member in charge to have given the purport of what was absolutely and strictly confidential in his speech in the other House ?

Mr. J. W. Bhore : I must decline to answer that, Sir.

UNSTARRED QUESTIONS AND ANSWERS.

APPOINTMENT OF A LOWER DIVISION CLERK OF THE METEOROLOGICAL DEPARTMENT TO AN UPPER DIVISION VACANCY IN THE CENTRAL BOARD OF REVENUE.

151. **Mr. Kumar Sankar Ray** : (*a*) Is it a fact that a lower division clerk of the Meteorological Department was appointed in an upper division vacancy in the Central Board of Revenue in April last ?

(*b*) Is it also a fact that usually all the appointments in the Government of India Secretariat and Attached Offices (unless exempted) are made by the Staff Selection Board ?

(*c*) Is it a fact that the nomination for this appointment was not obtained from the Staff Selection Board and that it was made by the Central Board of Revenue itself on the suggestion of an officer in the office ?

(*d*) Was this appointment of a special nature involving duties which could be performed by that particular clerk only ?

(*e*) If not why was he appointed without first asking the Staff Selection Board to suggest the name of the most suitable and deserving candidate on their waiting list ?

(*f*) Is it a fact that the clerk is only a Matriculate (if at all) and has not passed any University Degree examination, while there are other unemployed candidates on the Staff Selection Board's waiting list who have passed the same test as the candidates elected in addition to possessing higher University qualifications ?

(*g*) Do the Government propose to issue instructions that in future all appointments should not only be sent to the Staff Selection Board for formal approval, but would be made strictly on nomination by the Board to ensure the selection of the most suitable candidate on the waiting list ?

APPOINTMENT OF A LOWER DIVISION CLERK OF THE METEOROLOGICAL DEPARTMENT TO A VACANCY IN THE SAME DIVISION IN THE CENTRAL BOARD OF REVENUE.

152. **Mr. Kumar Sankar Ray** : (*a*) Is it a fact that a lower division clerk of the Meteorological Department was appointed in a vacancy in the same division in the Central Board of Revenue a few weeks ago ?

(*b*) Is it a fact that he was not nominated by the Staff Selection Board and that this is the second time that he has been appointed by the Central Board of Revenue direct as a special case ?

(*c*) Is it also a fact that the starting pay in the lower division is Rs. 75 while he was as a special case given Rs. 123 in view of his permanent pay in the Meterological Department ?

(*d*) What was the necessity of bringing in this particular clerk when there were so many other passed men waiting on the Staff Selection Board list who were unemployed and could be appointed in the same vacancy on the usual starting pay, namely, Rs. 75 ?

(*e*) What was the special nature of the work for which he was selected and what are his special qualifications if any for the performance of the work ?

(*f*) Is it a fact that on appointment in the Central Board of Revenue office he was put on routine diary work which is being done in this and all other offices ?

(*g*) Are the Government aware that by appointing an outsider on Rs. 123 (instead of Rs. 75), the Central Board of Revenue has created a good deal of dissatisfaction among the lower division clerks in that office receiving less than the pay on which he has been appointed and who have been doing most satisfactory work for several years ?

(*h*) When is the term of the vacancy in which he has been appointed to expire and do the Government propose to issue instructions to revert the clerk to his own office ?

The Honourable Sir Basil Blackett : I am sending the Honourable Member the replies to these two questions. I doubt if the time of the House need be taken up in listening to them, or in reading them in the Debates.

ALLEGED ASSAULT BY MR. GASPER, LOCO. FOREMAN, KATIHAR, ON PHOOL MOHAMMAD, PUMPING DRIVER, KATIHAR.

153. **Dr. K. G. Lohokare :** (*a*) With reference to Government reply to starred question No. 2148 asked in the Legislative Assembly on the 17th September, 1924, will the Government be pleased to state whether it is a fact that the Loco. Foreman, Mr. Gasper's letter to the Railway Medical Officer contained the following remarks " This man complains of a pain in the right wrist and is trying to make out that I assaulted him and is reporting sick because I got on to him for not working satisfactorily " ?

(*b*) If the answer to (*a*) be in the affirmative, will the Government please inform the House as to what made the Loco. Foreman add the aforesaid remarks in the Memo. which was a simple request to the Medical Officer asking him to treat the Pumping Driver ?

(*c*) Is it not a fact that the Pumping Driver failing to receive treatment and unfit certificate from the Railway Medical Officer, attended the local charitable dispensary and obtained unfit certificate from the Medical Officer in charge of the Dispensary, Rai Sahib H. K. Ganguly and submitted the same to the Loco. Foreman ?

(*d*) If the answer to (*c*) be in the affirmative, will the Government be pleased to state whether the said certificate was forwarded to the Railway Medical Officer for his countersignature and what steps the Government have taken or propose to take in this case of the Pumping Driver ?

Mr. G. G. Sim : (*a*) and (*b*). Government have no information beyond what was given in the reply referred to by the Honourable Member. They do not propose to inquire further.

(*c*) and (*d*). The attention of the Honourable Member is invited to the reply given to Khan Bahadur Sarfaraz Hussain Khan's question No. 149 in the Assembly on 23rd January 1925. Government do not propose to take any action.

CASE OF PHOOL MOHAMMAD, PUMPING DRIVER, KATIHAR, ON THE EASTERN BENGAL RAILWAY.

154. **Dr. K. G. Lohokare :** (*a*) With reference to Government reply to starred question No. 149 asked on 23rd January, 1925, will the Government be pleased to state if it is a rule and practice that in case of fit certificate being submitted by a subordinate to his immediate superior, the same is to be forwarded to the Railway Medical Officer for countersignature and to allow that man to resume his duty ?

(*b*) If not, why will not the Pumping Driver Phool Mohammad be reinstated ?

Mr. G. G. Sim : (*a*) The rule and practice is that a fit certificate has to be obtained by the employee from the Railway Medical Officer in whose district he is working before he is allowed to resume work.

(*b*) Pumping Driver Phool Mohammad absented himself from duty and was therefore discharged from service.

INCREASE OF STAFF ON THE EASTERN BENGAL RAILWAY.

155. **Dr. K. G. Lohokare :** (*a*) With reference to Government reply to starred question No. 123 asked on 23rd January, 1925, are the Government aware that the diversion of additional traffic has taken place over

the B. S. B. section for more than a year and no additional staff has yet been posted ?

(b) Will the Government please state why additional men have not been yet posted ?

(c) Are the Government aware that there are several stations on that section which are not interlocked and any little mistake on the part of the overworked train-passing staff might cause a serious accident ?

The Honourable Sir Charles Innes : Inquiry is being made and the result will be communicated to the Honourable Member in due course.

REMOVAL OF THE OFFICE OF THE GOODS SUPERVISOR, SEALDAH, TO A SAFE SITE.

156. **Dr. K. G. Lohokare** : With reference to Government reply to starred question No. 245 asked on 26th January, 1925, will the Government be pleased to state if there is any road or overbridge for the staff to go to the Goods Supervisor's Office at Sealdah, Eastern Bengal Railway ?

Mr. G. G. Sim : Government have no further information in the matter than that given in the reply to the question referred to by the Honourable Member.

GRANT OF LOCAL ALLOWANCE TO EMPLOYEES OF THE EASTERN BENGAL RAILWAY WORKING IN CALCUTTA.

157. **Dr. K. G. Lohokare** : With reference to Government reply to starred question No. 248 asked on 26th January 1925 will the Government be pleased to state :

(a) The class of railway staff who are given the house allowance excepting the ministerial staff in lieu of quarters working in Calcutta ?

(b) At what rate such allowance is given ?

Mr. G. G. Sim : The Government have not this information which is being obtained and will be supplied to the Honourable Member on receipt.

PROMOTION OF INDIAN GUARDS ON THE EASTERN BENGAL RAILWAY.

158. **Dr. K. G. Lohokare** : With reference to Government reply to starred question No. 249 asked on 26th January, 1925, will the Government be pleased to state why two discharged guards of the Engineering Department, Lalmonirhat, Eastern Bengal Railway, have been posted permanently as " B " class guards who were already working there ?

Mr. G. G. Sim : Government have no information.

PROMOTION OF MR. PHILLIPS, ASSISTANT STATION MASTER ON THE EASTERN BENGAL RAILWAY TO BE TRAFFIC INSPECTOR OF THE LALMONIRHAT DISTRICT.

159. **Dr. K. G. Lohokare** : With reference to Government reply to starred question No. 252 asked on 26th January, 1925, (a) will the

Government be pleased to refer to the Eastern Bengal Railway regarding the posting of men in places such as Santahar, Lalmonirhat, Parbatipur and Saidpur ?

(*b*) Will the Government be pleased to state why an Anglo-Indian who changed his name from Mr. Mascaran to Mr. Mascreen and then to Mr. Phillips with only about 6 years' service as an assistant station master, has been allowed to work as Traffic Inspector of the Lalmonirhat District in preference to senior Indian station masters who are already working in that District ?

Mr. G. G. Sim : (*a*) No.

(*b*) Government have no information.

PROMOTIONS TO THE SUBORDINATE ACCOUNTS SERVICE.

160. **Mr. N. C. Kelkar** : (1) (*a*) Will Government please state whether it is contemplated to revise the standing of all existing *sub pro tem* accountants and fix for promotion to the Subordinate Accounts Service the seniority of all clerks who have passed the Subordinate Accounts Service Examination under old Rules ?

(*b*) If the answer to question (1) is in the affirmative, will Government be pleased to state the circumstances that have necessitated this revision and on what lines the arrangements under contemplation are to be made and in what respects do they differ from the procedure hitherto followed ?

(2) (*a*) Is it not a fact that seniority among the passed candidates was duly considered at the time of their *sub pro tem* appointments ?

(*b*) Was seniority in the past of *sub pro tem* accountants disturbed every time when filling permanent vacancies in the accountant's grade ?

(3) If the reply to 2 (*a*) is in the affirmative and that to 2 (*b*) in the negative, will Government be pleased to give the reasons for the proposed overhauling of the standing that has been fixed and allowed to remain for the last five years ?

(4) Will Government please state for what period the present *sub pro tem* incumbents have been holding the *sub pro tem* appointments and the number that will have to revert as a result of the fresh arrangement to be made ?

The Honourable Sir Basil Blackett : The several grades in the clerical service of the Military Accounts Department were abolished as from the 1st of April 1920, and it was decided by the then Military Accountant General that, irrespective of their standing in the several grades, the seniority of passed clerks for promotion to the all-India list of accountants should be determined with reference to the dates of their joining the department. This decision had the effect of placing some of the men holding appointments in the higher clerical grades lower in the list than men in the lower clerical grades who had joined the department at an earlier date. Representations were received from clerks thus affected, and after a careful investigation of the whole case it has been decided that the fairest and most equitable solution of the anomally will be that the seniority of such clerks for promotion to the accountant's grade should be regulated strictly in accordance with their seniority in the various clerical

grades on the 1st April 1920 with due regard to the dates of their passing the Subordinate Accounts Service Examination. The majority of the present *sub pro tem* incumbents have been holding the *sub pro tem* appointments from the 1st of April 1922. It is not possible to say at present how many men will revert under the revised arrangement as the promotions have not yet been actually notified. The number will probably not exceed 20.

REDUCTION OF *SUB PRO TEM* ACCOUNTANTS TO CLERKS.

161. **Mr. N. C. Kelkar** : (*a*) Have not all *sub pro tem* vacancies in the accountant's grade up to 31st March 1925 been notified by the Military Accountant General, following the old practice of fixing seniority among a group of clerks passing the accountant's examination held each time ? Will Government please say whether the arrangements under contemplation do ignore the dates of passing the qualifying examination ?

(*b*) If the answer to the concluding portion of part (*a*) above is in the affirmative, will not some of the *sub pro tem* accountants who passed the Subordinate Accounts Service Examination as early as in 1919 be reduced to clerks and those passing that examination after five years supersede them by being promoted as accountants ? Will Government please say how these supercessions are justified ? Will they issue orders to the Military Accountant General with a view to prevent such anomalies ?

The Honourable Sir Basil Blackett : (*a*) (*i*) Yes.

(*ii*) No.

(*b*) Does not arise.

ABSORPTION IN THE MILITARY ACCOUNTS DEPARTMENT OF DIVISIONAL ACCOUNTANTS AND CLERKS OF THE MILITARY ENGINEERING SERVICES.

162. **Mr. N. C. Kelkar** : (*a*) Is it a fact that in the new arrangements divisional accountants and clerks of the Military Engineering Services are to be absorbed in the Military Accounts Department in vacancies which occurred before the absorption of the late Military Works audit staff in the Military Accounts Department ? Is it a fact that the individuals were not then qualified for promotion by passing the Subordinate Accounts Service Examination of the Military Accounts Department ?

(*b*) If the answer to part (*a*) is in the affirmative, will Government please state the reasons for such promotions ? Is it not a fact that the interests of *sub pro tem* accountants of the Military Accounts Department who were qualified for the promotion before amalgamation of the Military Engineering Services, are sacrificed thereby ?

The Honourable Sir Basil Blackett : (*a*) The reply is in the negative. All divisional accountants and clerks of the late Military Works Services have been absorbed from 1st April 1922 in vacancies which occurred, or in new additional appointments created, on that date. A few of the additional appointments sanctioned exclusively for the Military Works

Accounts were given to the divisional accountants, Military Works Services, provisionally subject to passing the examination, as there were no qualified men with Military Works experience then available.

(*b*) Does not arise.

PERMANENT PROMOTIONS OF *SUB PRO TEM* ACCOUNTANTS.

163. **Mr. N. C. Kelkar** : (*a*) Will Government please state whether the present arrangements in the accountant's grade are being based on the standing of clerks in the old grades on 31st March 1920 ? Do *sub pro tem* appointments of clerks in higher grades give them seniority over the clerks of lower grades ?

(*b*) If the answer to part (*a*) is in the affirmative, why are not the existing *sub pro tem* accountants being given priority for permanent promotions—under the same principle—in the accountant's grade ?

(*c*) Is it not a fact that the *sub pro tem* accountants were appointed at a time when no other senior qualified clerks were available ?

(*d*) Will Government state whether any representations were received by the Military Accountant General on this subject and if so, how were they disposed of ?

The Honourable Sir Basil Blackett : (*a*) Under the old arrangements, promotions to the *sub pro tem* accountants' grade were made with reference to the standing of clerks in the seniority list based on the dates of their appointments to the clerical grade, and steps have since been taken to revise their seniority with reference to their standing in each of the old clerical grades on 31st March 1920. Under the revised arrangement, the clerks who were holding appointments in the higher grades on 31st March 1920 will be senior to clerks of the lower grade.

(*b*) *Sub pro tem* accountants ordinarily take their turn for permanent promotions according to their seniority in the *sub pro tem* grade.

(*c*) Yes, in some cases.

(*d*) A representation regarding the point raised in the first portion of the question above has been received by the Military Accountant General and the matter is under consideration.

CASUAL LEAVE OF EMPLOYEES OF THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS AT QUETTA.

164. **Mr. N. C. Kelkar** : (*a*) Is it a fact that the Controller of Military Accounts at Quetta has been insisting on the production of the Civil Surgeon's certificate for absence over a day ? Is there no standing order in the Military Accounts Department placing reliance on an employee in respect of his absence owing to sickness for two successive days ? Are Government prepared to state how far the Controller is justified in demanding a certificate to support even two days' absence ?

(*b*) Will Government please say to what extent the orders of the Controller at Quetta have involved additional work on the Government medical authorities ? Will Government please issue instructions deprecating the insistence on the Civil Surgeon's certificate in each and every case for grant of a few days' leave ?

The Honourable Sir Basil Blackett : The required information has been called for and will be furnished when received.

SICK LEAVE OF EMPLOYEES OF THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS AT QUETTA.

165. **Mr. N. C. Kelkar**: (*a*) Will Government please say what a Government servant should do when he feels physically unable to attend the Government hospital and for a failure on his part to do so is liable to punishment? Are there any rules or standing orders to cover such a case? If so, will the attention of the Controller be drawn to them?

(*b*) Is it a fact that the Controller of Military Accounts, Western Command and Baluchistan District, has issued an office order calling upon a sick absentee to fill in a certain form devised by him and which is not provided for by any rule or order, in which information having no bearing on his sickness or recommendation of leave by the Civil Surgeon, Quetta, is asked for? Are Government prepared to instruct the Controller to rescind the office order?

The Honourable Sir Basil Blackett: The required information has been called for and will be furnished when received.

REDUCTION OF THE CLERICAL ESTABLISHMENT OF THE RAILWAY BOARD.

166. **Seth Govind Das**: (*a*) Is it a fact that with effect from the 1st June 1925 the strength of the clerical establishment of the Railway Board has been reduced by 17 men with a view to meet a part of the cut of Rs. 77,000 made by the Assembly in March last in the provision for the officers of the Board?

(*b*) If the answer to above be in the affirmative, will Government be pleased to place a statement on the table giving the names, length of service, date of confirmation (in the case of permanent men) of the persons concerned?

(*c*) Is it a fact that some of them were confirmed by the Board's orders of the 22nd January 1925 with retrospective effect from the 1st November 1924?

(*d*) Is it a fact that the orders of the 22nd January 1925 were in some cases reversed by the orders of the 21st May 1925 as a result of which some of the men who were holding provisional permanent appointments in the first division were reduced to the third division whereas some of the third division men were promoted to provisional substantive appointments in the first division? If so, will Government kindly state the reasons?

(*e*) Is it admissible under rule 13 of the Fundamental Rules to reduce a man holding a provisional substantive appointment unless the permanent incumbent in whose place the arrangement was made returns to duty?

(*f*) Is it a fact that some of the permanent hands of the Railway Board's Office were discharged and their places were filled by the confirmation of temporary men? If so, will Government kindly state how many vacancies were so filled up and why?

The Honourable Sir Charles Innes: (*a*) The reduction of the demand under the head "Railway Board" did not specify that it related only to the provision for the officers of the Board. It is a fact that 17 posts

in the clerical establishment have been held in abeyance since 1st June 1925.

(*b*) There were 5 vacancies in the clerical establishment on the 1st June 1925 and only 12 men were brought under reduction. Particulars concerning them will be sent separately to the Honourable Member. Every one of these men has been provided with other appointments under Government.

(*c*) Yes.

(*d*) No.

(*e*) Yes. The reversions were made to keep within the reduced cadre and not with reference to rule 13 of the Fundamental Rules.

(*f*) No.

FURTHER REDUCTION OF THE CLERICAL ESTABLISHMENT OF THE RAILWAY BOARD.

167. **Seth Govind Das** : (*a*) Is it a fact that in addition to the 17 men retrenched a further reduction of 10 men from the permanent pensionable staff of the Railway Board's Office is in contemplation ? If so, on what basis has the selection been made ?

(*b*) If the reply to part (*a*) of the question be in the affirmative, will Government kindly lay a statement on the table giving the names, length of service and the concessions (if any) to be given to the men concerned ?

(*c*) Do Government propose to fill up the vacancies created by the retrenchment of permanent hands ? If so, what economy will be effected thereby ?

(*d*) How many new appointments have been created and how many promotions have been given since the 1st June 1925 in the Railway Board's Office ?

The Honourable Sir Charles Innes : (*a*) 10 members of the office establishment are being retired but no further reduction in the scale is being made. The men selected to be retrenched are those nearing the age of retirement or considered unsuitable for further employment in the Board's office.

(*b*) A statement giving the information will be supplied separately to the Honourable Member.

(*c*) Yes. Details of the economies effected have been furnished to the Standing Finance Committee for Railways and will be available to the Honourable Member in the proceedings of that Committee.

(*d*) No new appointments have been created and promotions have only been given within the sanctioned cadre in the ordinary course and it is not proposed to detail these.

PROMOTION OF MR. RUNDLETT TO OFFICIATE AS AN ASSISTANT SECRETARY IN THE RAILWAY BOARD.

168. **Seth Govind Das** : (*a*) Is it a fact that the post of the Assistant Secretary to the Railway Board is being abolished whereas the posts

of a Deputy Secretary and a Chief Superintendent are being created ? If so, what will be the annual additional expenditure on this account ?

(*b*) Is it a fact that one Mr. Rundlett, an assistant, has been promoted to the Assistant Secretaryship in the Railway Board over the heads of all Superintendents and senior assistants ? If so, will Government kindly state whether the men superseded by him were tried in the higher post and found unfit ? If not, why were the claims of his seniors overlooked ?

Mr. G. G. Sim : (*a*) Yes. These are part of a scheme of reorganisation resulting in retrenchment of expenditure and not additional expenditure.

(*b*) Mr. Rundlett was selected to officiate in the post of Assistant Secretary as he was considered most suitably qualified for it. He has since reverted.

ATTACHMENT OF FIRST AND SECOND CLASS CARRIAGES TO ALL TRAINS BETWEEN KALKA AND SIMLA.

169. **Lala Duni Chand** : (*a*) Is it true that two out of the four down trains and two out of the four up trains running between Kalka and Simla have no first and second class carriages attached to them ?

(*b*) If the reply to (*a*) be in the affirmative, do the Government in view of the fact that a number of first class and second class passengers find it convenient to travel by these trains, propose to issue instructions that at least one first class and one second class carriage be attached to each train ?

Mr. G. G. Sim : (*a*) The reply is in the affirmative.

(*b*) The suggestion will be brought to the notice of the Agent.

DIRECT RAILWAY COMMUNICATION BETWEEN RAJPUTANA AND KARACHI.

170. **Lala Duni Chand** : (*a*) Is there any project under consideration with a view to connect Rajputana with Karachi by means of a direct Railway line ?

(*b*) If so, will this line pass by Bhiwani, an important town in the Hissar District ?

(*c*) Do the Government propose to issue instructions to the Bombay, Baroda and Central India Railway Administration to open a booking office in the town of Bhiwani ?

Mr. G. G. Sim : (*a*) and (*b*). There is no project under consideration now for a direct connection between Rajputana and Karachi. The Agra Karachi railway of which the prospects were under examination sometime ago has been postponed for the present.

(*c*) The matter is within the competence of the Railway Administration and Government do not propose to issue any instructions.

REGISTRATION OF MESSRS. CHIRAGH DIN MOHAMMAD DIN AND SONS IN THE LIST OF APPROVED CONTRACTORS IN THE INDIAN STORES DEPARTMENT.

171. **Lala Duni Chand** : (*a*) Is it a fact that the name of Messrs Chiragh Din Mohammad Din and Sons, a firm of tent makers in Lahore

has been registered in the list of approved contractors in the Indian Stores Department ?

(b) Is it a fact that the proprietor of the firm Mohammad Din son of Chiragh Din, was fined Rs. 500 by the Punjab Chief Court in a bribery case ?

(c) Has the attention of Government been drawn to certain articles in the *Civil and Military Gazette*, Lahore, dated the 11th August 1916 and 24th September 1916 publishing a full text of the judgment in the above case ?

(d) If so, is it in conformity with the policy of the Government to register such firms in the list of approved contractors ?

(e) Will Government be pleased to state what action they propose to take in this connection ?

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

(b) Government have no information to this effect.

(c) The reply is in the negative.

(d) and (e). Do not arise.

LEVY OF A HOUSE TAX IN THE KASAULI CANTONMENT.

172. **Haji Wajihuddin** : Is it a fact that in the Cantonment of Kasauli, a house tax is being proposed to be levied and if so at what rate and whether churches, mosques and temples have been exempted from the operation of the said tax ?

Mr. E. Burdon : House tax is already in force in the Kasauli Cantonment under Punjab Government Notification No. 382, dated 11th February 1897, at the rate of seven and a half rupees per centum per annum on the annual value of buildings. So far as the Government of India are aware, this tax has never been levied on churches, mosques or temples in the Kasauli Cantonment.

MEMBERSHIP OF CANTONMENT BOARDS.

173. **Haji Wajihuddin** : (a) Is it a fact that in the Army Department Circular No. 2/136/2/A.D., dated the 12th June 1925, the Government of India has stated that in case a Local Government directs under section 15 (4) of the Cantonments Act that an outgoing member ceases to continue in office before the notification of the nomination of his successor, the incoming member will automatically enter upon his office and be a member of the Cantonment Board ?

(b) Do the Government mean that in the case referred to above, a nominated member has the right to sit on the Cantonment Board without his name being notified in the local Gazette as a member ?

(c) If so, how does this meet the requirements of section 14 (2) under which the nomination of a member must be gazetted before he can sit on the Cantonment Board ?

(d) Are the Government aware that under section 15 (4), the Local Government can only terminate the membership of an outgoing member but can not dispense with the obligation of the notification of the nomination of his successor ?

(*e*) Is it a fact that these instructions if carried out will enable a military officer to sit on the Cantonment Board without his name having been gazetted as a member ?

(*f*) Do the Government propose to withdraw the circular in view of the discontent that it has given rise to and its conflicting character with the Cantonments Act ?

Mr. E. Burdon : (*a*) The answer is in the affirmative.

(*b*) Yes, Sir, if the Local Government so directs.

(*c*) and (*d*). Under section 15 (*4*) of the Cantonments Act, 1924, a Local Government can direct an incoming nominated member to take his seat on the Cantonment Board in anticipation of the Gazette Notification required by section 14 (*2*) of the Act. The direction of the Local Government under section 15 (*4*) does not dispense altogether with the Notification required by section 14 (*2*).

(*e*) Yes, Sir, if, as I have already stated, the Local Government so directs.

(*f*) The Government do not propose to withdraw the circular, as the instructions contained therein are in accordance with the provisions of the Cantonments Act.

MEMORIAL OF THE INDIAN APPRENTICES OF THE MACLAGAN ENGINEERING COLLEGE TO THE CHIEF MECHANICAL ENGINEER, NORTH WESTERN RAILWAY.

174. **Mr. S. Sadiq Hasan** : (*a*) Are the Government aware of the fact that the Indian apprentices of the Maclagan Engineering College have submitted a memorial to the Chief Mechanical Engineer, North Western Railway ?

(*b*) If so, will the Government please inquire if it has been favourably considered ?

Mr. G. G. Sim : Government have no information.

PUNISHMENT OF GUARDS FOR THEFTS ON TRAINS IN THEIR CHARGE.

175. **Mr. Amar Nath Dutt** : Is it a fact that guards are fined or heavy contributions are debited out of their provident fund money or pay in case of thefts whether the train is in motion or shunted to a siding ? Is it a fact that train controllers and not guards are solely responsible for the movement of trains ? If so, will the Government be pleased to take steps so that the man who is really responsible for thefts may be punished ?

Mr. G. G. Sim : Train controllers order the movement of trains, but a guard is responsible for the train which is in his charge. So far as Government are aware, guards are not punished in theft cases unless it is found that the theft was due to negligence on their part.

CASE OF MR. G. B. MITRA, A GUARD ON THE EAST INDIAN RAILWAY.

176. **Mr. Amar Nath Dutt** : Is it a fact that an Indian guard Mr. G. B. Mitra was transferred from Asansol to Madhupur on the East Indian Railway on 1st June 1925, but was not granted leave to make arrangements for removing his family and had to live in an open place

for want of quarters, with family, for some days? If so, will the Government be pleased to take steps so that such cases may not occur in future?

Mr. G. G. Sim: Government have no information.

APPOINTMENT OF INDIAN INSTRUCTORS IN THE RAILWAY SCHOOLS AT ASANSOL AND CHANDAUSI.

177. **Mr. Amar Nath Dutt**: Are there any Indian instructors in the Higher Training Schools and Colleges at Asansol and Chandausi? If not, are the Government prepared to take steps to appoint Indian instructors?

Mr. G. G. Sim: Yes. Two statutory Indians at the Railway School of Transportation, Chandausi, and two at the School at Asansol.

RECRUITMENT OF TRAVELLING TICKET COLLECTORS.

178. **Mr. Amar Nath Dutt**: Is it a fact that a large proportion of travelling ticket collectors are recruited from Anglo-Indian ticket collectors in preference to educated Indian ticket collectors?

Mr. G. G. Sim: Government have no detailed information. Such appointments are necessarily filled by men of some education.

RULES FOR ADMISSION TO THE RAILWAY TRAINING SCHOOL AT CHANDAUSI.

179. **Mr. Amar Nath Dutt**: Will the Government be pleased to state whether there are any printed rules of admission to the Railway Training School at Chandausi? If so, will the Government be pleased to lay the same on the table? If not, will the Government be pleased to state the curriculum the number of years for training and the prospects of the students of the School at Chandausi?

Mr. G. G. Sim: The attention of the Honourable Member is invited to the reply given to Mr. C. S. Ranga Iyer's question No. 651 on the 3rd September 1925 in this Assembly.

GRANT OF CONTRACTS FOR MUHAMMADAN REFRESHMENT ROOMS AT DELHI AND BAROG TO SUITABLE MUHAMMADAN CONTRACTORS.

180. **Mr. Abdul Haye**: (1) Is it a fact that contracts for Muhammadan refreshment room at Delhi and Barog Railway stations and for Muhammadan "*Nanbai*" at Barog Railway station for the current year are with non-Moslem contractors?

(2) Are the Government aware that the Musalmans resent such contracts being given to non-Moslems?

(3) Is it also a fact that the Railway Department does not charge anything for such contracts and that they are given gratis to suitable persons?

(4) In view of these facts are the Government prepared to issue instructions that in future such contracts should only be given to suitable Muhammadan contractors?

Mr. G. G. Sim: Government have no information. The matter is within the competence of the Agent and a copy of the question and answer will be sent to him.

RESTRICTION UPON THE SALE AND USE OF BEEF, BACON AND JHATKA IN REFRESHMENT ROOMS AND DINING CARS.

181. **Mr. Abdul Haye** : (1) Have the Government or the Railway Department placed any restrictions upon the sale and use of raw or cooked bacon, beef or *jhatka* on the railway premises, *i.e.*, in the various refreshment rooms and dining cars ?

(2) If restrictions have only been placed upon the sale and use of beef and not of bacon and *jhatka*, are the Government prepared to direct the adoption of a uniform practice in future ?

Mr. G. G. Sim : (1) The reply is in the negative.

(2) Does not arise.

NUMBER OF MUSLIMS IN THE SUPERIOR AND SUBORDINATE ACCOUNT SERVICES OF THE MILITARY ACCOUNTS DEPARTMENT.

182. **Khan Bahadur Ghulam Bari** : (1) Will the Government please furnish a comparative statement showing the number of Muslims as against non-Muslims in :

(*a*) the Superior Service of the Military Accounts Department ;

(*b*) Subordinate Accounts Service of the Military Accounts Department (gazetted rank) ;

(*c*) Subordinate Accounts Service of the Military Accounts Department (non-gazetted rank) ?

(2) If the answer to the above question discloses that the number of Muslims is out of proportion to their due representation, what steps do the Government propose to take in order speedily to restore an appreciable equilibrium in the comparative strength of Muslims and non-Muslims in this Department ?

The Honourable Sir Basil Blackett : (1) A statement containing the information asked for is placed on the table.

(2) In so far as the Superior Service of the Military Accounts Department is concerned, the Government of India have already decided to set apart a proportion of the vacancies every year to redress inequalities between classes and communities by nomination.

Promotions to the Subordinate Accounts Service (gazetted) are made by selection of the best qualified accountants in the Department and Muslim accountants have an equal chance of selection for such promotion with accountants of other communities.

Promotions to the Subordinate Accounts Service (non-gazetted) are made generally from among members of the clerical service who have passed the prescribed departmental examination and the claims of the Muslim members of that service receive due consideration for such promotion. Direct appointments to the Subordinate Account Service (non-gazetted) are also made in exceptional cases and if properly qualified Muslims apply for such appointments their claims will be duly considered.

Statement showing the number of Muslims as compared to non-Muslims in the Superior and Subordinate Account Services of the Military Accounts Department.

	Non-Muslims.	Muslims.
Superior Service	59	1
Subordinate Account Service (Gazetted) ..	87	nil.
Subordinate Account Service (non-Gazetted) ..	489	20

DIRECT RECRUITMENT OF MUSLIMS IN THE SUPERIOR AND SUBORDINATE ACCOUNT SERVICE OF THE MILITARY ACCOUNTS DEPARTMENT.

183. **Khan Bahadur Ghulam Bari** : Will the Government please state whether they propose to encourage direct recruitment of Muslims of superior educational qualifications in the Superior and Subordinate Account Services of the Military Accounts Department ? If so, what steps do the Government propose to take ?

The Honourable Sir Basil Blackett : The Honourable Member is referred to the answer to question No. 182.

PAUCITY OF MUSLIMS IN THE EDUCATION DEPARTMENT OF AJMER-MERWARA.

184. **Khan Bahadur Ghulam Bari** : (*a*) Is it a fact that the Provincial Muslim League of Rajputana Ajmer passed a Resolution at a meeting of the League in August 1925. with regard to the paucity of Muslims in the Education Department of Ajmer-Merwara ?

(*b*) Is it a fact that a copy of the above Resolution was sent to the Agent to the Governor General, Rajputana, and to the Government of India ?

(*c*) If so, will Government kindly state what action, if any, has been taken on it ?

Mr. J. W. Bhore : (*a*), (*b*) and (*c*). The Honourable Member is referred to the reply given to Maulvi Muhammad Yakub's starred question No. 862 this morning.

PAUCITY OF MUSLIMS IN THE EDUCATION DEPARTMENT OF AJMER-MERWARA.

185. **Khan Bahadur Ghulam Bari** : (*a*) Is it a fact that out of a total of 188 appointments in Ajmer-Merwara comprising inspection officers, professors in the Government College, Ajmer, Government High School, Normal Training Secondary and Primary Schools for boys and girls (excluding Momia Islamia High School), 171 appointments are held by non-Muslims and seventeen by Muslims ?

(*b*) Is it a fact that there is not a single Muhammadan in the inspecting staff in Ajmer-Merwara ?

(*c*) Is it a fact that since the creation of the Ajmer-Merwara Educational Department there has never been a Muslim officer in the inspection staff ?

(*d*) Is it a fact that this paucity of Muhammadans in the Education Department is due to the inspecting staff ?

(*e*) If so, will Government kindly take steps to increase the number of Muslims in the Department ?

APPOINTMENT OF MUSLIMS IN THE EDUCATION DEPARTMENT OF AJMER-MERWARA.

186. **Khan Bahadur Ghulam Bari** : (*a*) Is it a fact that a deputation of the Rajputana Provincial Muslim League, Educational Conference and other influential persons waited upon the Agent to the Governor General and other heads of Departments many times ?

(*b*) Is it a fact that these deputations pointed out the apathetic attitude of Government towards Muslims ?

(*c*) If so, will Government kindly say what, if any action, has been taken to redress the grievances ?

ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA.

187. **Khan Bahadur Ghulam Bari** : (*a*) Is it a fact that a deputation of the Rajputana Provincial Muslim League and other Muslim gentry waited upon Sir R. E. Holland, the then Agent to the Governor General in February 1925 in connection with the newly created appointment of Assistant Superintendent of Education ?

(*b*) Is it a fact that the Agent to the Governor General gave a sympathetic hearing to the deputation and promised that a local man would be appointed to the post ?

(*c*) Is it a fact that the person appointed is not a local man ?

(*d*) Is it a fact that the person appointed is a resident of the Almora District of the United Provinces and does not possess any secondary and primary teaching experience and is not trained ?

(*e*) Will Government kindly state reasons for this appointment ?

Mr. J. W. Bhore : The Honourable Member is referred to the replies given to Maulvi Muhammad Yakub's starred questions Nos. 863, 864 and 865 this morning.

ARTICLE IN THE *Muslim Outlook* REGARDING GRIEVANCES OF MUHAMMADANS.

188. **Khan Bahadur Ghulam Bari** : (*a*) Has the attention of the Government been drawn to the article by " Fairplay " in the *Muslim Outlook*, dated the 16th of August last ?

(*b*) If so, do Government propose to take any action to redress Muhammadan grievances ?

Sir Alexander Muddiman : The attention of the Honourable Member is invited to Sir Denys Bray's reply to question No. 705 by Maulvi Muhammad Yakub on the 4th September 1925. The necessary report from the Chief Commissioner, Ajmer-Merwara, has not yet been received.

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 further to amend the Indian Penal Code, which was passed by the Legislative Assembly, at its meeting held on the 3rd

September 1925, was passed by the Council of State on the 10th September 1925, with the following amendments :

"(i) The following clause was inserted after clause 3 :

'4. Notwithstanding anything contained in section 2 sexual intercourse by a man with his own wife is not rape although the wife has not attained the age of thirteen years, if he was married to her before the date on which this Act comes into operation and she had attained the age of twelve years on that date.'

(ii) Clause 4 was re-numbered 5.

The Council requests the concurrence of the Legislative Assembly in the amendments."

THE COURT FEES (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF SELECT COMMITTEE.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I have the honour to present the Report of the Select Committee on the Bill further to amend the Court-fees Act, 1870, the Succession Certificate Act, 1889, and the Code of Civil Procedure, 1908, for certain purposes and for the like purposes to repeal certain enactments amending the Court-fees Act, 1870.

RESOLUTION *RE* PROTECTION TO THE PAPER INDUSTRY—*contd.*

Mr. President : The House will now resume the discussion on the Resolution moved by the Honourable Sir Charles Innes regarding protection to the paper industry.

Mr. N. M. Joshi (Nominated Labour Interests) : Sir, I beg to move the amendment which stands in my name :

"That at the end of the Resolution the following be added....."

The Honourable Sir Charles Innes (Commerce Member) : May I rise to a point of order, Sir ? May I ask, Sir, whether clause 1 of this Resolution is in order. You are no doubt aware, Sir, of the ruling given on this point by the Honourable Sir Chimanlal Setalvad and by your predecessor. I also beg to draw your attention to Standing Order No. 59 (*a*) which says that a Resolution must raise substantially one definite issue. Standing Order No. 64 says that an amendment is subject to the Rules and Standing Orders relating to Resolutions. I submit, Sir, that this amendment raises an entirely separate issue, and therefore, it is out of order under the Standing Order I have quoted. I submit, Sir, that it is outside the scope of my Resolution. I submit, Sir, that the amendment is also barred for another reason. Welfare and Labour is a provincial subject. It is perfectly true that it is subject to legislation by the Indian Legislature, but there is nothing in the Government of India Act which empowers the Indian Legislature or the Government of India to take over the administration of a provincial reserved subject, and Part I of this Resolution purports not only to regulate Welfare and Labour, but also to take over the administration of the subject.

Mr. N. M. Joshi : Sir, on the point of order made by the Honourable Member; I wish to say one word. You will remember, Sir, that when the

Steel Protection Bill was considered in this House about a year ago, the President had accepted an amendment that any firm receiving protection must have capital owned by Indians, and also that that firm should have a certain proportion of Indian directors on its board. I submit, Sir, that if that amendment was in order at that time, I am quite sure that my present amendment putting down certain conditions is certainly in order. Moreover, Sir, some of the conditions which I have suggested in my amendment are part and parcel of the legislation of several other countries where there is protective legislation for industries. For instance, I have suggested here that there should be some form of Government control over the industries which are protected by Government. If the Honourable Member will read the Madras State Aid to Industries Act, he will find that the Madras Government have put down certain conditions of this nature. In the same way, if the Honourable Member will read the legislation in Australia on this subject, he will find that the Australian Government make it a condition that any industry receiving protection must satisfy them that the labour conditions in that industry are satisfactory. I may quote several other instances in which with regard to any proposals for protection which are made, certain conditions on the lines which I have laid down are made. Therefore, I suggest that my amendment is in order. Moreover my amendment is supported by the ruling of one of your predecessors in the Chair when he allowed a proviso to be added that a certain amount of capital of the industry to be protected must be Indian and a certain number of directors of companies seeking protection must be Indian. I submit that my amendment is in order.

The Honourable Sir Charles Innes : I beg to point out, Sir, that my objection is based on clause 1 of the amendment.

Mr. President : I understand the objection of the Honourable Commerce Member refers only to Part 1 and that he does not object to the admissibility of Parts 2 and 3 of Mr. Joshi's amendment. I will confine myself, therefore, to the determination of the question whether Part 1 of Mr. Joshi's amendment is in order. In doing so, I have to take into consideration and pay due respect to the ruling of my Honourable predecessor of the 26th January 1925 on the discussion of the amendment of the Honourable Member from Bombay (Mr. Joshi) to the steel bounty Resolution. The Honourable Sir Frederick Whyte ruled that, as the original Resolution proposed a bounty to the steel industry as at that time constituted any further measures for nationalising, Indianization or treating in any other way the steel industry would have to be done under some other Resolution.

Mr. N. M. Joshi : I would like to be heard, Sir, before you give your ruling.

Mr. President : Order, order. The Honourable Member had his say already.

I take the effect of this ruling to be that the restrictions of this nature are impositions on the working of the industry itself and not properly restrictions on the grant of the bounty and that consequently, the proposal to impose such restrictions is outside the scope of the Resolution. With due respect to my distinguished predecessor I must confess I find the point difficult to appreciate. It appears to me that any amendment which operates as a restriction on the grant of the benefit proposed by the Resolution is a restriction on the Resolution and is therefore within the scope of the Resolution. This is a proposal to impose a duty

[Mr. President.]

on certain classes of paper coming from abroad and thereby to raise the cost to consumers in this country. The Members of this House, as representatives of the people, are entrusted with the care and the interests of the consumers, and I cannot agree that they should be debarred from attaching conditions to the grant of assistance to industries in this country by the imposition of a tariff.

There is only one other ruling to which I think fit to refer at this stage and that is a ruling in the case of Steel Protection Bill which was given on the 4th of June, 1924, by the Acting President, Sir Chimanlal Setalwad. That was a case in which the amendment before the House was an amendment requiring that at least ⅔ of the capital invested in the business concerned should be Indian. The point was discussed at great length but I feel that it was in the end completely summed up by Sir Alexander Muddiman who remarked that the amendment in question was an amendment limiting the scope of the Bill and therefore was in order whatever its merits might be as an amendment. Sir Chimanlal Setalvad gave his ruling that that amendment really circumscribed the scope of the Bill and limited it to companies of a particular kind and that being the case he held that the amendment was in order. I consider that this ruling supports my view and I rule that Mr. Joshi's amendment which aims at limiting the enjoyment of the benefit promised by this Resolution to companies, labour conditions, in respect of which satisfy a certain standard, is in order.

Mr. N. M. Joshi : By my amendment* I propose, Sir, to raise a certain question of principle, and before I raise that question of principle I shall state very frankly my attitude towards the question of the protection of the paper industry. Sir, at the very outset I must state very clearly that like certain friends of mine, I am not a free trader. (Hear, hear.) I do not believe that a country like India can accept the principle of free trade as long as the other countries in the world have not yet given up their spirit of fighting against other nations and as long as they have not given up the spirit of killing the trade of other countries. (Hear, hear.) I therefore, Sir, stand very clearly for the protection of industries in our country. But, Sir, I do not approve of certain methods which the Government of India have so far adopted for protecting these industries. I believe that if the industries are to be protected without doing any harm to the people in this country, the first thing which Government should do is to nationalize the industry which they propose to protect. It is no good protecting an industry which is in private hands. If the industry is in private hands and you protect the industry, then when it makes profit it will usurp the profits to itself, and when the industry makes losses, it will come to the Assembly and to the Government for

* "That at the end of the Resolution the following be added :

'Provided—

(1) That the company receiving the assistance shall produce a certificate from any officer appointed by the Government of India for that purpose, that the labour conditions prevailing in the works of the company are satisfactory.

(2) That the Government of India are given such representation on the board of directors of every company receiving the assistance as the Government of India may consider adequate.

(3) That the company receiving the assistance shall undertake to pay an amount to the Government of India out of the balance which may remain of the profits after the distribution of 8 per cent. dividend to the shareholders of the company, equal to the amount which the company may have received through the rise in prices of paper due to the imposition of the protective duty '."

protection. Therefore the country as a whole loses, while only the few people who have money invested in these industries gain. I think, Sir, it is a wrong method which the Government of India have adopted in protecting industries in the country. Now, if the Government of India have to protect an industry and if they will not accept the principle of nationalization, I hold that they should at least give protection to the industries by means of bounties and provide that the amount of bounties should be repaid to the State as soon as the industry was in a position to repay those bounties. If the Government of India accept this principle, the country as a whole will not lose, because if the bounty is paid at a time when the industry is in a bad condition, at the time when the industry makes profits the Government of India will be able to recoup the money which has been paid to the industry. That would have been the second best course. But, Sir, the Government of India do not accept even the second best course. They adopt a course which in my opinion is most dangerous to the interests of this country, especially to the interests of the poor tax-payer. Knowing very well that if I propose an amendment for nationalization or for bounties, Sir, I may be ruled out of order, I have by my amendment adopted a course which in my judgment is only the third best course, that is, to put in certain safeguards in order that the interests of the tax-payer should be protected and in order that the interests of the workers engaged in that industry should also be protected. But I will make it very clear that although I have suggested certain amendments here, I consider the Resolution, even amended as I suggest, will only be the third best course for protecting the industries of the country.

Sir, by my amendment I have suggested that if an industry receives protection by the means which Government now propose, namely, by increasing the customs duties, then the capitalists will get a certain benefit by means of the rise in prices. The tax-payer in India will have to pay the increased price of the material, and therefore the tax-payer should be repaid the money whenever the industry makes profits over a certain limit. I have proposed in my amendment that if an industry which receives protection is able to give a dividend of 8 per cent. and has some balance left out of the profits, that balance should be paid to Government in order that the tax-payer should be given back the money which he has paid to the industry.

Sir, this is a very fair proposal. If an industry wants protection at a time when it is losing, certainly that industry must pay back the money to the Government whenever that industry is in a position to do so ; otherwise, it is the capitalists and the industrialists who will receive money from the country whenever they are making losses on the ground that the industry is a national industry and it is necessary to maintain the industry in the interests of the nation ; but when the industry makes profits, the industrialists will claim that it is a private industry and therefore they must be entitled to receive all the profits. Sir, this is not a very fair method of dealing with this question. The interests of the tax-payer must be protected and I have therefore made a suggestion in the third part of my amendment.

The second suggestion which I have made in my amendment is this, that if an industry requires protection from Government and from the country as a whole, that industry must submit to the extent of the pro-

[Mr. N. M. Joshi.]

tection to control by the Government ; otherwise the industry will not be properly managed and the country will suffer. When the country is asked to make a sacrifice for the sake of the industry, the country has a right to control the industry to the extent to which the country gives protection. That is my second principle. I do not think that anybody will quarrel with these principles. As I have already said, the Madras Act, called the State Aid to Industries Act, provides that if the Madras Government give a subsidy to an industry, the Madras Government shall have the right of representation on the Board of Directors of that industry. I suggest that the Government of India should also claim certain representation on the Boards of Directors of those companies which receive protection. It may be said that it would be very difficult for the Government of India to secure representation on the Boards of Directors of several companies ; but if an industry wants protection from the country that industry should make arrangements so that it may not be difficult for Government to be represented on the Board of Directors. Let the industry as a whole combine and then go to the Government for protection. But it is not difficult, I suggest, for Government to secure control over those industries which are protected ; otherwise the industry will not be managed properly. They will not be managed efficiently ; they will not be managed economically and they will be receiving protection at the cost of the country. I think, Sir, it is a very wrong principle. The principle which I have suggested has also found place in other legislation. As a matter of fact, the Government of India know this principle very well. The Government of India have helped the railway companies in India with their money and whenever they gave money and guaranteed interest to the railway companies they claimed a right to be represented on the Board of Directors of these railway companies. I cannot understand why Government do not ask for any control over the industries now to be protected, except the fact which I have mentioned several times in this House, that recently an alliance has come into existence between the Government of India and the capitalists, Indian as well as European, in this country to exploit the poor people here. Otherwise, I cannot understand why Government should not lay down a condition like this, a very reasonable condition which any Government will lay down ; similar conditions have been laid down by this Government in other cases.

Sir, there is another provision in my amendment, and it is this. If an industry is to be protected by the nation at a great sacrifice, all the people interested in that industry should be protected. In the first place, if an industry is to be protected by the tax-payers of India, it is necessary that the employees of these companies should be also Indians. The industry is not going to be protected by Indian tax-payers to find employment for certain Europeans.....

The Honourable Sir Charles Innes : I rise to a point of order. The Honourable Member, I submit, is travelling outside the scope of his amendment. He has said nothing in his amendment about Indianisation. Clause (1) refers purely to labour conditions.

Mr. President : The Honourable Member will confine himself to his amendment.

Mr. N. M. Joshi : I am not talking of Indianisation. I am talking of the condition of the employees in the companies which are receiving protection, and I say, Sir, that it is absolutely necessary that any company or any industry receiving protection from the Indian tax-payer must only employ employees who are Indians. As a matter of fact, if the Government of India insist upon it—and they ought to insist upon it—there will be a great saving made for the tax-payer in India. If the Honourable Member had read the report of the Tariff Board on this point, he would have known that the Tariff Board themselves say that if the employees of these companies are Indians.....

Mr. President : Order, order. I must say the Honourable Member is absolutely out of order. He has all along been talking of Indianisation, about which there is no reference in his amendment. He should strictly confine himself to the three distinct points raised by his amendment and not travel beyond them.

Mr. N. M. Joshi : My suggestion is that the labour engaged in these industries must be Indian and their interests must be protected. I have talked only of labour and I consider every labourer, every wage-earner is a labourer. It is only in that sense that I have used the word here and I have always used the word in that sense. However, leaving that aside, you will rule it quite in order, Sir, that I should say that it is necessary for the companies that receive protection that in the interests of the tax-payers they should economise and should show efficiency. The Tariff Board have already laid down that if these paper companies employ Indian employees, then they will make a saving of Rs. 12 per ton. In the interests of economy it is necessary that only Indians should be employed as employees of these companies.

Mr. President : If the Honourable Member persists in the same course, I shall have to ask him to resume his seat.

Mr. N. M. Joshi : All right, Sir, I will not raise that point.

My second point is this. When the Tariff Board make inquiries about the condition of industries, it sometimes becomes necessary for them to ask questions of the employees and of the labourers of these companies and I do not find anywhere in our legislation provision giving protection to these employees who have to make certain statements as regards the condition of those industries. I find, Sir, from the Tariff Board Act of Australia that the Tariff Board give protection to these employees who have to make certain statements which may be against the interests of the capitalists of that industry to make those statements without any fear of being dismissed. They are protected against dismissal by the Act itself. I want to know, Sir, whether the Government of India and the Tariff Board have taken any steps to see that the employees of the firms which want protection and into the affairs of which inquiries are made by the Tariff Board will be protected from dismissal by the employers or from being treated in any way to the disadvantage of the employees whenever they have to make certain statements to the Tariff Board about the affairs of that company. I feel, Sir, that this sort of protection is absolutely necessary for the employees of any company the affairs of which are inquired into by a Tariff Board.

Lastly, I would like to say one word about what you interpret as the labour conditions. Sir, in any industry, there is the interest of the

[Mr. N. M. Joshi.]

capitalists who invest money and there is the interest of the people who invest their labour and I may say their very life in an industry. I should like to know when the Tariff Board make inquiries into the conditions of an industry and decide whether that industry should receive protection or not whether they inquire into the labour conditions and find out whether those labour conditions in that industry are satisfactory. Here also, Sir, I may quote the example of Australia. In Australia, whenever any industry is given a bounty and is protected, Government lay down that that industry will not pay wages below a certain limit and the conditions there will be satisfactory. That is the way with all Governments. Even in England when Government want to give a contract to any company for anything, it lays down a condition that the company receiving the contract must give fair conditions of work to its employees. I do not know why the Government of India do not lay down such a condition. If the Governments of other countries have laid down such conditions whenever they have given certain kinds of protection and whenever they have given certain kinds of patronage to the companies asking for protection, I do not know why the Government of India do not lay down such a condition. If the industry is to be protected, let all the elements in that industry be protected. Let the capitalists be also protected ; I am not against them. But if the capitalist is to be protected, certainly the interests of labour also should be protected. I know, Sir, that there are people here who always say, if an industry is not protected, where will the labourers go ? They will be thrown on the street. And they sometimes express wonder why I ask for certain conditions to be laid down, when I know fully well that if an industry is not protected, the labourers will be thrown on the street. Sir, my reply to these people is this. I know that the capitalists know their interests very well. The capitalists want protection and they want certain sums of money from the Government for their industry. And, if the Government lay down certain reasonable terms as regards the labour conditions, the capitalists are not going to refuse protection. They will certainly accept the protection as well as give better conditions to the workers.

Mr. President : The Honourable Member is aware that we have a very heavy agenda to get through and his time limit is also up.

Mr. N. M. Joshi : I am almost concluding my remarks, Sir. In fact, this is the last point.

I therefore say that this is not the only alternative that the labourers will be thrown on the street if I lay down certain conditions. If I lay down these conditions and if the Government and the Assembly insist upon these conditions, I am quite sure the capitalists engaged in this industry will accept them. Therefore, there is absolutely no danger of the labourers being thrown on the street. Secondly, Sir, where is the guarantee that, even if you give protection, the labourers will not be thrown on the street ? Those people who had studied the conditions as regards the retrenchment in the Jamshedpur steels works last year know very well that, even after protection, many thousands of labourers lost their jobs and at the same time 70 Europeans were employed. So, after all, there is no guarantee that even if you give protection to the paper industry, all the labourers in that industry will retain their jobs and some of them will not be thrown on the streets. Thirdly, Sir, I have studied this question .....

Mr. President : No "thirdly". The Honourable Member must resume his seat.

Mr. N. M. Joshi : This is the last remark, Sir.

Mr. President : The Honourable Member must realise that we have got a very heavy agenda to get through. Besides what the Honourable Member is saying is nothing new to the House.

Mr. N. M. Joshi : I, therefore, place my amendment before the House and appeal to the House that they should support my amendment because, if they support it, the interests of all will be safeguarded. The interests of the capitalists will be safeguarded because they will receive their protection, the interests of tax-payers will be safeguarded because they will get back their money, and the interests of the labour engaged in that industry will be safeguarded because the capitalists will have to produce a certificate that the labour conditions are satisfactory. I hope, Sir, that the House will accept my amendment.

The Honourable Sir Charles Innes : Sir, I propose, if the House will agree with me, that I should deal with my Honourable friend's amendment as briefly as I can. I think that everybody in this House must admire the pertinacity and, I may add, the sincerity with which Mr. Joshi moves amendments of this kind. But I am quite sure that the House will agree with me that the actual amendment proposed by Mr. Joshi is quite unworkable. Let us take the first clause of the amendment. I noticed that Mr. Joshi referred at some length to what they do in Australia and other countries. I also noticed that Mr. Joshi was extremely careful to say nothing or very little about this particular clause of his amendment. I will ask the House to observe that it is suggested that :

"The company receiving the assistance shall produce a certificate from any officer appointed by the Government of India for that purpose, that the labour conditions prevailing in the works of the company are satisfactory."

Now, it is nowhere stated what that means. What is it that this officer is going to do ? We have got to have a separate officer for practically every mill in India. All we are told is that he has got to see that labour conditions are satisfactory. Does it mean that he has got to fix the wages ? Or does it mean that he has got to see to the housing accommodation of the labourers ? Surely, the House will see that there is a grave danger in having an officer of that kind. He may be regarded as a Government spy, and the danger is that he may set employers and employees by the ears. This is my main objection to this clause of the amendment. It is wrong in principle. It is wrong in principle for the Government to interfere in this vague way between the master and man instead of leaving them to work together as they should. That is my first objection to the amendment.

Now, the second objection is this. As I said, this officer has got to be appointed in every mill in India. Supposing one mill is reported to have its labour conditions unsatisfactory and the other mills are reported to have their labour conditions satisfactory, what remedy has Mr. Joshi proposed in such a case ? The only penalty could be to take away the protection. That is to say, because the labour conditions at one mill are unsatisfactory all the mills should be deprived of the protection which the Legislature thinks necessary for them. I do not think I need

[Sir Charles Innes.]

say more about clause 1. I hope the House will agree with me that it is entirely unworkable.

Then, again, take clause 2. The Government of India are to be given such representation on the Board of Directors of every company receiving the assistance as the Government of India may consider adequate. Mr. Joshi knows very well that at least one of the important companies making paper in India is a private company and has got no Board of Directors at all. How, therefore, can we provide for this measure of Government control on the Board of Directors if there is no board of directors. That shows that so far as the paper industry is concerned, clause 2 is not workable.

Finally, Sir, I come to clause 3, which runs as follows :

"That the company receiving the assistance shall undertake to pay an amount to the Government of India out of the balance which may remain of the profits after the distribution of 8 per cent. dividend to the shareholders of the company, equal to the amount which the company may have received through the rise in prices of paper due to the imposition of the protective duty."

It is quite impossible to insert a clause like that. And, again, I submit that Mr. Joshi is on the wrong lines. What Mr. Joshi means is that we must protect the tax-payer. But, surely, the right way to protect the tax-payer in this matter is that as soon as the company's profits rise to a figure mentioned by Mr. Joshi, you reduce your protective duties and then take away the protection. That is the best way of benefiting the tax-payer. If we were to adopt Mr. Joshi's amendment, it would mean that we should impose protective duties in order that an uncertain sum should be paid back to Government. However we may admire Mr. Joshi's pertinacity and his sincerity in this matter, I think that the House will agree with me that this amendment is entirely unworkable. I oppose it, Sir.

Mr. Devaki Prasad Sinha (Chota Nagpur Division : Non-Muhammadan) : Sir, when this amendment was first placed before the House my Honourable friend the Commerce Member began by saying that it was out of order. But, when he came to discuss the amendment after my Honourable friend Mr. Joshi has explained it, he says that it is unworkable. Well, Sir, the first objection which the Honourable the Commerce Member has put forward against this amendment is that it is very difficult for all paper industries of the country to unite in making the labour conditions prevailing in those industries satisfactory.

The Honourable Sir Charles Innes : May I rise to a point of explanation ? I did not say anything of the sort. What I said was that it was quite impossible to appoint an officer with these vague duties.

Mr. Devaki Prasad Sinha : With regard to the point about an officer, my Honourable friend says that we shall have to appoint spies and the appointment of spies will disturb the relations between the employers and the employees. Well, Sir, I do not know if Government think that all their Factory Inspectors are spies. I do not know if all the other officers that are appointed to safeguard the interests of the different sections are spies. It is only the Honourable the Commerce Member who has proposed this and I submit that he is only trying to create prejudice against this amendment by bringing in the names of spies and informers. The Government have an abundant supply of spies and informers. In this case, what we want is that they should have some

official who will look after the interests of those whose interests require looking after. Objection is taken on the ground that it is very difficult to see that paper industries all over India will look after the conditions of labour. If paper industries all over the country can join in a demand for protection, I do not see why they cannot organise and see that they deserve protection before they demand it.

Then the second objection of my Honourable friend, the Commerce Member, is that one of the companies that is going to be benefited by this measure of protection is a private concern. How are we going to insist upon Government having a representative on the Board of Directors of that concern? The proper remedy for that is that before giving a subsidy or protection or help to such a private concern we should insist upon its being transformed into a joint stock company or a limited company, so that Government may have a share in the management of the concern. I am reminded by my Honourable friend to my right that the Naihati Mill in its representation to Government promised to transform itself into a joint stock company. The amendment is therefore not unworkable, though it may be unpalatable to those who do not want to give anything in return for what they get from the tax-payers.

The principal object in putting forward this amendment is—to put it bluntly—that we should make full use of this moment of necessity for the employers, for the capitalists, and if at this moment of necessity we do not insist upon their giving proper facilities to the labourers working under them, we shall lose that opportunity for ever. If at this moment of necessity they are not going to listen to the demands for amelioration of the conditions of labour, they will not listen to such demands in the days of prosperity. Therefore we want that before we give help and assistance to any capitalists we must insist upon their safeguarding the interests of those whose interests it is their duty to safeguard. There is nothing unworkable, nothing revolutionary, nothing unconstitutional about this amendment. We only demand what is due to the tax-payer, what a man who comes to Government for help ought to submit to before Government agree to help him, namely, a certificate of good character. It is very necessary to have this, before we give assistance or subsidies to those that demand them. I therefore support this amendment.

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 at the end of the Resolution the following be added :

'Provided :

(1) That the company receiving the assistance shall produce a certificate from any officer appointed by the Government of India for that purpose, that the labour conditions prevailing in the works of the company are satisfactory.

(2) That the Government of India are given such representation on the board of directors of every company receiving the assistance as the Government of India may consider adequate.

[Mr. President.]

(3) That the company receiving the assistance shall undertake to pay an amount to the Government of India out of the balance which may remain of the profits after the distribution of 8 per cent. dividend to the shareholders of the company, equal to the amount which the company may have received through the rise in prices of paper due to the imposition of the protective duty'."

1 P.M.

The Assembly divided :

AYES—37.

Abdul Haye, Mr.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Aiyangar, Mr. K. Rama.
Alimuzzaman Chowdhry, Khan Bahadur.
Aney, Mr. M. S.
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.
Ghulam Abbas, Sayyad.
Govind Das, Seth.
Hans Raj, Lala.
Hari Prasad Lal, Rai.
Joshi, Mr. N. M.
Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.
Lohokare, Dr. K. G.
Majid Baksh, Syed.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi Sayad.
Nehru, Dr. Kishenlal.
Nehru, Pandit Shamlal.
Phookun, Mr. Tarun Ram.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Sadiq Hasan, Mr. S.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan Bahadur.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Devaki Prasad.
Sinha, Kumar Ganganand.
Syamacharan, Mr.
Venkatapatiraju, Mr. B.
Yusuf Imam, Mr. M.

NOES—58.

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.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaswami.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Burdon, Mr. E.
Chalmers, Mr. T. A.
Chartres, Mr. C. B.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Das, Mr. B.
Dumasia, Mr. N. M.
Fleming, Mr. E. G.
Ghose, Mr. S. C.
Gordon, Mr. E.
Gordon, Mr. R. G.
Gour, Sir Hari Singh.
Graham, Mr. L.
Gurner, Mr. C. W.
Harper, Mr. K. G.
Hira Singh Brar, Sardar Bahadur Captain.
Hussanally, Khan Bahadur W. M.
Innes, The Honourable Sir Charles.
Kasturbhai Lalbhai, Mr.
Langley, Mr. A.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Makan, Mr. M. E.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Mutalik, Sardar V. N.
Panduranga Rao, Mr. V.
Purshotamdas Thakurdas, Sir.
Raj Narain, Rai Bahadur.
Ramachandra Rao, Diwan Bahadur M.
Rangachariar, Diwan Bahadur T.
Reddi, Mr. K. Venkataramana.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vijayaraghavacharya, Diwan Bahadur T.
Webb, Mr. M.

The motion was negatived.

Dr. K. G. Lohokare (Bombay Central Division : Non-Muhammadan Rural) : Sir, I beg to move :

"That at the end of the Resolution the following be added :

'Provided that every paper pulp or paper manufacturing concern shall satisfy the following conditions :

(1) At least one-third of the capital of such concern is held by natives of India.

(2) The concern is registered in India and has a rupee capital.

(3) The concern takes a reasonable number of Indian apprentices to be trained in the art of paper and pulp manufacture.

(4) At least one-third of the quantity of paper pulp produced is utilised for paper manufacture in India'."

This is an amendment, Sir, on a subject which we discussed at the time of the first Bill giving protection to industries. We as Indians were delighted when the principle of protection was accepted by this Government, and we thought Government had come in to aid the industries, and every one of us was jubilant over the proposal. But, unfortunately, we found that, with the introduction of the principle of protection, the necessary details of working the principle of protection were absolutely left out. It was, as it were, a half-hearted measure of protection. Those of us here who were eager to have protection, having seen what such proposals meant for the fair distribution of the benefits of protection, gave expression to the inadequacy of the proposals from Government and are unfortunately being taken as persons who desired to block the way of industrial progress. Sir, I have no direct interest either in the capitalists or in the labour organisations ; I look at this matter from the standpoint of the country. I maintain that, since the country is going to sacrifice something for the sake of having protection for industries, it is but fair that all the component parts of the industry should receive a fair distribution of the advantages of protection.....

Mr. R. K. Shanmukham Chetty : If seven mills satisfy these conditions and three mills do not, what are you going to do ?

Dr. K. G. Lohokare : We have the legislation in our hands, and we are here to set it right.

Mr. R. K. Shanmukham Chetty : How ?

Dr. K. G. Lohokare : We shall sit together and find out. Sir, we have the same kind of measures of protection before us again. In the first Session of the Assembly I was compelled to suggest an amendment, and I am sorry to see when a fresh Bill has been brought in here no consideration has been given to the speeches that were then made regarding such proposals. Moreover, in this industry we find that there are companies who have been ready to manufacture pulp in India in order that it might serve the purpose of some foreign country. I could not find out from the Tariff Board's Report any provision by which they could prohibit such foreign concerns from taking advantages behind the tariff wall here. It is very well to say that if these foreign companies want the advantages of protection, let them be here for a while, but considering the amount of sacrifice that the country has to make, that the tax-payer has to make, it is questionable whether we should allow such a thing without having proper provisions in the Bill which is before us. I find in these proposals again no fair distribution of the advantages of protection either to the consumer or to

[Dr. K. G. Lohokare.]

the capitalist or the labourer or to the industry itself. If the industry has to be developed, all such component parts have to be attended to. I wish at least that some of the provisions I have suggested in my amendment should find room in the Bill when it comes before the House for final disposal.

The Honourable Sir Charles Innes : Sir, I think the House will remember that the exact question raised by Dr. Lohokare was discussed at very great length in regard to the Steel Protection Act. The result of that discussion was embodied in section 5 of that Act, and the House will remember that we definitely confined conditions of that kind to firms not already engaged in the manufacture of steel at the time when the Act was passed, who were in receipt of bounties. It was put in that form because the House recognised quite clearly that it would be impossible to impose these conditions where the assistance you give is merely tariff protection and not a specific bounty. As my Honourable friend Mr. Shanmukham Chetty said, how on earth are we to enforce conditions of this kind ? As Mr. Shanmukham Chetty said, supposing one firm does not carry out those conditions and seven do, what is your penalty to be ? Are you going to withdraw the protection from the whole industry ? Dr. Lohokare's amendment, I submit to the House, is quite unworkable.

Now, I would point out Dr. Lohokare that because of the desire expressed in the debates on the Steel Protection Bill, we appointed a committee to go into the whole question of the flow of external capital into India, and the committee's report is now in draft. In a very short time I hope it will be available to Members of this House. There the whole question has been discussed and I hope Dr. Lohokare will accept my assurance that this amendment is quite useless, and that, in view of the fact that in a very short time the House will be in possession of this report, he will withdraw his amendment.

Dr. K. G. Lohokare : Will the decision of the House which is reached on that report be binding on this Bill, on this industry ?

The Honourable Sir Charles Innes : Not on this Bill.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I feel very little need be said to show that the House cannot at this stage accept this amendment of Dr. Lohokare, but, Sir, I cannot help sympathising with Honourable Members like my friend Mr. Joshi and Dr. Lohokare, who raised questions of a similar nature more than a year back when the Steel Protection Bill was before the House. The division that you declared a few minutes back shows what percentage of Members of this House sympathise with the sort of scheme which my Honourable friend Mr. Joshi put forward before this House, saying that according to him his scheme was one which would benefit those interested in the industry concerned, secondly, it would benefit also the tax-payers because he said they would get back the money, and thirdly also benefit labour. If there was anything in this ideal scheme of my Honourable friend Mr. Joshi I feel that Government should, in view of what happened a year back, have before now put before the House some sort of means by which a comprehensive scheme of the primary conditions entitling an industry to protection could be discussed and decided upon by this House. This measure is the second of its nature by way of protection which is

being submitted by Government for the sanction of this House. I very strongly feel that a good deal of misapprehension and a good deal of misunderstanding which could have been avoided is being continued by the House not being given an opportunity of deciding what it considers to be the primary necessities entitling any industry to protection from the State. I am quite aware that on the score of the flow of capital from outside behind what is known as the tariff wall created at the expense of the consumer in India a Committee was appointed by Government last year. More than 15 months have passed by and we are now told that the report of the Committee will soon be available. Surely, Sir, it should have been considered very advisable to make that report available to this House before it was asked to vote on protection to another industry.

The same applies to my mind to the case of labour and I cannot help saying that if the House feels that those who claim protection at the expense of the tax-payer should also agree to a certain standard of treatment of labour, I at any rate cannot help sympathising with them. In order therefore to avoid such differences of opinion as appear to-day—and one is very pleased to see that the difference of opinion after all is concerned not with the principle of protection being made available but regarding the details of what would be the necessary conditions entitling an industry to protection,—I say, Sir, that on this very important score it would be only fair to this House that the Government should have a sort of comprehensive scheme devised by which these questions may be settled one way or the other before another measure of this nature comes before this House. I am sure Dr. Lohokare himself does not expect this House to vote on his amendment carrying it ; but I feel it is very necessary that there should not be repetitions of similar amendments on further questions of protection and that Government should give the House an opportunity, by moving a Resolution themselves, by which the House can satisfy itself by appointing one or more committees to consider and decide once for all questions of the nature raised to-day. With these words, Sir, I would make it clear that, if Dr. Lohokare presses his amendment to a division, I will vote against it.

Several Honourable Members : I move that the question be now put.

Dr. K. G. Lohokare : Is there any reply coming from the Government Benches ?

Mr. President : The question is that the question be now put.

The motion was adopted.

Mr. President : The question I have to put is that at the end of the Resolution the following be added.....

Dr. K. G. Lohokare : Sir, at this stage.....

Mr. President : Does the Honourable Member desire to make a speech ? If he wishes to withdraw his amendment, he can do so in so many words. There need be no speech on it.

Dr. K. G. Lohokare : I am withdrawing it, but I wish just to give the reason for my withdrawing it.

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

Mr. President : The question is :

"That the following Resolution, as amended, be adopted, namely :

'This Assembly recommends to the Governor General in Council that assistance be given to the bamboo paper and paper pulp industry in India by the imposition until the 31st March 1932 of a specific protective duty at the rate of one anna per pound on all printing papers (other than chrome, marble, flint, poster and stereo and supercalendered paper imported in reels) which contain less than 65 per cent. of mechanical wood pulp and on all writing paper'."

The motion was adopted.

THE BAMBOO PAPER INDUSTRY (PROTECTION) BILL.

The Honourable Sir Charles Innes (Commerce Member) : I move, Sir, for leave to introduce a Bill to provide for the fostering and development of the bamboo paper industry in British India.

Mr. Chaman Lall (West Punjab : Non-Muhammadan) : Sir, I rise to oppose the introduction of this Bill. It has become almost a habit in our public life that we are apt to treat economic matters in a very superficial manner. The great need to my mind is that we should bring to bear upon a subject of this importance all the scientific thinking that we can command. Honourable Members here, Sir, have been heard relating their experiences and discussing this question from the point of view of pure anecdotage. You cannot determine the operations of economic law or the great principles of political economy by reference to stray conversations about the price of turnips with your village greengrocer. That is not the way, I submit, Sir, to discuss an important matter of this kind. The question is a very simple one. What is it that we are being asked to do ? To-day we have in India 9 paper mills. Out of 9 paper mills there are 5 which produce practically the total amount of paper being used in this country. They are the most important mills and I venture to say that these 5 mills are mostly European owned. Now if the report is carefully read you will discover that the paper mills do not need protection, that the policy of protection which is being advocated is said by the report itself to be a policy which is not in consonance with the principles laid down by the Fiscal Commission. In spite of all that, it is discovered that there is a particular kind of mill producing paper from bamboo pulp, and in order to protect that particular mill, the policy of protection must be advocated for the whole of India. That in brief is the verdict of the wise economists of the Tariff Board. 33,000 tons of paper are produced in India. Out of this, 2,750 tons are produced by this particular mill from bamboo pulp mixed with wood pulp. Now, it has been declared by the Tariff Board that these other mills which produce nearly 30,000 tons of paper in India do not satisfy the principles laid down by the Fiscal Commission and that therefore the policy of protection advocated for these mills is a policy which we should not accept. Illogically enough, they go on to state that we must protect this industry anyhow because there is a probability—not a certainty—but a probability, that these mills which are producing paper may cease to produce paper in the near future. Now the question that I want to draw the attention of the House to is this, that you have advanced reasons here in this House for the protection of paper which to my mind appear to be absolutely fallacious. I see no reason why the tax-payer of this country should be burdened in

order to support a certain number of mills which have been in existence—not for a few months, not for a few years, but for nearly half a century. A policy of protection if it is to be advocated—I do not agree with that statement—but if it is to be advocated, it must be advocated, protectionists tell us, for nascent or infant industries. That is the right principle of the matter according to them ; but in this particular case these industries are really grey-bearded and grey-headed industries ; they are not nascent industries ; they have been in existence, as I said, for nearly half a century. The question is very clearly stated in the Report of the Tariff Board. Here I ask your permission to read a few lines from pages 84 and 85 of the Report : they say in the first paragraph :

"The existing paper mills which use *sabai* grass do not satisfy the conditions laid down by the Fiscal Commission and their needs are therefore irrelevant in considering the claim to protection."

If this is the verdict of the Tariff Board, why should the Tariff Board have gone to state with a passion for illogicality that this protection that we are giving to paper produced from bamboo pulp must also apply to those mills that are using *sabai* grass ? If their needs are such that the matter is absolutely irrelevant to the discussion we are holding here to-day, why should the Tariff Board or Government or anybody else advocate a policy of protection for the mills which use *sabai* grass ? All that I can see is this, that for the sake of protecting the production of 2,750 tons of paper in this country you are levying a duty from the people of this country which amounts to a total of about 21 lakhs of rupees, and that the benefit of this duty will go, not to further the interests of this country at all, but to further the interests of a monopoly which at the present moment happens to be in the hands of European firms. (*An Honourable Member* : "Question.") If you wanted to protect the paper industry in this country following the suggestion of the Tariff Board you could have given it loans, because the great need at the present moment is capital. There is a mill in the Punjab to which the Honourable the Commerce Member referred the other day which wants capital. The Tariff Board say that that particular mill has every advantage that this country can give it for the starting of the paper industry and yet you are not giving it any assistance of any kind. That mill, an Indian mill, cannot come into existence unless and until the proper amount of capital has been raised in the country. It could easily be done by the State taking over such concerns. But that particular subject has not been faced and under cover of the plea that the paper industry is in peril we are presenting to-day the monopolist paper mill owners in this country with a protective duty which will give them the advantage of a bonus of Rs. 21 lakhs per year. I am entirely against any such principle.

Then again, Sir, the second question that arises is this.....

Mr. President : The Honourable Member must be aware that this is a motion for leave to introduce the Bill and he has no right to speak for more than ten minutes, which he has already exhausted.

Mr. Chaman Lall : I agree with your statement, Sir, that I have only ten minutes on the introduction of the Bill and since that is so I shall reserve my remarks for a subsequent occasion when the Bill is taken into consideration.

Mr. President : The question is :

"That leave be given to introduce a Bill to provide for the fostering and development of the bamboo paper industry in British India."

The motion was adopted.

The Honourable Sir Charles Innes : Sir, I introduce the Bill.

The Honourable Sir Charles Innes : Sir, I move :

"That the Bill to provide for the fostering and development of the bamboo paper industry in British India be taken into consideration."

The only point I have to make is that this Bill carries out the Resolution which has just been unanimously passed by the House.

Mr. Chaman Lall : With this interlude, Sir, I resume my speech. As I was saying, the second question which arises is this. For the sake of protecting one particular mill producing 2,750 tons of paper from bamboo, we are actually imposing a serious burden on the poor people of this country. As far as this particular Bill is concerned, if Honourable Members will only read the Report of the Tariff Board they will discover that there is no finality as far as the production of paper by this particular mill is concerned. The whole affair is in an experimental stage ; nothing has been decided—it has not been proved that you will be able to run this particular mill, which produces paper from bamboo pulp, on a commercial basis. It will take years according to the Tariff Board Report itself before any definite opinions can be passed upon the activities of this particular mill. Indeed, for a matter which is in an experimental stage, for a matter which one does not know whether it is going to be a success or a failure, for a mill which is producing only 2,750 tons out of a total of 33,000 tons, we are bringing in the principle of protection for the whole country. The indirect effect of that will be that whereas the Tariff Board say that assistance should be given for a specified concern only, you are actually, by passing this Bill, giving protection to all mills producing paper. I see no justification whatsoever for placing these burdens on the people of this country. Protection in itself is an evil—everybody must grant that ; even those who are very protectionist in their views grant that protection is needed only for a certain period. The Tariff Board recommend that you should give protection for a period of five years : the Government go beyond that and say that you must give protection for seven years. But I venture to say that with these conditions prevailing there will be no end to the period of protection. Even according to the findings of this Report conditions are not likely to arise which may change the verdict arrived at by those who are protectionists as regards the protection of the paper industry in India. No reason has been advanced, no argument has been given why this particular protective duty should not even after the expiry of seven years continue for another seventy years. I submit, Sir, that the principle of protection is admittedly this that protection should be not permanent, but that it should be ephemeral, that it should last only for a certain period, that it should last for the purpose of supporting and sustaining a particular industry. In this particular case I venture to say that no facts have been given to us to prove that this paper industry is not likely to subsist or be kept alive or even to thrive if protection is not granted to it. As far as the general principle of protection is concerned, I am not going to weary the House

with the old arguments which those who take an interest in the matter must be fully aware of. But let me for a moment give you the opinion of a very high authority on the subject. Talking of the United States, Sir Josiah Stamp says :

"But even so, it is not improbable that the States would have had practically a free trade history if it had not been for the Civil War, with the revenue tendencies it started, and the interests it set up."

As far as the question of the general welfare of the people is concerned, it has been advanced as an argument that the interests of the country will suffer if this particular industry is not protected. I want Honourable Members to remember that the interests of a few monopolist capitalists are not coincident with the interests of the general mass of the people. That is a mistake which Honourable Members over and over again make because it is obvious that every capitalist thinks that he himself is the country. Dr. Marshall, the great economist, said :

"Unfortunately the experience of many centuries shows that a policy which will confer a considerable benefit on each of a compact group of traders or producers, will often be made to appear to be in the interest of the nation ; because the hurt wrought by it, though very much greater in the aggregate than the gain resulting from it, is so widely diffused that no set of people are moved to devote much time and energy to making a special study of it. Its advocates speak with zeal and the authority of expert knowledge. But they are bad guides, even if unselfish and perfectly upright ; for a policy that makes their peculiar profit is invested in their eyes with a deceptive glamour."

But I have no doubt that the Honourable Members claiming protection now have learned nothing and forgotten everything.

Then again Dr. Marshall asks, "whether a greater national income badly distributed is a boon". That is the question which we have to consider. That is the main point, Sir. The interests of the capitalists in this country are not coincident with the general interests of the masses, and yet you are advocating protection for the benefit of a few and to the detriment of the many. It is said that there are quite a few capitalists who happen to be foreigners, but yet I find Honourable Members who are oftentimes indignant because they find that industries in India are going out of their hands into European hands, getting up and telling us in this particular instance that they consider the interests of their country are at stake. Sir, when they say that the interests of the country are at stake, the interests as a whole of this country must be considered, I mean the interests of the masses, and not the interests of a few individual capitalists.

Again, Sir, another argument has been adduced, and that is the question of the key industry. Now, paper does not happen to be the key industry—except in so far as it is the key to the dissemination of false information through newspapers. This is what a great economist says about this key industry question :

"I need not labour the key industry question, and I think that, if a matter is so vital to a State as to be protected on this ground, its risks and profits should not be left entirely to private persons even behind a tariff wall, but that the State should take its share of the capital involved, so that the tax-payer may, in the event of profits, participate in them, as against any burden he may assume as consumer."

Sir, the proposition was put before the House that in any protection or assistance to be given to this industry, the interests of the Government, as representing the people of this country, must be safeguarded. But, Sir, while I find that Honourable Members are quite prepared to give

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assistance to capitalists, they do not reckon the consequences of that assistance to the workers and consumers in this country, in so far as their interests are concerned.

Then the last argument was that this is an infant industry. I have already said that paper is not an infant industry. It has made tremendous profits during the War. Therefore, no question of protection can at all be raised. During the War they had the unnatural protection of the submarine and the commercial blockade. But now the question of protection is raised, after those interested in the paper mills have made enormous profits during the War, because they feel that those profits are not going to be on the same level as the profits made during the War. Here is the evidence of another economist on the question of the protection of infant industries :

"The protection of infant industries is the one case of protection which is held to be theoretically justified by practically all parties, but by no means all agree that the same result cannot as well be obtained by other methods, such as direct subsidies. The whole matter is so conspicuous for the thoroughness with which it has been worked out in theory in the text-books rather than the extent to which it has been illustrated either by them or in real tariff history."

That is the position, Sir. Now, take the paper industry as it is in India to-day. What are the difficulties that it is faced with? We have got in evidence that, as far as the bulk of the paper that comes to this country is concerned for purposes of newspapers, there is no possibility of any competition arising from the activities of the Indian paper mills in this country. But there is an enormous difficulty, and that difficulty has been very clearly pointed out by the Tariff Board. They say that the great trouble is that Indian paper mills have not been as efficiently managed as they should have been. That trouble is not that they could not make decent profits during the past 40 or 50 years, but that they have been negligent of their own interests. They have been so ignorant as to the real possibilities of the paper industry that they have gone in for immediate profits without looking to the future. First of all, the charge levelled by the Tariff Board is that the paper mills in this country have not learned the advantages of diversification in production. That is one of the charges levelled by the Tariff Board against these mills. The second charge which is levelled is that of bad quality of paper, and the third charge, of which we have heard many echoes in this House, is that of an expensive establishment. Most of these mills, as I said already, most of the important mills are European mills.....

Sir Darcy Lindsay (Bengal : European) : May I know, Sir, what mills the Honourable Member refers to as European mills ?

Mr. Chaman Lall : I think the Honourable Member is perfectly aware that the Titaghur and Naihati Mills are entirely in the hands of the Europeans. He further knows that most of the important mills manufacturing paper.....

Sir Darcy Lindsay : I question this, Sir. There are three mills that are managed by European firms. I should say that the bulk of the shareholders in those mills, with the exception of the Paper Pulp Mill, which is a private company, are Indians.

Mr. Chaman Lall : Sir Darcy Lindsay says that the bulk of the shareholders are Indians. I challenge his authority, Sir. I challenge his authority to deny the fact that the most important mills in India are European mills. Further, I challenge his authority for his statement that the Naihatti Mills, for whose benefit a duty is imposed, is not an entirely European or private concern. It is in this very vague fashion.....

Sir Darcy Lindsay : I should like to point out.....

Mr. President : I cannot allow the interruptions to go on, but if the Honourable Sir Darcy Lindsay wants to say anything, he will have his opportunity.

Mr. Chaman Lall : You have here a representative of one of the paper mills (Sir Willoughby Carey). He realised that he should not vote on this proposition, but he spoke. But I ask him whether it is not a fact that the most important paper mills in this country are European mills. It is very easy to hoodwink the public by saying that a good part of the capital of the mills comes from Indians. I do not want to argue that point at all. I am not standing here for the purpose of introducing any question of racial discrimination. I know that capital has no country. Capital has no national boundaries. I am not concerned whether the capital comes mostly from Europeans or Indians. The difference in my mind lies in this, whether the people of my country are going to be taxed and exploited for the benefit of either Indians or foreigners under any system of protection. That is the main question.

Now, Sir, I will come to this point, that the trouble in the paper industry is the trouble of mismanagement, of high salaries and bad technical knowledge, and the trouble which arose during the War, namely, that these mills made enormous profits during the War, whereas now they are unable to keep pace with those profits. I do not think this House would be justified in helping these people out of their difficulties. It is not right, Sir, that for the sake of a few capitalists, the representatives of the people of this country should be asked to take the money out of the poor because in this case the rich is the bargainer. It is robbing the poor Peter to pay the rich Paul. (Laughter.) It is a joke which you, Sir, I am sure, will appreciate. I do not see any reason whatsoever for granting any protection to this industry because some Honourable Members ask for it in the name of national prosperity or in the interests of their country though it is for their own interests. I welcome the remarks of my Honourable friend Sir Purshotamdas Thakurdas. But, Sir, he is one of the few capitalists in India who has no conventional bias in his mind when he comes to discuss this matter.

Mr. K. Ahmed : How do you know it ? (Laughter.)

Mr. Chaman Lall : Now, Sir, I come to the question of the support that has been asked for. I hold in my hand a telegram which arrived two days ago from a gentleman who is supposed to be a great supporter of the workers, but whose past is a very doubtful past, a gentleman who is very well known to the Government and possibly very well known to the Home Department. I challenge this gentleman's *bona fides* in asking Honourable Members of this House to support this Resolution because he alleges labour will suffer. "Kankinara Labour Union requests you support this Bill labour will lose jobs. Roy Chaudhury". Everybody knows him, Sir. I say Sir, this is nothing else but blackmail. I am

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sorry to say that a gentleman should have been put up by the employers to do this sort of thing. I wish Honourable Members would examine his record. Such statements do not frighten me, Sir. I who stand here to fight for the cause of the worker am not going to be frightened if it is falsely alleged that a few of these workers are going to lose their jobs.

Pandit Shamlal Nehru (Meerut Division : Non-Muhammadan Rural) : May I inquire, Sir, if the gentleman named by Mr. Chaman Lall had said something about Mr. Chaman Lall in the local Council, how would he have liked it without a chance of replying to him ?

Mr. Chaman Lall : I have said in public, Sir, and I say again that if this gentleman has any cause to complain, he has got the remedy in his hands (Hear, hear). Sir, I say definitely here now that I do not believe that a single worker in my country is going to lose a single job if this protection is not granted to the paper industry. (*An Honourable Member* : " Does the Honourable Member mean to say.... ") You will have your say, Sir. It is nothing else but pure bluff and bluster to try and frighten us into granting protection. The position is perfectly simple. If you read the Report of the Tariff Board properly and carefully, you will find that their verdict is that as far as the major portion of our mills is concerned, no protection should be given, and that as far as this particular mill, the Naihati Mill, is concerned, which produces only 2,750 tons of paper, we must protect it because it is in an experimental stage and because we ought to find out the possibilities of this particular new process for the manufacture of paper. That is all. Sir, is there no other way of finding out the possibilities of this process ? It would take years to put this process on a permanent basis but when that permanent basis has been arrived at, you will then be in a position to find out the possibilities of paper manufacture from bamboo pulp and whether that method is necessary and essential and commercially sound for the purposes of this country. That is the position. I say, there is no justification whatsoever for the imposition of this general burden upon the poor people of this country for the sustenance of an experiment. You are protecting not paper but actually ignorance by passing this Bill. Honourable Members who jibbed at my Honourable friend, Mr. Devaki Prasad Sinha, the other day rightly called him a Socialist and were amazed. There is an old anti-Jacobin Poem which correctly describes their position to-day—regardful of the rich, indifferent to the poor, adding burden upon burden and calling with amazement to be delivered from those who might lead them out of their difficulties. Here is a variation of it :

" Again the Taxing-man appear'd
No deadlier foe could be ;
A Schedule—' Times of India ' length
Within his hands bore he."

Saying—

" Let India's youth unite in arms,
And every capitalist hand
With honest zeal subscribe their mite
To save their Native Land !
God bless us all from factious foes,
And Devaki Sinha's hiss
And grant the Lord may never make
Another socialist like this."

(*Cries of* "Divide, divide.")

The Assembly then adjourned for Lunch till Five minutes to Three of the Clock.

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

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 provide for the grading of coal and for the grant of certificates for coal intended for export, which was passed by the Legislative Assembly at its meeting held on the 3rd September, 1925, was passed by the Council of State at its meeting on the 14th September, 1925, with the following amendment:

In clause 12 (*2*), sub-clause (*a*) of the Bill, for the word and figure 'section 4' the word and figure 'section 3' were substituted.

2. The Council of State 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 BAMBOO PAPER INDUSTRY (PROTECTION) BILL—*contd.*

The Honourable Sir Charles Innes: Sir, I notice that Diwan Chaman Lall is not present. I have very little to say in reply to his very eloquent speech. I must confess that I welcome speeches of this kind in debates of this kind, for, I think, it is most essential that these important questions of protection should be discussed from every single point of view. But the only point I have to make in regard to the Honourable Member's speech is that I think it would have been better if that speech had been made on the Resolution and if he had not waited until the Bill was moved, for the very reason why I have adopted this procedure of proceeding by a Resolution and following it up by a Bill was in order to open the whole question of the report of the Tariff Board for discussion of the House and that there might not be any more restrictions, which would be inevitable in the case of a Bill, on full and free discussion of this matter. The position as I see it is this. Only this morning the House committed itself to the Resolution which has just been passed. Now, the Honourable Member who has just spoken has asked the House to reverse that decision and I am quite sure that the House will not place itself in that extremely awkward position.

Mr. President: The question is:

"That the Bill to provide for the fostering and development of the bamboo paper industry in British India be taken into consideration."

The motion was adopted.

Mr. President: The question is:

"That clause 2 do stand part of the Bill."

Sir Hari Singh Gour: Sir, I have an amendment.

Mr. President: The Honourable Member has no amendment on clause 2.

Sir Hari Singh Gour : I have an amendment on the Preamble, Sir.

Mr. President : The question is :

"That clause 2 do stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President : The question is :

"That the Schedule do stand part of the Bill."

The motion was adopted.

The Schedule was added to the Bill.

Mr. President : The question is :

"That clause 1 do stand part of the Bill."

Sir Hari Singh Gour : I have an amendment on that, Sir.

The Honourable Sir Charles Innes : Sir, I rise to a point of order in reference to this amendment. As I have just explained, on the Resolution I took no points of order and that was in order that the whole Report of the Tariff Board might be open to discussion by the House. I submit, Sir, that the amendment in the name of Sir Hari Singh Gour is out of order, because it enlarges the scope of the Bill. It is perfectly true that the Schedule to the Bill applies to all kinds of paper, but the Bill has definitely been drawn as a Bill for fostering the bamboo paper industry in India, and there is a real point of substance here. If the experiments that the Bill is intended to give scope for are not carried out, I reserve the right within a reasonable period to come and suggest that the Bill should be repealed. The Honourable Member is now enlarging the scope of the Bill to take in not merely bamboo paper, but all kinds of paper. I submit, Sir, it is out of order.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, my amendments do not enlarge the scope of the Bill for the following reasons. When the general discussion on the Bill and on the Resolution of the Honourable Sir Charles Innes took place, Sir Charles Innes distinctly gave this House to understand that the imposition of the import duties would benefit the paper industry of all kinds, whether it is the bamboo paper, or paper pulp or grass paper industry. It is on that assurance that we have passed the Resolution confirming the Honourable Sir Charles Innes' motion, and it is on that understanding that we are prepared to pass this Bill. The Honourable Member is well aware of the fact that he gave this assurance to the House, and in view of that assurance the amendment I propose to make is merely verbal.

Mr. President : There are a number of amendments of a similar kind on the paper. It seems to me that, although these amendments do not affect the operative portions of the Bill, there is no doubt that they commit Government to an extended policy of protection in regard to all kinds of paper. That being my view, I rule that all these amendments are out of order.

The question is :

"That clause 1 do stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. President : The question is :

"That this be the Preamble and Title to the Bill."

The motion was adopted.

The Preamble and Title were added to the Bill.

The Honourable Sir Charles Innes : Sir, I move that the Bill to provide for the fostering and development of the bamboo paper industry in British India be passed.

Sir, in moving that motion, I should just like, with your permission, to refer to an amendment which is down in the name of Mr. Dumasia, who is not present here. Mr. Dumasia proposed an amendment the other day regarding super-calendered paper. That amendment, I explained to the House, put me in a great difficulty, because I had been taken by surprise, and with that tendency to subordinate my own opinion to that of others, which has always been my defect, I left the decision in that matter to the House. Since then I have had a great number of telegrams from various parts of India. Some paper mills have pointed out that they can make this paper. But the thing that really impressed me is that I have had telegrams from Allahabad and from Madras saying that, if this amendment is allowed to be inserted in the Bill, it would place certain papers in an unfair position in their competition with the *Times of India Weekly*. I have had the advantage of discussing this matter with some of my friends opposite and we have arrived at an agreement. I will explain what that agreement is. I have given an undertaking to these Members and I will repeat it here. I will have the whole question of super-calendered paper, whether in reels or not, carefully examined and I will place it before the Commerce Department Departmental Advisory Committee ; and if we arrive at a decision that we should make some exception in favour of this super-calendered paper, then I will undertake to include the item in a small Tariff Bill which, in all probability, I shall have to place before the House next Session. If the decision is against doing anything, then I will inform the House of the decision we have arrived at. I must express my acknowledgment to my Honourable friend Mr. Dumasia, whom I see opposite, for having agreed to this suggestion. I have made this explanation and I move that the Bill be now passed.

3 P.M.

Mr. N. M. Dumasia : Mr. President, in view of the explanation given by the Honourable the Commerce Member, I withdraw this amendment.

Mr. President : No question of withdrawal arises. (Laughter.) The Honourable Member has not moved any amendment and he was not in the House when the clause was considered.

Mr. N. M. Dumasia : Then all I can say is that I am helpless and I accept the arrangement, as I promised it to the Honourable Sir Charles Innes.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, before this Bill is finally placed on the Statute-book, I desire to draw the attention of the House to the fact that the final form in which this Bill appears is not as satisfactory as some of us would like it to be. It has now become very familiar to us that

[Mr. M. K. Acharya.]

the Government are always ready to accept those recommendations that suit them or those parts of the recommendations only that are to their advantage, and reject unceremoniously any recommendation or any part of a recommendation that is not to their advantage. So, it has been in this case. The Tariff Board made a recommendation consisting of two parts, one of which has been to the advantage of the Government and therefore has been very readily accepted. But that part which has not been so much to their advantage has not therefore found a place either in the Resolution moved by the Honourable the Commerce Member or in the Bill which he has now put before the House. I therefore wish that, while finally voting on this Bill, we should vote with a full knowledge of what the Government have practically done in the matter. The Government have imposed a protective duty which means that they have asked us to agree to the consumer paying more hereafter for the paper that he will require than he has been paying hitherto. The recommendation of the Tariff Board was slightly different, as we already know ; because we have discussed that. I wish once more to emphasise the fact that we all feel very sorry that the Government have not been prepared to accept even the very reasonable suggestion that they should investigate further any case that might be made out for giving any additional impetus in the way of subsidies or loans or other financial help to this industry, before it can become a very thriving and prosperous national industry. This Bill only proposes to put on a tariff duty which will bring to the coffers of the Government an additional 21 lakhs of rupees according to the estimate of the Tariff Board. It is, of course, a very pleasant thing to have more money in the Government coffers. But what is going to be done with the 21 lakhs ? How it is going to benefit any of the various concerns in India that are engaged in paper making, is a thing which is very problematic. I still hope that the door has not been closed, and wiser counsels will prevail. I appeal particularly to the Commerce Member, and to the Honourable the Finance Member, who, of course, is going to get the additional sum of money in the form of additional customs. I appeal to them whether it is not possible, in the light of any further investigation that may be made either by the Tariff Board or by any other expert Committee, that some portion of this additional revenue that they are going to get on the imported paper may not with advantage to the nation and to the industry concerned be given in the form of financial help to some of those that may need and may deserve the help required under conditions that may be devised hereafter. I refer, therefore, once again to the amendment which was discussed in this House and which the Honourable the Commerce Member and the Honourable the Finance Member chose very unfortunately to oppose, and get defeated by this House. I therefore, once again wish that it should not be taken that the final word has been said upon this matter ; and, if hereafter a good case is made out for financial help to any good national concern engaged in the paper industry, I hope the Government will consider the case of such a concern and will make it possible for them to come to the help of such a concern ; otherwise I do not believe that many of us will be at all supporting this Bill with a good will and easy conscience. It looks as if we are simply paying for nothing at all. On the other hand, if we are sure that some real help

will be given to any struggling industry, we may feel more happy and more ready to vote for the Bill before us. As it is, we are very sorry that Government have not been as reasonable as we should have expected them to be. With these words, Sir, I support the Bill.

Sir Hari Singh Gour : I also wish to join my Honourable friend, Mr. Acharya, in expressing my regret that, while I should vote for the passage of this Bill, I shall not do so with an easy conscience because I see before me a Resolution moved by the Honourable Sir Charles Innes which is worded, as the Honourable Members are aware, in the following terms :

"This Assembly recommends to the Governor General in Council that assistance be given to the bamboo paper and paper pulp industry....."

Now, Sir, as I understood this Resolution, I thought that there was no clear enunciation of policy pinning the Government down to giving the assistance merely to the bamboo paper industry. And in the course of the debate, when we raised this question as to whether the Government were enunciating their policy in favour of bamboo paper and excluding the possibilities of development of paper from other pulps such as fern, grass, etc., the Honourable the Commerce Member assured this House that the imposition of the import duty would not prejudice the other industries engaged in the manufacturing of paper in this country. That, Sir, gave me the necessary assurance and I thought that the Resolution would be followed up by an Act which would be either equally committal or equally non-committal. And, when I found, Sir, that there was a difference between the Resolution moved by the Honourable Member, and acceded to by this House, and the Preamble and section 1 of the consequential Bill, I tabled two amendments of which the House knows. These amendments have been ruled out of order, but I still hope that the Honourable the Commerce Member will reiterate the position he took up the other day when he said that there was no intention to help any particular class of industry and that the imposition of the import duty would benefit the paper manufacturers generally, whether that manufacture is confined to bamboo paper or bamboo paper pulp or paper from grass or other forest produce such as wood pulp, of which I understand there is abundant raw material in the forests of this country. I submit that the Honourable the Commerce Member should not pin down the issue to this that this Bill should not be confined merely to the subvention of the bamboo paper industry. I hope, Sir, that better counsels will prevail and if the Government are convinced that those industries, which do not make paper from bamboo pulp alone, are deserving of Government support, such support would be forthcoming. On these grounds, Sir, I ask the Honourable the Commerce Member to make a statement which should allay the doubts which exist not only in my mind but also in the minds of the co-authors of similar amendments which have been ruled by you, Sir, as out of order.

The Honourable Sir Basil Blackett (Finance Member) : Sir, Sir Hari Singh Gour has much too acute a mind to have any doubts on this subject. He was merely anxious to get off a speech on this question which he was not allowed to make when moving his amendment. But I will none the less try to resolve his doubts. The Government have accepted the recommendation of the Tariff Board that they should give

[Sir Basil Blackett.]

protection to the industry of making paper from bamboo and they have introduced this Bill with a view to giving such protection. This Bill commits them to the policy of attempting to give protection to the industry of making paper from bamboo. It does not commit them to the policy of giving protection to paper generally, because that would be exactly contrary to the recommendation of the Tariff Board. But the result of this Bill will be to impose an enhanced protective duty on all paper coming in from outside India. And, whatever the material from which the paper is being made inside India, it will, in competition with paper from outside India, get the benefit of the enhanced protective duty. Practically it gets the same benefit. But the Government have been careful not to commit themselves to a policy of protecting the paper industry generally in view of the recommendation of the Tariff Board that such a policy would not be in the interests of India. I hope that resolves Sir Hari Singh Gour's doubts.

May I just add one word about Mr. Acharya's speech? He complains that the result of this Bill will be to put 21 lakhs of rupees annually in the pockets of the Government and that none of it is being used in order to give additional bounties to the industry. Now, the effect of the imposition of the extra duty is to give very considerable assistance to all paper mills in this country and in particular to the mills making paper from bamboo. What the Government have decided is that they would not be justified in addition in making grant or loan or subsidy to this particular bamboo paper mill, or any of the other mills mentioned, out of that 21 lakhs, and that 21 lakhs, which I have heard described as a tax on education, will, at any rate, be available to the tax-payers, and in the tax-payers pocket will be available, for example, for hastening the moment when the Madras provincial contribution can be further reduced, and education stimulated in Madras.

Sir Darcy Lindsay (Bengal : European) : Sir, in offering our full support to the safe passage of this Bill, I would just like to bring one point before the House, and that is, in addition to the protection now offered to what we must all consider a national industry, the Government should do all that they can to support that industry by purchases in India of requirements for Government use. I find, Sir, that in reply to a question the other day the Honourable Member for Industries, I think it was in reply to question No. 182, stated that orders for Indian mills amounted to 5,525 tons in 1924-25 and 5,794 tons in 1925-26, which indicated that the Stores Department were keeping up the average of the orders for Indian mills. On the other hand I find that while in 1924-25 the orders placed abroad amounted to 370 tons out of a total of 5,945 tons, equal to 6¼ per cent., the orders placed this year amounted to no less than 1,988 out of a total of 7,783 tons, or 25 per cent. of the total orders. It is on those grounds that I urge upon Government that they should give every assistance possible to the Indian mills. I am perfectly well aware that owing to the rise in exchange the price of foreign paper has fallen in India, and in reply to question No. 246, on the 25th August, the Honourable Member for Industries informed the House that he had placed an order for 670 tons of badami paper abroad, because it effected a saving of Rs. 43,600. I contend that it is not altogether right of Government to sacrifice this industry merely for the sake of a small saving of money. My Honourable friend, Sir Willoughby

Carey, explained to the House the other day the very large sums that were involved in this industry, that is, money coming in to Government. I think he told us that sixteen lakhs of rupees were spent on railway freight alone. Then there were royalties and the very large employment of labour. In my opinion, Sir, under these conditions the saving of a small sum of money, such as I have put before the House, should not have been taken seriously into account when placing the orders.

Just one other point. My Honourable friend, Diwan Chaman Lall, challenged me this morning as regards the statement I made about the mills that were worked in this country. I would like to say to the House that out of 9 mills either in operation or in course of construction, 3 may be said to be managed by European firms. Two of them are joint stock companies and one of them is proprietary, which, later on if the particular industry of bamboo pulp looks at all successful, will be formed into an Indian company with Indian money. (*An Honourable Member*: "Which mill is that ?") The Indian Paper Pulp Company. Now, as regards the other two, there is the Tittaghur Paper Mill with a very large capital which has recently been very considerably reduced, owing to the bad position in which the Company are placed. Of the capital at least 70 per cent is Indian money, belonging to Indian shareholders. On the register of the Company the names of Indian shareholders represent 70 per cent of the capital.

Mr. Chaman Lall : May I ask the Honourable Member to let us know who the Managing Agents are ?

Sir Darcy Lindsay : Messrs. Heilgers and Company.

Mr. Chaman Lall : Are they an Indian firm ?

Sir Darcy Lindsay : No, European.

Mr. Chaman Lall : Quite !

Sir Darcy Lindsay : On the Board of the Company four are Indian and four are European Directors and the Company employ Indian chemists, and Indians in the departmental management of the mill. The other Company, Sir, is the Bengal Paper Mills Company, managed by Messrs. Balmer Lawrie and Company, an English firm. They have a much smaller capital, eleven lakhs, and debentures 7 lakhs. This company, I believe I am correct in saying, has 33 per cent. of its capital held by shareholders on the register who are Indians. (*An Honourable Member* : "What is the share amount ?") The share amount is 11 lakhs, of which 33 per cent. is held by Indians. As you know, in this country shares pass from hand to hand and I can only go by the share register. (*An Honourable Member* : "What about the debentures ?") I believe the same thing applies.

That takes up the challenge offered by my Honourable friend. I very much regret that he should have also referred in such very strong terms, and to my mind in very hurtful terms, to my friend Mr. Roy Choudhry. Mr. Roy Choudhry is a very earnest worker in the field of labour, and one thing to be said about him is that he does go amongst the people. I do not know that that can be said of all representatives of labour. It is not altogether fair of the Honourable Member to get up and openly abuse Mr. Roy Choudhry on the floor of the House.

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 provide for the fostering and development of the bamboo paper industry in British India be passed."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, in view of the state of the business of the House, which I will not conceal causes me the gravest concern, and may possibly cause the House some anxiety, I propose to move the motion standing in my name as briefly as possible. I move that the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration.

This Bill makes certain minor amendments in the Code of Criminal Procedure as amended in 1923. They have been brought to the notice of Government either by Local Governments or by judicial authorities or by both. I think I am justified in saying that they are all of a minor character and that there is no change of substance which affects the subject with the exception of the first amendment in clause 2, to which I will therefore refer in a little detail.

Prior to the amendment of section 123 of the Code by section 21 (*2*) of Act XVIII of 1923, Courts had discretion to award either simple or rigorous imprisonment in respect of proceedings under section 109. Now in a House composed as this is, there are very few Members who do not know what section 109 means. (Laughter.) It used to be referred to in my young days as the *khana badesh* section. As a matter of fact it is the section which enables security to be taken for good behaviour in the case of suspected persons and vagrants. Two years ago a change in the law was made so that, as the law now stands, in default of security simple imprisonment alone can be imposed. This has proved a serious administrative mistake. I will read to the House, if I may, the opinions of the Local Governments. They are unanimous and they come from all parts of India.

The Madras Government say that the form of imprisonment might well be left to the discretion of the Court, as in some cases the persons bound over belong to a class of criminals for whom simple imprisonment is entirely unsuitable.

The Bombay Government say simple imprisonment affords an entirely inappropriate punishment for the persons concerned.

The Bengal Government say discretion should be left so that professional criminals caught under suspicious circumstances might be given rigorous imprisonment, while harmless vagabonds might be given simple imprisonment.

The United Provinces take the same view. They say the section as it stands is entirely ineffective and the discretion should be restored.

The Government of Burma take the same view.

The Government of Bihar and Orissa make the same recommendation. The Inspector General of Prisons in that Province refers in his annual report to hardened criminals being allowed to be idle in jail.

The Central Provinces Government made the same recommendation and pointed out that the discretion should be restored, as it is eminently undesirable that persons who are ordinarily sentenced to simple imprisonment on grounds of age or infirmity should be herded with vagrants whose habits are frequently filthy.

Therefore the Local Governments have made out a very strong case; the Government of India agree with them; the Local Governments are unanimous, and I trust the House will agree, without further discussion, to the passage of this Bill. But if the House are not prepared to do so, I trust they will at once throw out my motion that the Bill be taken into consideration. Sir I move.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural): Sir, with your permission, I beg to move the amendment which stands in my name with a slight alteration. I sent a notice that the Bill be referred to a Select Committee with instructions to report by the 15th September 1925. Instead of this date I wish to put the words "as early as possible," the Select Committee to consist of the following members :

The Honourable Sir Alexander Muddiman,

Mr. H. Tonkinson,

Mr. C. Duraiswami Aiyangar,

Mr. K. C. Neogy,

Mr. T. C. Goswami,

Pandit Nilakantha Das,

Pandit Shambhu Dyal Misra,

Mr. Kumar Sankar Ray,

Mr. A. Rangaswami Iyengar, and

Mr. M. K. Acharya,

and with your permission, Sir, allow me to add the name of Mr. S. C. Ghose, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.

Now my object in having a Select Committee to consider the Bill, which will make such alterations as are necessary, are these. I think many of us are aware that this section 109 has been a very ready weapon in the hands of the Executive to pursue the Congress-workers in the provinces, and we also know how some Congress men have been sent to jail even under this section.....

The Honourable Sir Alexander Muddiman : Will the Honourable Member give me a single instance of any Congress man who has been sent to jail under section 109 ?

Mr. Amar Nath Dutt : I think there were a lot. Be that as it may, when this Criminal Procedure Code was amended in the year 1923, after taking into consideration all the circumstances and also taking the opinions of the various Local Governments, the provision of section 123 was changed and rigorous imprisonment was changed to that of simple imprisonment..

Mr. H. Tonkinson : I should like to correct that statement. The opinions of the Local Governments were never taken on this point.

Mr. Amar Nath Dutt : Now, Sir, the Code was amended only two years ago and I think the gentlemen who sat in the Select Committee and the gentleman who introduced the Bill with a full sense of the responsibility of his position knew what they were doing, and I do not think anything has happened within the last two years, and there is no circumstance available which the Honourable Member has given us which would lead to the conclusion that it is a bad law, save the opinions of a few Local Governments, who are generally biassed. Of course you may laugh (to an Honourable Member), you represent the Local Government; you have come here to uphold the prestige, the dignity, and so far as possible the powers of the Local Government. However, I think my amendment is a harmless one. If a few of us sit together and see what should and what should not be done there is no harm in it. I move the amendment.

The Honourable Sir Alexander Muddiman : Sir, I beg to oppose the motion of the Honourable Member. It will have the effect of postponing the passage of this Bill till next January. There is nothing in this Bill to need reference to a Select Committee. If the House will not take the Bill as it stands, I hope they will reject it. There is no scope for a reference to Select Committee. My Honourable friend said "a few Local Governments." May I tell him *every* executive Government in India has made this recommendation, and it is supported by the Government of India. I am aware there is some difficulty in getting recommendations accepted in this House, but I beg the House will consider seriously before it rejects a proposal for a simple amendment of the criminal law, which can have no possible political aspect of any kind, and which has been recommended by every executive Government in India, and is supported from these Benches with the weight of the Government of India. I have nothing more to say.

Mr. President : The question is :

"That the Bill further to amend the Code of Criminal Procedure, 1898, be referred to a Select Committee, with instructions to report as early as possible, consisting of :

The Honourable Sir Alexander Muddiman,
Mr. H. Tonkinson,
Mr. C. Duraiswami Aiyangar,
Mr. K. C. Neogy,
Mr. T. C. Goswami,
Pandit Nilakantha Das,
Pandit Shambhu Dyal Misra,
Mr. Kumar Sankar Ray,
Mr. A. Rangaswami Iyengar,
Mr. M. K. Acharya,
Mr. S. C. Ghose,
and the Mover,

and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The motion was negatived.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban) : I rise to a point of order. The Honourable the Home Member has told us that if we are opposed only to clause 2, we may reject the whole Bill. I do not know whether he wishes us to speak on clause 2 separately, if it will be put separately.

Mr. President : It will be put separately. The question is :

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

The motion was adopted.

Mr. President : The question is :

"That clause 2 do stand part of the Bill."

Diwan Bahadur T. Rangachariar : I am sorry, Sir, I have to oppose this clause. I have paid every attention to the earnest remarks by the Honourable the Home Member in respect of this clause. Sir, the last Assembly deliberately made this change. The view we took of this section was that, after all, these are preventive sections for preventing crimes being committed, and so long as a man is not convicted of a crime, it is not proper to give him rigorous imprisonment. It is well enough if a man is convicted of a serious crime that he should be rigorously confined ; but why when he is unable to find people to give security. Take, for instance, people who have no ostensible means of livelihood. There are millions of people of that sort in our country. Take the Sadhus who go about the country. There are millions of such people and any policeman may run them down and say "Here you have no ostensible means of livelihood ; you must find security". By all means if he is unable to find security, confine him so that he may be prevented from crime; but why give him rigorous imprisonment ? If he is an offender give him conviction under the proper section and send him to jail, but so long as he is unable to find security it is most improper to confine persons rigorously simply because they are persons who have no ostensible means of livelihood. That is, under section 109. And, Sir, it is very difficult to call upon people specially in a country like ours where there are millions going about the country. This was the view we took in the last Assembly. I had a hand in the shaping of the Criminal Procedure Code and got the Government to consent to it. Now what has happened ? It is only two years since it was passed in Delhi. No new facts have come to light except that the Executive Government in each province wants this power to be restored. Of course Executive Governments always want power. Whatever power you take away from them they will always say "Do not take it away". That will not satisfy us. I therefore ask the Assembly to reject it without any hesitation.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, as I also took some little part in 1923 in the amendment of the Code of Criminal Procedure I may briefly give the reasons which prevailed with that Assembly in altering the law. As we then understood criminal law and as I understand it still, there are two broad divisions of criminal law in England and in this country. The first branch is the branch known as preventive law and the second is that known as punitive law. Now, Sir, it has been an axiom with those who have studied criminal jurisprudence that a preventive action should never be converted into a punitive action, and if Honourable Members will turn to section 109 they will at once see the wisdom of the decision which our predecessors in 1923 took in making the amendment which is now sought to be reversed. Section 109, Sir, consists of two clauses. Clause (*a*) says :

"(*a*) if any person is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction and if there is reason to believe that such person is taking such precautions with a view to committing any offence, or

[Sir Hari Singh Gour.]

(*b*) if there is within such limits a person who has no ostensible means of subsistence or who cannot give a satisfactory account of himself "—*now mark the last sentence*—" such Magistrate may in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties for his good behaviour, etc."

All that section 109 demands is that for a certain period the person bound over shall be of good behaviour, and if he is not able to give security, by incarcerating him you ensure the continuance of that good behaviour which section 109 postulates. You take him away from his surroundings and lock him up where he cannot be of bad behaviour. Therefore, I submit, Sir, that so far as section 109 is concerned, its purpose is served and completely fulfilled by incarcerating a man who is not able to give security for the reasons stated in the two clauses which I have read out to Honourable Members. Now, Sir, the Honourable the Home Member has informed this House that all the Executive Governments and the Government of India are agreed that this amendment made in 1923 should be annulled. That is a very good reason, but Honourable Members here want a better one, and that against the reason which influenced the decision of this Assembly in 1923. What answer have the Treasury Benches to give to what was passing through the minds of the Honourable Members in 1923 when they passed the amendment which the Honourable Member now seeks to revise. That is my first submission. (*Mr. K. Ahmed* : " What is the necessity ? ") Now, Sir, my Honourable friend Mr. K. Ahmed asks where is the necessity ? I echo the sentiment. I could well understand if this enactment had been given a sufficiently long trial and if any cases had occurred when it was found that simple imprisonment did not ensure that good behaviour which section 109 of the Code of Criminal Procedure is intended to safeguard, then I submit a good *prima facie* case would have been made out to this House.

Now, Sir, there is also another thing. We have also section 110—that is sub-clause (*b*) of sub-section (*2*). I admit that section 110 stands on a somewhat different footing ; but at the same time Honourable Members will remember that section 110 deals really with perpetrators of substantive offences against the Indian Penal Code. I do not wish to take the time of the House by reading through the section ; I shall only read a few words to illustrate my meaning :

" (*a*) is by habit a robber, house-breaker, thief, or

(*b*) is by habit a receiver of stolen property knowing the same to have been stolen, or

(*c*) habitually protects or harbours thieves or aids in the concealment or disposal of stolen property, or

(*d*) habitually commits or attempts to commit or abets the commission of the offence of kidnapping, abduction, etc., etc."

Section 110 therefore deals with habitual offenders and I submit that if a man is a habitual offender and has been laid by the heels for committing a crime in respect of which he has been dealt with under section 110, I do not see why he is not prosecuted and convicted, or rather bound over, under section 110. I admit that the case of a man under section 110 stands upon a different footing; but I am now pleading for the deletion of that clause which excludes section 109, and on that point, Sir, I feel sure that the Government have to make out a much stronger case than they have made out in the opening speech of the Honourable the Home Member.

Mr. H. Tonkinson (Home Department : Nominated Official): Sir, as I also took a part in the passing of the Bill of 1923, I should like to make some remarks upon this clause which is the most important clause in the present Bill. I propose to present the case of Government for this clause. It is, Sir, an absolutely unanswerable case. In the first place, it has been suggested that section 109 of the Code of Criminal Procedure, 1898, is a preventive provision in our law. Well, Sir, in English law cases practically analogous to those dealt with under section 109 are treated as substantive offences and are punishable with imprisonment for one year.....

Mr. A. Rangaswami Iyengar : What division of imprisonment ?

Mr. H. Tonkinson : I will come to the division of imprisonment at some length later. Let me refer to section 7 of the Prevention of Crimes Act. One part of it says :

"If, on his being charged by a constable with getting his livelihood by dishonest means, and being brought before a Court of summary jurisdiction, it appears to such Court that there are reasonable grounds for believing that the person so charged is getting his livelihood by dishonest means....."

Then again another part runs as follows :

"If he is found in any place, whether public or private, under such circumstances as to satisfy the Court before whom he is brought that he was about to commit or to aid in the commission of any offence punishable on indictment or summary conviction ; or was waiting for an opportunity to commit or aid in the commission of any offence punishable on indictment or summary conviction."

If Honourable Members will compare those provisions with the clauses of section 109 read with section 55 (*1*) (*a*), they will find that they are distinctly analogous. There are also of course very similar provisions in the English vagrancy law where such cases are again treated as substantive offences.

Mr. A. Rangaswami Iyengar : How do you deal with European vagrants ?

Mr. H. Tonkinson : Our proposal is this: to change the present wording of section 123 as amended in 1923 so as to enable a Magistrate in his discretion to impose a sentence of rigorous imprisonment. We do not propose to say that he must impose a sentence of rigorous imprisonment—we propose to give him a discretion.

Now in this connection I think it is necessary to refer to what simple imprisonment consists of. Section 36 of the Prisons Act says :

"Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment."

I wish to draw the attention of the House to the fact that it is only if the prisoners so desire that employment is provided for them. I wish, in fact, in this connection to refer to the very anomalous position in India in regard to the point that we have in our jails very large classes of persons sentenced to simple imprisonment which is of the nature I have just indicated. My Honourable friend, Mr. Rangaswami Iyengar, asks what division prisoners under the Prevention of Crimes Act were sentenced to in England. Now what are the classes of imprisonment in England ? So far as imprisonment is concerned, imprisonment may be without hard labour or with hard labour. Persons sentenced without hard labour are classified in three divisions—first, second and third. Prisoners in the first division are treated in very much the same way as prisoners awaiting

[Mr. H. Tonkinson.]

trial. Prisoners in the second division are kept separate from other prisoners, and so on, but they are employed on industrial work. Prisoners in the third division are employed exactly in the same way as prisoners sentenced to imprisonment with hard labour except for the first period of one month. In that connection let me read to the House an extract from a publication by the Permanent Under Secretary for the Home Office, published in April of this year. He refers to the legal requirement in regard to the classification of prisoners in England and says :

"The first division represents the old first class misdemeanants, but the number sentenced to imprisonment in this division is almost negligible. The courts are properly reluctant to allow the luxuries of this class to persons wealthy enough to pay for them, and they are rarely given even to the political prisoners for whom they were originally intended since the time when the suffragettes sent to Holloway in the first division used the privilege of free visits and letters to conduct a political propaganda from the prison. But the distinction between the second division and the third is of great value, and the Home Office has been insistent in endeavouring to induce the courts to place in the second division all prisoners of good antecedents and to leave in the third division only those already of bad or doubtful character."

It will be seen, then, that prisoners sentenced to the first division are practically negligible, and, as I have already indicated, they are the only prisoners who are not employed on labour. We have a further report on the same subject from a very able and experienced retired prisons official from India, who was a member of the Indian Jails Commission and has recently reported for us upon the English system of prison administration. He points out that offenders in the first division can work at their own trade and so on. Offenders in the second division are given the same labour as those sentenced to imprisonment with hard labour. Offenders in the third division are given labour the same as prisoners sentenced to imprisonment with hard labour. It is important to note how few prisoners are committed by courts to the first division which is the only analogue in the English prisons to the simple imprisonment of Indian prisons. The Governor of an English prison told me "You might find half a dozen in the whole of England."

Then again he goes on :

"There is now no distinction in the labour allotted to offenders in the second and third divisions of imprisonment and that given to persons sentenced to imprisonment with hard labour. Debtors also have to work. It will thus be seen that imprisonment without labour is practically non-existent in England."

Then again he says at present in England every effort is being made to ensure continuous occupation of the inmates in all prisons. "All Governors of English prisons would heartily concur in the dictum that an idle prison is a bad prison."

Diwan Bahadur T. Rangachariar : Then let there be no simple imprisonment.

Mr. H. Tonkinson : That of course, Sir, is the logical result to a large extent of the arguments I am adducing ; our provisions as regards simple imprisonment are anomalous in the present times. Now, Sir, we are sending people sentenced and unable to find security under section 109 to simple imprisonment, the same class of imprisonment as these half dozen people in the whole of England who are sentenced to imprisonment without hard labour in the first division. The people who are dealt with under section 109 must be known to the whole of this House. They are the

ne'er-do-well, the man who will never do any work if he can help it, the man who lives by petty and sometimes by serious thieving, the vagrant, rogue and the vagabond. It has been suggested that we have not had a very long experience of this law. The Honourable the Leader of the House has referred to the opinions of the Executive Governments on the matter. I should like to refer....

Mr. D. V. Belvi : What are the grounds on which the recommendations are made ?

Mr. H. Tonkinson : I should like to refer to the reports which are just coming in on the same subject. For example, the Annual Administration Report on the Jails in the Bengal Presidency was received in the Government of India Secretariat, I think, last week. This is what the Inspector General of Prisons says :

"Prisoners detained in jail under section 109, Criminal Procedure Code, are now given simple imprisonment and cannot be made to work unless they volunteer."

—that is of course in accordance with the provisions of section 36 of the Prisons Act which I cited—

"It is difficult to imagine anything more absurd and demoralising. From a police point of view it may be convenient to get a lot of known habitual offenders kept in safe custody, but from a jail point of view it is deplorable. It is impossible to attempt reformation under these conditions. These men contain the dregs of the criminal world ; habitual thieves, burglars, *goondas* and such like are sent to jail to idle for six months or a year. They are provided with free board and lodging, have congenial companions to plan mischief for the future, and generally have a pleasant time. They enjoy the advantages of a residential club without the draw-backs of paying a subscription and monthly bills."

Well, Sir, the same is being indicated now in the Administration Reports from practically all provinces.

Diwan Bahadur T. Rangachariar : If they make the same mistake, they have no value. Habitual offenders do not come under section 109.

Mr. H. Tonkinson : My Honourable friend says that they make the same mistake. I say, Sir, that persons sentenced in England under such provisions would be treated as guilty of substantive offences and no one would be so foolish as to sentence them to imprisonment in the first division.

Mr. A. Rangaswami Iyengar : You have not got five classes of prisoners here, have you ?

Mr. H. Tonkinson : I submit, Sir, it is quite clear that it is bad both for the jails and for the men concerned, and that it is a gross waste of public funds to provide that these persons who are convicted under section 109 of the Criminal Procedure Code must be sentenced to simple imprisonment.

Mr. M. K. Acharya : Have the opinions been circulated ?

Mr. H. Tonkinson : They have been published.

Colonel Sir Henry Stanyon (United Provinces : European) : Sir, the ground in support of clause 2 given in the Statement of Objects and Reasons attached to the Bill is this, that most persons against whom proceedings are taken under section 109 are men for whom simple imprisonment is quite unsuitable. Section 109 sufficiently indicates that these men, if not potential criminals, are idlers, vagrants, tramps, and persons who have no ostensible means of subsistence, and who cannot give satisfactory accounts of themselves. Persons of this class are apt

[Colonel Sir Henry Stanyon.]

to prey on society. They live by their wits which generally means by fraud or crime. Now, when a gentleman of this class cannot give security for good behaviour, what is the best thing for society to do with him? Is he to be an honoured guest of the tax-payer, encouraged in a life of idleness? If so, then give him simple imprisonment. Or, is he to be made to work for his board and residence, taught to give up his idle habits and learn the healthy lesson that livelihood should be earned by work? If so, give him rigorous imprisonment. With simple imprisonment we encourage the habitual idler and vagrant; with rigorous imprisonment we teach him to work. I would ask the House not to be carried away by any exaggerated sense of the term "rigorous imprisonment." There are different degrees of work and labour, and no properly constituted jail administration would give a person of this kind anything but reformatory labour; that is to say, penal servitude, not hard labour. That is a matter of detail inside the jail. But I do think that the principle which underlies clause 2 of this Bill is a principle which ought to have the support of this House. If a man of the above class cannot give the security asked for, he should certainly be given an imprisonment in which he will be reformed and by which he will learn to work honestly for himself.

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, we are placed in a great difficulty, because the Honourable Sir Alexander Muddiman, the Leader of the House, states that he has got information or reports of all the Local Governments and judicial officers, which were not circulated to us.....

The Honourable Sir Alexander Muddiman: I said Local Governments. If the Honourable Member thinks I have not got the reports from the Local Governments, I can give them to him.

Mr. B. Venkatapatiraju: But in the Statement of Objects and Reasons he states Local Governments and judicial authorities. At any rate, we have not got those opinions. The question is this. Sir, these very arguments were advanced on the last occasion in the year 1923, and it was decided that there should be simple imprisonment for persons convicted under section 108 and also under section 109. Under section 108, political offenders were convicted, while under section 109 vagrants and persons who were suspected of likelihood to commit an offence were convicted. The Honourable Sir Alexander Muddiman asked us whether any politician was convicted under section 109. I would only remind him that in Nagpur several people were convicted in connection with the flag incident. Several people had gone to Nagpur to assert their right to unfurl the national flag. On the ground that they were vagrants they were thrown into prison under section 109. From Madras too there was a batch which had gone to Nagpur, and they were also convicted under section 109 as vagrants. If all these people come under section 109, I think the Honourable Sir Alexander Muddiman would have been fair if he had introduced a similar provision for European vagrants also. In that case, I am sure, my Honourable friend Sir Henry Stanyon would not have stood up to support this, because we see European vagrants roaming about the streets without any ostensible means of livelihood, and they should also be sent to jail with hard labour, instead of being taken

4 P.M.

before a first class Magistrate for financial help for sending them to England at the expense of Government. That is the treatment accorded in our own country to foreigners, while the Government will not be satisfied unless they take substantial securities from our own people and give them hard labour if they cannot get sureties. It is true that not only the jail authorities but the Local Governments also represented in 1923 that unless the Government got work out of these people, they would have to be fed unnecessarily at State expense. We want to discourage the habit of the executive of throwing into prison a large number of people when the Government are unable to detect the offences. What we say is, if you want to keep those people, then feed them, and therefore now the Local Governments come up and say that unless they take work from those people they cannot keep them. But, Sir, I do not understand why this Bill should be brought in in such a hurry.

With reference to the other provisions, the Honourable Sir Alexander Muddiman says, they are all formal. It is quite true. We are now mainly concerned with reference to the change it is proposed to make in the law regarding the security provisions. I think with the help of the Swarajists we must win this, because without their help we were able to defeat the Government in 1923.

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : Sir, it seems to me that this measure is an outcome of one of the three reasons which I gather actuated Government to bring it forward. The first reason may be that the number of persons who are now bound over under section 109 has increased since the amendment of the Code of Criminal Procedure in 1923. If this be the real reason, the Honourable the Home Member should have enlightened the House on this point. The second reason perhaps is that Government find that a large amount of public money is wasted on feeding these people, and that there is no reason why people imprisoned for failure to furnish security under section 109 should be fed *gratis*. The third reason may be, that it has now dawned upon the minds of the Legal Advisers of the Crown that the law in India should be put on the same level as the law in England in regard to this matter. Now, Sir, these reasons have not been disclosed to the House. We are simply told bluntly that there is a unanimous recommendation from the Provincial Governments. Now what are their reasons ? Do they think such a law should not be prevalent in this country, or is it that it is not advisable to keep people in prison without taking work from them, or is it thought that people should be made to work for the greater use of the Crown ? It was for the Honourable the Home Member to enlighten the House on these points, but he did not choose to do so. The Criminal Procedure Code was amended only in the year 1923, and it is really singular that it should have struck Government to amend this section within such a short time all at once. I am not satisfied as to the validity of the reasons advanced by the Honourable the Home Member. I am not prepared to give my vote in favour of this measure simply because Local Governments have been unanimous in making this recommendation. What are the grounds ?

The Honourable Sir Alexander Muddiman : Sir, this clause restores the law as it was before the change in the law, made without consulting Local Governments, was given effect to. That change in the law was

[Sir Alexander Muddiman.]

in my judgment and in the judgment of the Government an unfortunate one. I have endeavoured to place before this House the reasons to-day; but if this House is always to take the line, that any measure in support of law and order should be turned down, then it would be well to affirm that proposition definitely. The point has been made that for failure to give security under the security sections simple imprisonment is the only suitable penalty. If that was so, why did the House retain rigorous or simple imprisonment in the case of security under section 110? (*An Honourable Member*: "Habitual offenders."). The reason you take security is that you have not a substantive offence, and the argument put forward—valid or invalid—is that save for a substantive offence rigorous imprisonment is unsatisfactory. We have been told that the framers of the Code, those who sat on the Select Committee, in their wisdom made this change in the law and that the House is entirely as I understand unable to reconsider the matter. The change does not seem to have been made very advisably for the Committee was not, as I understand, fortified with the opinions of the Local Governments, which have now been obtained. Of course it may be well to despise the opinion of executive officers and of Governments responsible for law and order. It may be well; I doubt it but I leave it to the House to decide. But the fact remains that a change was made as I suggest inadvisedly in the law two years ago. Since then we have had the opinion of jail officers throughout India and of Local Governments throughout India saying that it would be better.....

Mr. D. V. Belvi: How many cases have there been under section 109 during the last two years? Has the number gone up?

The Honourable Sir Alexander Muddiman: I am not giving way to the Honourable Member, nor do I understand his point. What I was saying was this, that it is the definite opinion of the jail authorities in India and of the Executive Governments that it would be better to repeal section 109 altogether than to leave it in its present position. If *that* is the wish of the House, I suggest some Member should bring in a Bill to that effect. But let it be quite clearly understood that people who hold that view do desire that persons suspected of burglary and habitual vagrants should be allowed to wander about without any power of control. That is the issue.

Diwan Bahadur T. Rangachariar: We do not want them to be allowed to wander about. Confine them by way of simple imprisonment.

The Honourable Sir Alexander Muddiman: It has been explained at considerable length, much beyond the length this provision needs, that every jail authority, every Local Government, tells you that this section as recently amended is useless. If your suspect or sturdy vagrant is to be given simple imprisonment only it would be better not to use the section. Let me remind the House it is not a case of requiring the Court to impose rigorous imprisonment. You place it in the discretion of the Court: and I appeal to this House—there are many men in this House who do understand the position—that a large number of the men who are bound down under this section are men who are arrested, as they would be in England, for lurking with intent, burglars who have been suspected. There is not the slightest political flavour about this clause; it is designed purely for the protection of

your own hearths and homes ; and I do trust the House will in arriving at a decision in this matter will agree that they should accept the opinion of those whose business it is to protect your hearths and homes.

Mr. President : The question is :

"That clause 2 do stand part of the Bill."

The Assembly divided :

AYES—51.

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.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaswami.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Burdon, Mr. E.
Carey, Sir Willoughby.
Chalmers, Mr. T. A.
Chartres, Mr. C. B.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Fleming, Mr. E. G.
Gordon, Mr. E.
Gordon, Mr. R. G.
Graham, Mr. L.
Gurner, Mr. C. W.
Harper, Mr. K. G.
Hira Singh Brar, Sardar Bahadur Captain.
Hussanally, Khan Bahadur W. M.
Innes, The Honourable Sir Charles.
Langley, Mr. A.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Naidu, Mr. M. C.
Panduranga Rao, Mr. V.
Raj Narain, Rai Bahadur.
Reddi, Mr. K. Venkataramana.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vijayaraghavacharya, Diwan Bahadur T.
Webb, Mr. M.

NOES—52.

Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Aiyangar, Mr. K. Rama.
Alimuzzaman Chowdhry, Khan Bahadur.
Anney, Mr. M. S.
Belvi, Mr. D. V.
Bhat, Mr. K. Sadasiva.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Datta, Dr. S. K.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghose, Mr. S. C.
Gour, Sir Hari Singh.
Govind Das, Seth.
Hans Raj, Lala.
Hari Prasad Lal, Rai.
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.
Mahmood Schamnad Sahib Bahadur, Mr.
Majid Baksh, Syed.
Malaviya, Pandit Krishna Kant.
Mehta, Mr. Jamnadas 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.
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.
Sarfaraz Hussain Khan, Khan Bahadur.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Devaki Prasad.
Sinha, Kumar Ganganand.
Syamacharan, Mr.
Venkatapatiraju, Mr. B.
Yusuf Imam, Mr. M.

The motion was negatived.

Clauses 3, 4, 5, 6, and 7 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman : Sir, I do not move the motion* standing in my name.

THE INDIAN LIMITATION (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I move that the Bill further to amend the Indian Limitation Act, 1908, as reported by the Select Committee, be taken into consideration.

Sir, there are three points in this Bill. In the first place, there is the drafting point, to which I have referred at length when making previous motions in regard to this Bill. In the second place, there is the point which arises from the fact that we have now omitted clause 4 in the Bill as originally introduced. We discussed that on the occasion of the last motion and it was discussed at length in the Select Committee. The Bill on the whole seeks to extend the period of limitation. The suggestion therefore was that clause 4 was unnecessary in any case. The Select Committee in order to provide for doubtful cases have provided that the Bill shall only come into force on the 1st day of April 1926. That will give a period during which any one who thought that Article 5 of the first Schedule to the Limitation Act did not apply to cases of summary procedure under Order XXXVII will be able to bring suits according to the summary procedure. Of course after that date he will still be able to proceed according to the ordinary procedure. The only other point, I understood before the reference to the Select Committee that there was no question in issue between these Benches and the opposite Benches in regard to it, is as to the period of limitation proposed for suits referred to in Article 5 of the Schedule. At present we have a period of six months. The Civil Justice Committee proposed a period of 3 years. In this Bill we have provided a period of one year. It was considered at length by the Select Committee and they supported the provision in the original Bill. I move that the Bill be taken into consideration.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. H. Tonkinson : Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN SUCCESSION BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move that the Bill to consolidate the law applicable to intestate and testamentary succession in British India, as passed by the Council of State, be taken into consideration.

* "That the Bill further to amend the Code of Criminal Procedure, 1898, be passed."

Honourable Members will remember that this consolidating measure was recently before this House and was referred to a Joint Committee of the two Houses. It has since been passed in another place and I have the honour to move that this House should take it into consideration. Sir, the Indian Succession Act constituted the first Chapter of the Civil Code drafted by the Law Commissioners in the sixties, and Mr. Mayne, afterwards Sir Henry Mayne, introduced it as the Act, which became the Act X of 1865. After that 14 different Acts which have been consolidated into this Bill were enacted by the Indian Legislature, and I cannot ask this House to take into consideration this Bill without once more offering my obligations and the obligations of the Statute Law Revision Committee to Sir Alexander Muddiman, whose labours, arduous labours, in consulting this great measure, have resulted in this motion which I am about to ask this House to pass. Various suggestions have been made for the improvement of the law. The immediate object of the draftsman has been to place in one place all the scattered provisions of law bearing upon the same subject. I therefore submit, Sir, that this Bill be taken into consideration.

The motion was adopted.

Sir Hari Singh Gour : Sir, I beg to move that the Bill, as passed by the Council of State, be passed.

Mr. President : Order, order. We will put it Part by Part.

Parts II, III, IV, V, VI, VII, VIII, IX, X, and XI were added to the Bill.

The Schedules (I to IX) were added to the Bill.

Clauses 3, 2 and 1 were added to the Bill.

The Title and Preamble were added to the Bill.

Sir Hari Singh Gour : Sir, I beg to move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 15th September, 1925.

LEGISLATIVE ASSEMBLY.

Tuesday, 15th September, 1925.

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

MEMBER SWORN :

Sir Denys de Saumarez Bray, K.C.I.E., C.S.I., M.L.A. (Foreign Secretary).

QUESTIONS AND ANSWERS.

ARRIVAL PLATFORM AT EGMORE.

899. ***Mr. M. K. Acharya** : Will the Government be pleased to state :

(*a*) Whether their attention has been drawn to a note in the *Indian Railway Magazine* for August entitled " Arrival Platform at Egmore " (at page 226) wherein attention is drawn to the great inconvenience caused to third class passengers by the practice of drawing up long distance trains except the Boat Mail on the third platform instead of on the arrival platform and making the passengers cross by the overbridge ?

(*b*) Whether the Government will be pleased to issue the necessary instructions to the Agents to draw up all long distance trains on the arrival platform ?

The Honourable Sir Charles Innes : The Government cannot undertake to issue instructions as to which platform particular trains should be directed.

ARRIVAL OF THE SPECIAL TRAIN OF THE HIGH PRIEST OF THE RANA OF UDAIPUR ON THE THIRD PLATFORM OF EGMORE STATION.

900. ***Mr. M. K. Acharya** : Will the Government be pleased to state :

(*a*) Whether their attention has been drawn to a note entitled " The High Priest of the Rana of Udaipur " in the *Indian Railway Magazine* for August 1925 (page 226) which alleges that even the special train of His Holiness was drawn up only on the third platform ?

(*b*) Whether the special train of any European has ever been drawn up on any platform except the first or the fourth at Egmore ?

The Honourable Sir Charles Innes : The Honourable Member is referred to the answer to his previous question. The Government have no information as to part (*b*) of the question.

WOES OF STEAMER PASSENGERS AT EGMORE RAILWAY STATION.

901. *Mr. M. K. Acharya : Will the Government be pleased to state :

(a) Whether their attention has been drawn to an article entitled "Woes of steamer passengers at Egmore" in the August issue of the *Indian Railway Magazine* ?

(b) Whether the Government are aware of the fact that on most steamer days the long distance trains get abnormally overcrowded and even messages to stop booking at wayside stations are sent ?

(c) Whether there has been a single occasion during the last twelve months when a special train has been run on steamer days to cope with the heavy traffic, at least when ordinary trains have become overcrowded to the knowledge of the railway authorities so greatly as to necessitate the stoppage of booking at intermediate stations ?

(d) Whether the Government be pleased to consider the advisability of asking Messrs. Binny & Co., the steamer agents of the B. I. S. N. Co., Ltd., to collect the railway fare along with the steamer fare so as to give a previous idea of the incoming traffic to the railway authorities and enable them to arrange for a special train in time ?

Mr. G. G. Sim : The Government have no doubt that the Agent has already seen the article, but they will draw his attention to it.

TREATMENT OF THIRD CLASS PASSENGERS ON THE SOUTH INDIAN RAILWAY.

902. *Mr. M. K. Acharya : Will the Government be pleased to state (a) whether they are aware of the fact that the South Indian Railway authorities charge heavier rates and provide fewer facilities for third class passengers than the authorities of most other railways ? (b) What steps are Government taking to minimise the grievance complained of ?

REDUCTION OF THIRD CLASS FARES ON THE SOUTH INDIAN RAILWAY.

903. *Mr. M. K. Acharya : Will the Government be pleased to state whether they will consider the desirability of advising the authorities of the South Indian Railway, to reduce their third class fares to the same level as those on the Madras and Southern Mahratta Railway ?

Mr. G. G. Sim : I propose to answer this and the question preceding together.

The question is being specially examined by the Railway Administration and the result of that examination is expected to be known soon.

STOPPAGES OF TRAINS AT KHARINDWA RAILWAY STATION.

904. *Khan Bahadur Sarfaraz Hussain Khan : (a) Will Government be pleased to state why the 2 Down and the 6 Down trains do not stop at Kharindwa railway station on the Delhi-Ambala-Kalka section of the North Western Railway while the latter train stops on less important and almost on every other station on the same line ?

(*b*) Are Government aware of the inconvenience and trouble caused by the non-stoppage of the said down train at Kharindwa railway station as the passengers travelling by the Punjab Up and Down trains, and reaching Ambala Junction after 11-15 P.M., have to wait for a full 10 hours at that Junction in order to catch the train for Kharindwa railway station ?

(*c*) Do Government propose to issue orders to the railway authorities concerned for the usual stoppage of the said train and to remove the inconvenience of the passengers for Kharindwa railway station ?

Mr. G. G. Sim : (*a*) and (*b*). Government have no information.

(*c*) If there is any inconvenience it is essentially a matter which should be taken up by the Local Advisory Committee. A copy of the question and answer will be sent to the Agent, North Western Railway.

INTRODUCTION OF A MAIL MOTOR SERVICE BETWEEN DHAMANGAON AND YEOTMAL.

905. ***Mr. M. S. Aney :** (*a*) Are the Government aware that there had been a regular mail service by tonga between Dhamangaon and Yeotmal, and that all post for Yeotmal and Kelapur used to be received at the Dhamangaon station, Great Indian Peninsula Railway and sent by the mail tonga to Yeotmal and Kelapur ?

(*b*) Are Government aware that the mail service between Dhamangaon and Yeotmal has been abolished since the Murtizapur Yeotmal railway line was opened and all post for Yeotmal and Kelapur coming from the Bombay Presidency and Nagpur is now being sent by the railway line *via* Murtizapur ?

(*c*) Are the Government aware that the posts for Yeotmal and Kelapur are delayed more than 12 hours on account of their being sent by the Murtizapur Yeotmal railway ?

(*d*) Are the Government aware that more than 100 taxis are plying for hire between Dhamangaon and Yeotmal during the last three years ?

(*e*) Do the Government propose to introduce a mail motor service between Dhamangaon and Yeotmal ?

Mr. G. P. Roy : (*a*), (*b*), (*c*) and (*d*). Yes.

(*e*) No. The proposal involves additional expenditure of about Rs. 300 a month which cannot at present be incurred.

MOTOR MAIL SERVICE BETWEEN YEOTMAL AND KELAPUR.

906. ***Mr. M. S. Aney :** Are the Government aware that there is a regular motor mail service introduced between Yeotmal and Kelapur for the last few years ?

Mr. G. P. Roy : The motor mail service between Yeotmal and Kelapur was introduced only last October.

INTRODUCTION OF A MOTOR MAIL SERVICE BETWEEN KELAPUR AND WUN.

907. ***Mr. M. S. Aney :** Are the Government prepared to consider the question of introducing a motor mail service between Kalapur and

Wun and directing that all posts from Yeotmal to Wun be despatched by the motor service *via* Kelapur ?

The Honourable Sir Bhupendra Nath Mitra : No. Wun is a small place and a costly direct service between it and Kelapur is not justified.

INTRODUCTION OF A MOTOR MAIL SERVICE BETWEEN DARWHA MOTIBAG AND PUSAD AND BETWEEN PUSAD AND UMARKHED.

908. ***Mr. M. S. Aney :** Are the Government prepared to consider the question of introducing a mail motor service between

(*a*) Darwha Motibag and Pusad (Berar),

(*b*) Pusad and Umarkhed ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No. The amount of direct correspondence between Darwha and Pusad is small and does not warrant a costly direct service.

(*b*) A mail motor service from Basim to Pusad will be introduced from next month and its extension to Umarkhed will be considered in the near future.

GRANT OF MOTOR MAIL SERVICE CONTRACTS TO OLD TONGA MAIL SERVICE CONTRACTORS IN BERAR.

909. ***Mr. M. S. Aney :** (*a*) Did Sir Benjamin Robertson, the late Chief Commissioner of Central Provinces, issue any circular letter advising the Post Master General and the Commissioners to give preference to old and reliable contractors of the mail service in Berar at the time of introducing the system of the motor mail service in substitution of the tonga mail service on any line ?

(*b*) Is it a fact that the old mail tonga contractors in Berar were given to understand by the postal authorities that they would be given preference at the time of the introduction of the motor mail service ?

(*c*) Are the Government aware that a firm of contractors called Pestonji & Sons had been carrying mails between Buldana and Malkapur from 1880 to 1898 ?

(*d*) Is it a fact that one Mr. Tata had been the contractor for the mail service from 1898 to 1920 on the death of Pestonji, his grandfather ?

(*e*) Is it a fact that Mr. Tata was given the contract for the motor mail service on the Buldana Malkapur line on an annual subsidy of Rs. 400 from 1921-1924 in pursuance of the policy of giving preference to old contractors ?

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

(*b*) No.

(*c*) and (*d*). The Malkapur-Buldana mail tonga contract was run by Messrs. Pestonji and Sons from 1896 to March, 1921. Mr Tata represented this firm and managed the service from about 1909.

(*e*) Mr. Tata was given the mail motor contract because he was a reliable contractor and the application for the contract from another Company was not recommended by the local Deputy Commissioner.

CONTRACT FOR THE MAIL SERVICE ON THE BULDANA MALKAPUR LINE.

910. ***Mr. M. S. Aney** : (*a*) Is it a fact that the contract for the mail service on the Buldana Malkapur line has been given to one firm of *lohars* at Buldana in preference to Mr. Tata ?

(*b*) Is it a fact that Mr. Crofton, the Deputy Commissioner of Buldana (*i*) had strongly supported the claim of Mr. Tata and (*ii*) had brought to the notice of the postal authorities that the firm of *lohars* to whom the contract for the motor mail service was given was not reliable ?

(*c*) Is it a fact that Mr. Tata intimated to the postal authorities, his readiness to accept the contract for the mail motor service on the annual subsidy of Rs. 300 when he learnt that the tender of the *lohars* was accepted by the postal authorities on the ground of being lower than his own ?

(*d*) Will the Government be pleased to explain why Mr. Tata was not given the option of " first refusal " on lower tender ?

Mr. G. P. Roy : (*a*) Yes.

(*b*) Yes ; but Mr. Crofton's reference was mainly in connection with the Buldana-Mehkar contract.

(*c*) Yes. The subsidy referred to, however, was a monthly and not an annual one.

(*d*) Open tenders were called for, and the lowest satisfactory tender was accepted. The procedure suggested by the Honourable Member would be obviously unfair to the other tenderers.

CONTRACTS FOR THE MOTOR MAIL SERVICE ON THE AKOLA AKOT LINE AND ON THE BULDANA MALKAPUR LINE.

911. ***Mr. M. S. Aney** : (*a*) Will the Government be pleased to say whether any tenders for the motor mail service on the Akola Akot line were invited by the postal authorities before giving the contract of mail service for that line on the last occasion ?

(*b*) If not will the Government be pleased to explain the reasons for inviting tenders for the Buldana Malkapur line and not inviting the same for the Akola Akot line ?

(*c*) Will the Government be pleased to call for an explanation from the Postmaster General, Central Provinces in regard to the policy pursued by him in the matter of contract for the mail service on the Buldana Malkapur line and the Akola Akot line and place the same on the table for information of the Members of this House ?

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

(*b*) Does not arise.

(*c*) No.

DAILY LETTER TELEGRAM SERVICE BETWEEN INDIA AND FOREIGN COUNTRIES.

912. ***Mr. M. S. Aney** : (*a*) Will the Government be pleased to state the amount recovered during the years 1923-24 and 1924-25 and from April 1925 to the end of August 1925 from the telegrams sent under the

concession-system of the daily letter telegram service introduced between India and Great Britain in October 1923 ?

(b) Will the Government be pleased to give the number of telegrams and the number of words telegraphed during the above period ?

(c) Will the Government be pleased to say whether the introduction of the daily letter telegram service has added to the work of the telegraphic staff and in any way increased the cost of the Telegraph Department ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). Particulars are only available up to May 1925 and only for the daily letter service to all countries. They are as follows :

	Amount recovered.	Number of Telegrams.	Number of words.
1923-24	29,688 7 0	25,048	6,41,477
1924-25	75,492 0 0	82,415	21,23,680
April 1925	7,578 0 0	8,540	214,146
May 1925	8,960 0 0	9,714	248,375

(c) The work, but not the cost, of the Department has increased.

EXTENSION OF THE DAILY LETTER TELEGRAM SERVICE TO BRITISH POSSESSIONS AND THE UNITED STATES OF AMERICA.

913. ***Mr. M. S. Aney :** (a) Will the Government be pleased to state what additional revenue the Government expect to derive and what additional expenditure Government will have to incur from the further extension of the daily letter telegram service to all British Possessions and the United States of America ?

(b) Will the Government be pleased to say whether the daily letter telegram service has already been extended to all British Possessions and the United States of America and, if so, from what date ?

Mr. G. P. Roy : (a) Since the revenue and expenditure of the Department is not allocated to particular services, the information asked for is not available. But so far there has been no additional expenditure as a result of the extension of the daily letter telegram service to all British Possessions and the United States of America.

(b) The service was extended to the United States of America from the 1st of September 1924, to Canada from the same date, and to other British Possessions from the 1st December 1924.

TRANSFER OF THE CENTRE AT WHICH THE EXAMINATIONS FOR THE INDIAN CIVIL SERVICE AND THE INDIAN AUDIT AND ACCOUNTS SERVICE ARE HELD FROM ALLAHABAD TO DELHI.

914. ***Sardar Gulab Singh**: (*a*) Has the attention of the Government been drawn to the letters and articles appearing in *The Tribune* of the 28th of July and the 1st of August and in *The Hindustan Times* of the 31st of July and the 14th of August, showing that there is a strong public opinion in favour of the transfer of the centre of the I. C. S. and the Indian Audit and Accounts Service Examinations from Allahabad to Delhi ?

(*b*) Are the Government going to hold the next I. C. S. and the Indian Audit and Accounts Service Examinations in Delhi ? If not, why not ?

The Honourable Sir Alexander Muddiman: (*a*) I have seen the letters and articles in question, but am unable to accept the Honourable Member's deductions from them.

(*b*) No, because satisfactory arrangements have been made to hold them at Allahabad.

STOPPAGE OF INCREMENTS OF CLERKS AND ACCOUNTANTS IN THE OFFICE OF THE ACCOUNTANT GENERAL, UNITED PROVINCES.

915. ***Mr. M. Yusuf Imam**: Will the Government be pleased to state separately in each case, the total number of clerks and accountants in the office of the Accountant General, United Provinces (*a*) whose increments have been stopped during the regime of Mr. H. B. Rau, (*b*) whose increments were stopped during the regime of his immediate predecessor, (*c*) who have been held up at the efficiency bars during the regime of Mr. Rau, (*d*) who were held up at the efficiency bars during the regime of his immediate predecessor ?

DETENTION IN OFFICE TILL 9 P.M. ON 1ST MAY 1925 OF THE CLERKS OF THE OFFICE OF THE ACCOUNTANT GENERAL, UNITED PROVINCES.

916. ***Mr. M. Yusuf Imam**: (*a*) Will the Government be pleased to state whether it is a fact that on the 1st of May, 1925, (Ramzan day) all the clerks in the office of the Accountant General, United Provinces, were ordered not to go home without taking their pay, however late it might be ?

(*b*) If so, will the Government be pleased to state who was responsible for this order which necessarily caused a good deal of physical suffering to the whole lot of Muhammadan clerks who are required according to their religion to break their fast in the evening during the Ramzan days, but were precluded from doing so by reason of their detention in office till 9 o'clock at night ?

(*c*) What steps do the Government propose to take against the officer who was responsible for the order ?

DISCIPLINARY ACTION AGAINST OFFICERS AND CLERKS IN GOVERNMENT OFFICES.

917. ***Mr. M. Yusuf Imam**: What is the practice in Government offices of taking disciplinary action against officers and clerks for mistakes

made in the discharge of their duties and what is the nature of the mistakes for which punishment is given ?

OVERPAYMENTS OF PENSION TO ENGINEER OFFICERS BY THE ACCOUNTANT GENERAL, UNITED PROVINCES.

918. ***Mr. M. Yusuf Imam** : Is it a fact that the over-issue of pension has been made on account of wrong orders passed by the Accountant General, United Provinces, Mr. H. B. Rau, in defiance of the long established office procedure, to a number of engineer officers who started service as apprentice overseers in the P. W. D. ? If so, what is the total amount of such overpayments, and what disciplinary action do Government propose to take against the officer ?

The Honourable Sir Basil Blackett : The attention of the Honourable Member is invited to the replies already given some days ago to the practically similar questions by Mr. Gaya Prasad Singh. (Questions Nos. 211 to 214.)

RETURN TO THE DONORS OF THE TEA SET PRESENTED TO THE ACCOUNTANT GENERAL, UNITED PROVINCES.

919. ***Mr. M. Yusuf Imam** : Will the Government be pleased to state whether the present of the silver tea set acknowledged to have been received by Mr. H. B. Rau, Accountant General, United Provinces, in the Honourable the Finance Member's reply to the interpellation by me, was returned to the donors before or after the receipt of the notice of the said question (No. 336) at the last Session of the Assembly and included in the debates of the 27th January, 1925, (*b*) whether it is a fact that presents other than the silver tea set were also received by the Accountant General, United Provinces, Mr. H. B. Rau, in connection with the marriage of his daughter last year ? (*c*) If the reply to (*b*) be in the affirmative, will the Government be pleased to state whether the full value of these presents was also refunded to the donors ? Are the Government aware that the tea set under question was not returned to the donors, but only a part of the cost was paid to them ?

The Honourable Sir Basil Blackett : The tea set was returned to the donors long before the receipt of the notice of the question in the last Session of the Assembly.

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

(*c*) The first part does not arise.

In regard to the second part, the fact is that the tea set was placed at the disposal of the donors soon after it was received. Later on, however, it was found that the donors had considerable difficulty in reselling it and the Accountant General therefore refunded to the donors, through an Assistant Accounts Officer, the price stated to have been paid by them and took back the set, so that they might not be put to further loss.

ALLEGED FAVOURITISM SHOWN TO CERTAIN SUBORDINATES BY THE ACCOUNTANT GENERAL, UNITED PROVINCES.

920. ***Mr. M. Yusuf Imam** : (*a*) Is it a fact that the subordinates in the office of the Accountant General, United Provinces who have either

got unusual promotions out of their turn or where promotions were not possible, duty allowance, were among those who contributed to the cost of the silver tea set presented to Mr. Rau, Accountant General, United Provinces, *vide* the reply of the Honourable the Finance Member to question No. 336 put by me and published in the official report of the debates of the 27th January, 1925, Vol. V, No. 5 ? (*b*) If so, are the Government prepared to convey their strong disapproval to the officer and take any further action they may deem fit in the matter ?

The Honourable Sir Basil Blackett : The tea set was received by the Accountant General through an Assistant Accounts Officer in the office and it was returned to him. No attempt was made by the Accountant General to ascertain the names of the contributors at that time nor is it proposed to make such inquiry now.

FLOODS IN THE VARIOUS PROVINCES.

921. ***Pandit Nilakantha Das :** Will the Government find it possible to supply information regarding :

(*a*) the area under flood in various provinces this summer,

(*b*) the population affected in each case,

(*c*) measures taken by Local Governments and the estimated expenditure incurred by them :

(1) to relieve the immediate distress of the people, (2) and to apply permanent remedies.

(*d*) any instances where the flood has been found to be due to railway lines ?

Mr. J. W. Bhore : (*a*), (*b*) and (*c*). Provincial Governments, at their discretion, send the Government of India brief information regarding the occurrence of floods, which have resulted in the loss of life or of considerable property. Copies of such reports from Local Governments, so far as received this year, will be sent to the Honourable Member. The Government of India have no further information.

(*d*) The Government of India are not aware that any floods this year have been attributed to railway lines.

ESTABLISHMENT OF A CIRCUIT COURT OF THE LAHORE HIGH COURT IN DELHI.

922. ***Sir Hari Singh Gour :** With reference to my question of which private notice was given, dated 24th March 1924, will the Government be pleased to state how far the proposal to establish a circuit court of the High Court of Judicature of the Punjab in Delhi has progressed and what are the prospects of its early establishment ?

The Honourable Sir Alexander Muddiman : The views of the Punjab Government, the Lahore High Court and the local Administration on the question of establishing a circuit court of the Lahore High Court at Delhi have been received. The proposal was originally made with the object of effecting an improvement in the disposal in the Lahore High Court of civil appeals from decisions of the Courts in Delhi. The views to which I have referred will now be considered with any remarks of the Civil Justice Committee on this latter question.

ROCKEFELLER FOUNDATION SCHOLARSHIPS.

923. *Mr. B. Das : 1. (a) Has the attention of Government been drawn to the references published in the *Leader*, Allahabad, dated May 26, 1925, regarding the Rockefeller Medical Fellowships ?

(b) Is it a fact that Government selected in November 1922 five Indian doctors to whom Rockefeller Scholarships were awarded ; if so was it not the intention to utilize these doctors, after they returned from their studies, for specialist work, where they were to be of the greatest use ?

(c) Is it not a fact that almost all of these scholars have now returned to India and that none of them has been given work of a specialist nature ?

(d) Is it not a fact that although Dr. Mathur took the Doctorate in Public Health from the John Hopkins University, he was on his return to India posted as Health Officer of Benares which is a junior type of public health appointment ?

(e) Is it not a fact that Dr. Khan who also took the Doctorate in Public Health has been employed as an Assistant Surgeon, *i.e.*, in the same capacity as he was employed before he left India ?

(f) Is it not a fact that Dr. Ediban with the same record as that of Dr. Khan was employed on return as an Assistant Surgeon in a dispensary ?

(g) Is it not a fact that Major Sokhey who was trained in biochemistry, on his return, was reverted to military duty in Dera Ismail Khan ?

(h) Is it not a fact that Dr. Mehta who was specially trained in laboratory work has returned and is still without employment ?

2. Are the Government prepared to consider a definite scheme to use the services of such experts, and have Government taken any steps to ensure that these highly trained doctors, who are all too rare in the country at present, are employed in specialist posts ?

3. Do Government contemplate sending another batch of scholars and will it take steps to formulate a scheme before sending out a fresh batch ?

4. Have Government received any representation or application from any of the five scholars who have already returned and if so what action has been taken on them ?

Mr. J. W. Bhore : 1. (a) Government have seen the comments which appeared in the *Leader* newspaper on the 25th and 27th May 1925.

(b) Five candidates were selected, but the General Director, International Health Board, Rockefeller Foundation, was informed that employment under Government could not be guaranteed in any particular case though every endeavour would be made to give opportunities to them on completion of their studies to utilise their special training.

(c) The reply to the first part of the question is in the affirmative and to the second part in the negative.

(d) Dr. Mathur was awarded the degree of Dr. of Public Health and has been posted as Medical Officer of Health, Benares Municipality. The appointment is in the First Class of the Provincial Service of Medical Officers and not of a subordinate or unimportant character.

(e) and (f). Yes.

(*g*) Major Sokhey was reverted to military duty temporarily, but is now attached to the Haffkine Institute at Bombay to direct the Biochemical section.

(*h*) Dr. Mehta has been employed by the Punjab Government as District Medical Officer of Health, Montgomery.

2. and 3. As the Honourable Member is no doubt aware public health and medical administration are now transferred provincial subjects and it is not possible for the Government of India to formulate a scheme for utilising the services of sanitary specialists. In calling for nominations this year for fellowships of the Rockefeller foundation it has been impressed on all Local Governments that candidates should only be recommended if they can be reasonably assured of suitable employment on return.

4. A representation was received from Dr. Edibam and Local Governments have been asked whether any of them can offer him a suitable appointment.

Dr. K. G. Lohokare : Do Government propose to help these men if they take to research work on their own account ?

Mr. J. W. Bhore : I must ask for notice of that question.

DECREE OF THE POONA COURT AGAINST THE LATE 7TH HARIANA LANCERS.

924. ***Khan Bahadur W. M. Hussanally :** Will Government be pleased to state :

(*a*) Whether the 7th Hariana Lancers are now known as the 18th Cavalry ;

(*b*) Is it a fact that this regiment has a decree of the Poona Court against it for about Rs. 2,000 ?

(*c*) Who is responsible for the payment of this debt ?

(*d*) To keep up the good name of the regiment, do Government intend to inquire into the matter and clear up the debt ?

Mr. E. Burdon : (*a*) No, Sir. On the disbandment of the 7th Hariana Lancers, certain details of this regiment together with details of another disbanded Indian cavalry regiment, were embodied in the 18th King Edward's Own Cavalry. The 7th Hariana Lancers, as such, has ceased to exist.

(*b*) Government are informed that a decree for Rs. 1,200 *plus* interest at 12 per cent. and proportionate costs, was given against the late 7th Hariana Lancers on the 4th September 1923.

(*c*) The officer who was commanding the late 7th Hariana Lancers at the time the debt was incurred, in his capacity as such. There are, however no funds in existence formerly belonging to the regiment, with which to pay the debt.

(*d*) I am making inquiries, and will inform the Honourable Member of the result.

DISMISSAL OF MR. A. R. CHATTERJI, A GUARD ON THE EAST INDIAN RAILWAY.

925. ***Mr. Amar Nath Dutt :** Is it a fact that an Indian guard of the East Indian Railway, Mr. A. R. Chatterji, was dismissed on the report

of Mr. Elamborn, A. T. M. of Burdwan ? If so, will the Government be pleased to state whether the guard was allowed to explain his conduct before being dismissed ? If not, will the Government be pleased to state the reasons ?

Mr. G. G. Sim : Government have no information.

Mr. Amar Nath Dutt : Will the Government be pleased to inquire about it, Sir ?

Mr. G. G. Sim : No, Sir.

Mr. Amar Nath Dutt : May I know, why not ?

Mr. G. G. Sim : I have repeatedly informed the Honourable Member that Government will not interfere in questions of appointment and dismissal in the subordinate staff of Railway.

Diwan Chaman Lall : Does the Honourable Member not think it proper to set up a sub-committee of the Railway Board to consider matters of this kind ? They are cropping up constantly in this House.

Mr. G. G. Sim : No, Sir.

Diwan Chaman Lall : Is the Honourable Member aware that in other countries like England there are committees appointed by the employers and the workers for this purpose ?

Mr. G. G. Sim : I do not think the question arises.

FINES IMPOSED ON INDIAN AND ANGLO-INDIAN RAILWAY EMPLOYEES.

926. ***Mr. Amar Nath Dutt** : Is it a fact that the amount of fines imposed upon Indian employees is the same as that imposed on Anglo-Indian employees although there is good deal of difference in the rates of pay of the Indians and Anglo-Indians ? Are the Government prepared to take steps for imposing fines according to rates of pay ?

Mr. G. G. Sim : Fines are inflicted in accordance with the nature of the breach of rules committed. Pay is always taken into consideration in fixing the amount.

Mr. N. M. Joshi : May I ask whether the Government propose to introduce some legislation to regulate the powers of the employers to fine their employees, by an Act like the one in England ?

Mr. G. G. Sim : Government have no such intention at present.

Mr. N. M. Joshi : Why not ?

GRANTS FROM THE FINES FUND TOWARDS THE EDUCATION OF THE CHILDREN OF INDIAN RAILWAY EMPLOYEES.

927. ***Mr. Amar Nath Dutt** : Is it a fact that fines realised from Indian and Anglo-Indian employees are utilised for the Oakgrove School at Dehra Dun for the education of the children of the Anglo-Indian employees ? If so, will the Government be pleased to take steps to utilise a part of the amount for the education of the children of the Indian employees ?

Mr. G. G. Sim : The answer to the first part of the question is in the negative. As regards the second part considerable grants from the Fine

Fund are already made towards the education of the children of Indian employees.

CRIMINAL CASES INSTITUTED BY NANDRAM OF HAZARA AGAINST MR. K. S. MUFTI MUHAMMAD YAKUB KHAN, BARRISTER, AND OTHERS.

928. ***Kumar Ganganand Sinha** : Will the Government be pleased to state in details the full facts relating to the petition of one Nandram of Hazara, Abbottabad District, regarding the transfer of the criminal case which he has instituted against Mr. K. S. Mufti Muhammad Yakub Khan, Bar-at-Law and others, which was sent by His Excellency the Governor General for disposal to the Foreign and Political Department and indicate :

(*a*) Why the case instituted by the complainant has not been tried yet ?

(*b*) Why the case has not been transferred as prayed for by the complainant ?

(*c*) What action is being taken to restore his wife and property to the aggrieved man if his allegations in this connection are true ; and if the allegations are not true, on what grounds are they so and what are the true facts of the case ?

Sir Denys Bray : I regret that the facts already in my possession do not cover the whole ground of the Honourable Member's question. In particular I am not quite sure whether any of the many legal proceedings that have gathered round this case are still *sub judice*. I have therefore had to refer back to the North West Frontier authorities. On the receipt of their reply I will let the Honourable Member have a full answer, and in view of the notoriety this case has attracted, it will, I think, serve the public interest if I lay the answer on the table. This I propose to do.

CERTAIN SPECIFIED APPOINTMENTS IN THE RAILWAY BOARD AND ON STATE RAILWAYS HELD BY EUROPEANS, STATUTORY INDIANS AND INDIANS.

929. ***Khan Bahadur W. M. Hussanally** : 1. How many appointments are there in the Railway Board, of the rank above Office Superintendents ? How many of these are held by (*a*) Europeans, (*b*) statutory Indians and (*c*) Indians ?

2. How many appointments are there on the Superior Revenue Establishment of State Railways in India ? How many of these are held by each of the three classes mentioned ?

3. How many appointments are there in State Railways in the Loco. Department carrying a salary of Rs. 400 and above ? How many of these are held by each of the three classes mentioned ?

4. How many appointments are there in the Carriage and Wagon Department of State Railways carrying a salary of above Rs. 400 ? How many of these are held by each of the three classes mentioned ?

5. How many appointments are there in State Railways in the Stores Departments as Controllers, District Controllers, Assistant Controllers and Bridge Engineers ? How many of these are held by each of the three classes mentioned ?

6. How many appointments are there in State Railways as Signal Engineers, Electrical Engineers and their Assistants, Marine Superinten-

dents, Catering Superintendents, and Mining Engineers? How many of these appointments are held by each of the three classes mentioned?

7. How many appointments are there in State Railways in the Coal Department? How many of these are held by each of the three classes mentioned?

8. How many appointments are there in the Subordinate Revenue Establishment (Traffic Branch) of State Railways carrying a salary of Rs. 250 and above? How many of these are held by each of the three classes mentioned?

9. How many appointments are there on State Railways in the Subordinate Revenue Establishment (Loco. Department) carrying a salary of Rs. 250 and above? How many of these are held by each of the three classes mentioned?

Mr. G. G. Sim: Government at this stage cannot give more information than is published in the Railway Board's Classified List and Distribution Return and their report on Indian Railways, copies of which are in the Members' Library.

Khan Bahadur W. M. Hussanally: They do not contain the information I want. I want information with regard to Europeans, Anglo-Indians and Indian natives separately.

Mr. G. G. Sim: That information is contained in the annual reports in a certain amount of detail and the Government are not prepared to furnish figures arranged in the way suggested by the Honourable Member in any further detail than is therein contained.

UNSATISFACTORY ARRANGEMENTS FOR PASSENGERS AT LARKANA STATION IN SIND.

930. ***Khan Bahadur W. M. Hussanally**: (*a*) Are Government aware that Larkana in Sind is a large town and headquarters of an important district as also a railway junction station: that passenger traffic is enormous but that the facilities at the railway station and platform are wholly inadequate: there is no shed on the platform though heat in the summer is intense: seating accommodation very scanty, lighting at night is primitive: the waiting hall for third class passengers insufficient: no separate accommodation for intermediate class passengers or for females is provided: water arrangements are most unsatisfactory: and that the ingress and egress for first and second class passengers unworthy of an important station like Larkana?

(*b*) Are Government prepared to inquire into and remedy these defects at an early date?

Mr. G. G. Sim: Government are not aware that the arrangements at Larkana station are as unsatisfactory as suggested. The matters complained of might suitably be brought to the notice of the Agent through his Local Advisory Committee.

APPOINTMENT OF INDIANS AS CONDUCTORS IN THE ROYAL INDIAN MARINE, ETC.

931. ***Mr. Jamnadas M. Mehta**: (*a*) Will Government be pleased to state whether any Indian has ever been appointed as a Conductor in the Royal Indian Marine?

(*b*) Will Government state what the qualifications for holding the office of a Conductor are ?

(*c*) How many Indians are now working as Conductors ? If none is engaged, why ?

(*d*) Is it true that no Indians other than Christians are appointed as warrant officers on board the Royal Indian Marine vessels ? If the answer be in the affirmative, will Government state the reasons ?

(*e*) Is it true that the salary of the Chief Superintendent, Royal Indian Marine, Bombay, is Rs. 650 per month ?

(*f*) Is it true that the house allowance granted to that officer is Rs. 625 per mensem ?

(*g*) Will Government be pleased to explain why this exorbitant amount is being given as house rent, while under the Bombay House Allowance Scheme he would be entitled to an average of Rs. 125 only a month as such allowance ?

Mr. E. Burdon : (*a*) The reply is in the affirmative.

(*b*) The qualifications for Conductors are knowledge of keeping stores, good education and character, etc. They are generally men promoted from the junior ranks in the Stores Department.

(*c*) None, because no qualified Indians are forthcoming.

(*d*) It is not true that no Indians other than Christians are appointed as warrant officers on board the Royal Indian Marine vessels.

(*e*) The pay of the Chief Superintendent, Royal Indian Marine, Bombay, is Rs. 500 a month rising by annual increments of Rs. 30 to a maximum of Rs. 650.

(*f*) No, Sir.

(*g*) This does not arise, but I may mention that the Chief Superintendent is provided with quarters, hired by Government, on payment of rent at 10 per cent. of his salary.

Dr. K. G. Lohokare : As regards (*c*), Sir, are there no arrangements by which qualified Indians can be found for these posts ?

Mr. E. Burdon : It has not been possible to find any at the moment ; I believe there have been some in the past and I hope there will be more in the future.

Sardar V. N. Mutalik : May I ask on what ground Government suppose that there are no qualified Indians forthcoming ?

Mr. E. Burdon : On the efforts made by the Director of the Royal Indian Marine to find them, Sir.

EXCLUSION OF ALUNDUR FROM THE ST. THOMAS MOUNT CANTONMENT AREA.

932. ***Haji S. A. K. Jeelani :** (*a*) Will the Government be pleased to state whether the military authorities intend to exclude a portion called Alundur from the St. Thomas Mount Cantonment area ?

(*b*) If so, when will the orders on the subject be issued ?

Mr. E. Burdon : (*a*) The answer is in the affirmative.

(*b*) The orders have been issued.

APPOINTMENT OF A CANTONMENT BOARD FOR THE ST. THOMAS MOUNT CANTONMENT.

933. **Haji S. A. K. Jeelani:** (*a*) Will the Government be pleased to state whether they intend to administer the St. Thomas Mount Cantonment the population of which is about 24,000 by a Cantonment Board instead of as at present by Officer Commanding himself ?

(*b*) If so, when will the orders on the subject be issued ?

(*c*) If not, why not ?

Mr. E. Burdon : (*a*)—(*c*). The details of the future administration of the St. Thomas Mount Cantonment will be considered after the question of excluding the Pallavaram area, as well as the sadar bazaar, has been decided. This further question is now being discussed with the Madras Government.

RESOLUTIONS OF THE ALL-INDIA POSTAL AND RAILWAY MAIL SERVICE UNION.

934. ***Haji S. A. K. Jeelani** : Will the Government be pleased to state what steps they have taken regarding the resolutions passed by the All-India Postmen and Lower Grade Staff held at Delhi on the 7th, 8th and 9th of February and submitted to the Director General of Posts and Telegraphs ?

The Honourable Sir Bhupendra Nath Mitra : The points raised in all the resolutions except Nos. 6, 14, 16 and 21 were discussed by me last March with the deputation of the All-India (including Burma) Postal and Railway Mail Service Union and with the deputation of the All-India Postmen and Lower Grade Staff Union, and are under my consideration. All the remaining resolutions are also being considered.

RESULT OF THE DEPUTATION OF POSTAL EMPLOYEES TO THE MEMBER IN CHARGE OF POSTS AND TELEGRAPHS.

935. ***Haji S. A. K. Jeelani** : Will the Government be pleased to state what was the result of a deputation of All-India Postmen and Lower Grade Staff Union received on the 22nd March, 1925, by the Honourable Member in charge and the Director General of Posts and Telegraphs ?

The Honourable Sir Bhupendra Nath Mitra : The Honourable Member is referred to the reply which I gave on the 1st of this month to Diwan Bahadur Ramachandra Rao's starred question No. 343. The statement which I hope to be in a position to make early in the Delhi Session of the Assembly will also deal with the points raised by the deputation of the All-India Postmen and Lower Grade Staff Union which I received on the 22nd March 1925.

PAYMENT OF HILL ALLOWANCES TO POSTMEN IN SIMLA.

936. ***Haji S. A. K. Jeelani** : (*a*) Will the Government be pleased to state the names of all the Departments in Simla which pay the hill allowances to their staff and at what rates ?

(*b*) Are any such allowances paid to the postmen and the lower grade staff ?

(*c*) If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The Honourable Member will find the information which he desires in regard to Department of the Central Government in the Simla Allowance Code, a copy of which has been placed in the Members' Library.

(*b*) and (*c*). Postmen and lower grade postal staff stationed in Simla do not receive a hill allowance since their pay has been fixed with reference to the conditions in Simla.

VACANCY IN THE OFFICE OF THE EDITOR OF THE EPIGRAPHICA INDICA.

937. ***Kumar Ganganand Sinha :** (*a*) Is it a fact that the present editor of the *Epigraphica Indica* is going to give up his office in the near future ?

(*b*) If so, when ?

(*c*) How and when will his successor be appointed ?

(*d*) Will the Government take into consideration those Archæologists who are attached to Indian Universities but do not belong to the Archæological Department in the matter of the appointment ?

(*e*) If the answer to (*c*) be in the negative will the Government be pleased to state why ?

Mr. J. W. Bhore : (*a*) Yes.

(*b*) On the 16th September 1925.

(*c*) His successor has already been appointed. The editing of *Epigraphica Indica* is regarded as a regular part of the duties of the Government Epigraphist.

(*d*) and (*e*). The questions do not arise.

Mr. Devaki Prasad Sinha : Who is his successor ?

Mr. J. W. Bhore : Pandit Hira Nanda Shastri.

OFFICE STAFF OF THE PUBLIC SERVICES COMMISSION.

938. ***Kumar Ganganand Sinha :** (*a*) Will the Government be pleased to state the number and nature of appointments that will be made in the staff and establishment of the Public Services Commission and the classes of persons from which those posts will be filled up ?

(*b*) If the information be not available at present will the Government be pleased to state when it can be given ?

The Honourable Sir Alexander Muddiman : I would refer the Honourable Member to what I said in reply to Mr. Neogy's question No. 995 on 7th instant. I have nothing to add to that reply.

CASE OF ARUN CHANDRA GUHA, A STATE PRISONER IN BENGAL.

939. ***Mr. Kamini Kumar Chanda :** (*a*) Is Arun Chandra Guha a State prisoner in Bengal ? Is he a partner of the "Saraswaty" Press and Library in Calcutta ?

(*b*) Is it a fact that he is indebted to the Barisal Bank and used to pay the monthly interest to the Bank out of his allowance ?

(*c*) Is he paid any allowance as a State prisoner ?

(*d*) Did he apply to Government to pay at any rate the monthly interest to the Bank for him? Has it been allowed?

(*e*) Is it a fact that owing to refusal of Government to do so his debt to the Bank is accumulating?

(*f*) Has he been transferred to Dacca and is thus unable to give instructions about the management of the Press?

(*g*) Is it a fact that his partner Babu Sailendranath Guha Ray, B.A. and his friend Babu Nishikanta Ganguli, M.A., applied to interview him for consultation about his business but were refused permission?

(*h*) Is it a fact that the District Magistrate of Dacca recommended the transfer of Arun to Calcutta for the management of his business?

(*i*) Did any non-official visitor of Dacca jail also recommend the same and have both recommendations been refused?

(*j*) Is the detention of State prisoners under Bengal Regulation III of 1818 for preventive purpose only?

(*k*) Is the Alipur Central Jail unsafe for his custody?

(*l*) Will the Government state why it is not considered desirable to transfer him to Alipur, and why his business manager was refused permission to interview him and why he is not granted any allowance?

(*m*) Are Government prepared to consider the above matters? If not, why not?

The Honourable Sir Alexander Muddiman: The information is not immediately available. I shall send a reply to the Honourable Member in due course.

INADEQUACY OF MUHAMMADAN REPRESENTATION IN GOVERNMENT SERVICE IN AJMER-MERWARA.

940. ***Mr. Mahmood Schamnad Sahib Bahadur**: (*a*) Has the attention of the Government been drawn to an article in the *Muslim Outlook* of Lahore, dated the 16th August 1925, drawing attention to the utter inadequacy of Muslim representation in the Government service in Ajmer-Merwara?

(*b*) What steps are the Government going to take to remedy this?

Sir Denys Bray: The attention of the Honourable Member is invited to my reply to question No. 18 by Maulvi Muhammad Yakub on the 4th September 1925.

Lala Duni Chand: Do the Government know that the only business of this paper is to make communal demands howsoever unreasonable or extravagant they might be and to accentuate communal differences?

Maulvi Muhammad Yakub: Are not some other papers in the Punjab like that, for instance, the *Tribune*?

ASSISTANT DIRECTOR OF PUBLIC INFORMATION.

941. ***Mr. Mahmood Schamnad Sahib Bahadur**: When the post of Assistant Director of the Publicity Bureau of the Government of India fell

vacant on the promotion of the permanent incumbent early this summer were any steps taken by the Government to advertise for the post? If note, why not?

The Honourable Sir Alexander Muddiman: No: it was decided not to fill the temporary vacancy. The second part of the question does not arise.

PAY OF THE MINISTERIAL STAFF EMPLOYED IN ATTACHED AND SUBORDINATE OFFICES OF THE GOVERNMENT OF INDIA.

942. ***Mr. Mahmood Schamnad Sahib Bahadur:** (*a*) Are the Government aware that the scales of salary of the ministerial staff employed in the various attached and subordinate offices of the Government of India are not uniform so far as the maximum is concerned?

(*b*) Are the Government aware that this difference in the maximum scales of pay has caused discontent among the employees?

(*c*) If so, do the Government propose to take necessary steps to remove this cause of discontent at an early date?

The Honourable Sir Alexander Muddiman: (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

PAY OF THE MINISTERIAL STAFF OF THE ARMY HEADQUARTERS, ETC.

943. ***Mr. Mahmood Schamnad Sahib Bahadur:** (*a*) Are the Government aware that the scales of pay of the ministerial staff of the Army Headquarters offices and other attached and subordinate offices of the Government of India are lower than those of the Secretariat office establishments?

(*b*) Will the Government be pleased to state in what essential features the work of the ministerial staff employed in the Secretariat offices of the Government of India differs from or is superior to that required of the staff serving in the attached and subordinate offices?

(*c*) If there is no difference in the nature and quality of the work done in these offices are the Government prepared to appoint a Committee to consider the advisability of equalising their pay?

The Honourable Sir Alexander Muddiman: (*a*) Yes.

(*b*) As was stated in this House in reply to a similar question on 6th February 1922 it is impossible within the scope of an oral answer to a question to define exactly the different classes of work performed by the officials referred to; but, generally speaking, it has been consistently held that the duties of the clerks and others in the Government of India Secretariat are more onerous and that a higher standard of work is expected from them than from officials of the same status employed in the attached offices. This is the reason for the differentiation in the scales of pay.

(*c*) Does not arise.

Mr. A. Rangaswami Iyengar : May I know, Sir, whether so far as the selections are concerned, the qualification required for recruits to the Army Headquarters staff are not exactly the same as the qualifications required for other departments of the Secretariat ?

Mr. E. Burdon : I think, Sir, I have already answered that question before. The answer is in the affirmative.

Mr. A. Rangaswami Iyengar : May I know then, Sir, why men who possess exactly the same qualifications and enter upon their duties in the public service simultaneously should be differentially treated ?

The Honourable Sir Alexander Muddiman : Because they do not perform equally onerous duties.

Mr. A. Rangaswami Iyengar : I want to know why these people should be chosen to do less onerous duties and the others chosen to do more onerous duties.

The Honourable Sir Alexander Muddiman : Because the duties are more onerous.

Mr. A. Rangaswami Iyengar : I am asking about the choice, not about the duties.

The Honourable Sir Alexander Muddiman : Men are selected, apparently according to my Honourable friend Mr. Burdon, on the same standard of education. The duties in some cases are more onerous and therefore those who perform them get more pay.

Mr. A. Rangaswami Iyengar : I want to know how they are sorted out into the less onerous and more onerous.

The Honourable Sir Alexander Muddiman : It depends on the nature of the duty.

Mr. A. Rangaswami Iyengar : I have again to complain that my question is misunderstood. I am asking what is the duty of one set of people that it should be more onerous than the duties of another set.

The Honourable Sir Alexander Muddiman : That is a question I am quite unable to answer. The duties that have to be performed are those of the offices concerned. These are two different offices.

GRANT OF HOUSE RENT TO THE MINISTERIAL STAFF OF ARMY HEADQUARTERS AND ATTACHED OFFICES OF THE GOVERNMENT OF INDIA.

944. ***Mr. Mahmood Schamnad Sahib Bahadur :** (*a*) Is it a fact that the ministerial staffs employed in the Army Headquarters offices and other attached and subordinate offices of the Government of India are denied the advantage of house rent allowance which is given to the ministerial employees of the Secretariat offices ?

(*b*) Are the Government aware that on account of the high rates of house rent prevailing in Simla the employees of the Government of India offices who do not get the house rent allowance are put to acute financial trouble year after year ?

(*c*) Are the Government prepared to reconsider the principle, etc., on which house rent is granted to some of its employees only, so as to extend this advantage to all ?

The Honourable Sir Alexander Muddiman: (*a*) I would refer the Honourable Member to paragraph 19 of the Simla Allowances Code, a copy of which will be found in the Library.

(*b*) Government have received no recent representations to this effect.

(*c*) The answer is in the negative.

PAY OF THE MINISTERIAL STAFF OF ATTACHED OFFICES OF THE GOVERNMENT OF INDIA.

945. ***Mr. Mahmood Schamnad Sahib Bahadur**: (*a*) Is there a ruling of the Secretary of State for India—"That it is highly desirable that the remuneration of all ministerial establishments employed at any particular station whether their salaries fall on the Military, Civil, the Imperial or Provincial Budget, should be pitched either directly or indirectly, by means of allowance, as to give such equality of remuneration for similar labour, as will prevent just cause of discontent" ?

(*b*) Is this ruling strictly adhered to by the Government of India ? If not, will Government state the reasons ?

The Honourable Sir Alexander Muddiman: (*a*) and (*b*). The answer is in the affirmative.

DEPUTY DIRECTOR OF ARCHÆOLOGY IN INDIA.

946. ***Mr. Mahmood Schamnad Sahib Bahadur**: (*a*) Will the Government be pleased to state the names of the gazetted officers of the Archæological Survey of India according to seniority, giving in the case of each officer the number of contributions on research, as distinct from administrative and conservation reports, made by him to the archæological literature of India, during the last ten years ?

(*b*) Is it a fact that in filling the post of the Deputy Director of Archæology in India (after the death of the late Dr. Spooner) the claims of the next seniormost officer in the Survey, have been overlooked in favour of a junior officer ?

(*c*) If the answer to the above be in the affirmative will the Government be pleased to state the reasons for this supersession ?

Mr. J. W. Bhore: (*a*) The Honourable Member is referred to pages 30—32 of the annual civil list of the Home, Education, Health and Lands and Legislative Departments, corrected to 1st January 1925. I regret that the remainder of the information asked for is not available.

(*b*) No.

(*c*) This is a selection post and seniority is not the deciding factor in making appointments to it.

MUSLIM OFFICERS ON THE DIRECTORATE OF THE RAILWAY BOARD.

947. ***Mr. Mahmood Schamnad Sahib Bahadur**: (*a*) Is it a fact that of the three Muslim officers on the Directorate of the Railway Board, two are under orders of reversion to their respective lines and the third also is to be turned out shortly ?

(b) If the answer to the above is in the affirmative will the Government kindly state the reasons which have necessitated this policy of "away with the Muslims" in the Railway Board ?

(c) Will the Government kindly state also how many non-Muslim Indian Directors there are now in the Railway Board ?

(d) Is it a fact that the newly created post of Deputy Secretary of the Railway Board has also not been given to a Muslim ?

Mr. G. G. Sim : (a), (b) and (d). The Honourable Member is referred to the reply given to questions Nos. 777 and 778 by Maulvi Muhammad Yakub.

(c) There is one non-Muslim Indian Director.

EMPLOYMENT OF MUSLIMS IN THE ENGINEERING DEPARTMENT UNDER THE RAILWAY BOARD.

948. ***Mr. Mahmood Schamnad Sahib Bahadur** : Will the Government be pleased to state the number of Muslim applicants who applied for posts in the Engineering Department under the Railway Board recently advertised for, the total number of these posts and how many of them were given to Muslims ?

Mr. G. G. Sim : There were 27 posts. 24 Muslims applied but, of them, only one was considered suitable and he has been offered an appointment.

MUSLIMS EMPLOYED IN THE MINISTERIAL ESTABLISHMENTS OF THE RAILWAY BOARD.

949. ***Mr. Mahmood Schamnad Sahib Bahadur** : (a) Is it a fact that in order to give effect to a substantial cut made by the Legislative Assembly in the Railway Budget, the Railway Board decided to reduce 17 clerks from its office establishments, and of these 5 are Muslims, thus maintaining the one-third proportion for the Muslims when it is a question of reduction ?

(b) What is the total number of Muslims in the ministerial establishments of the Railway Board as against Hindus and Christians respectively and what is the total sum of emoluments drawn by Muslim clerks, assistants and superintendents as against Hindus and Christians respectively ?

Mr. G. G. Sim : (a) Yes, 17 posts are held in abeyance. Of these, 2 were held by Muslims both of whom have been provided with other appointments under Government.

(b) There are 18 Muslims in the ministerial establishment of the Railway Board, as against 85 Hindus and 30 Christians, the total sums of emoluments drawn being approximately :

	Rs.
Muslims	43,000 per annum.
Hindus	2,33,000 per annum.
Christians	1,41,000 per annum.

APPOINTMENT OF MUSLIMS IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

950. ***Mr. Mahmood Schamnad Sahib Bahadur**: (*a*) Is it a fact that out of 13 appointments made to the ministerial staff of the Education Department Secretariat during the last 18 months, only two appointments were given to Muslims, and out of the 11 non-Muslim clerks appointed, two are not even qualified according to the requirements of the Staff Selection Board ?

(*b*) Why were the standing orders of the Government of India ignored in this case ?

(*c*) In view of this state of affairs, are the Government prepared to give effect to their declared policy of properly safeguarding the interests of the minority communities ?

Mr. J. W. Bhore: (*a*) The Honourable Member is referred to the reply given by me to Maulvi Muhammad Yaqub's question No. 780 on the 7th September 1925.

(*b*) The standing orders have not been ignored in any case as appointments have been made from candidates approved by the Staff Selection Board or with the approval of the Board.

(*c*) The policy of securing adequate representation of minority communities has been carefully observed in the Education, Health and Lands Department.

NUMBER OF MUSLIM, HINDU AND CHRISTIAN SUPERINTENDENTS AND ASSISTANTS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

951. ***Mr. Mahmood Schamnad Sahib Bahadur**: Will the Government be pleased to state the number of Muslim, Hindu and Christian superintendents and assistants respectively in all the Secretariat and attached offices of the Government of India ?

The Honourable Sir Alexander Muddiman: A copy of a statement which was prepared last Session giving the required information so far as the Secretariat is concerned, is being forwarded to the Honourable Member. Information in regard to attached offices is not readily available, but as I have already stated in reply to previous questions the whole question is under consideration.

TRANSFER OF ATTACHED AND SUBORDINATE OFFICES OF THE GOVERNMENT OF INDIA TO DELHI.

952. ***Mr. Mahmood Schamnad Sahib Bahadur**: (*a*) Has the attention of the Government been drawn to a statement on page 7 of the daily *Muslim Outlook* of Lahore, dated 16th July 1925 from its Simla correspondent, that the question of locating the attached offices of the Government of India in Delhi, from the year 1926, is under the consideration of the Government of India now ?

(*b*) If the above statement is correct, will the Government be pleased to state whether it is contemplated to transfer all the attached and subordinate offices, if not, which of them will be so transferred ?

The Honourable Sir Alexander Muddiman : (*a*) and (*b*). The statement referred to is incorrect.

PROTECTION OF THE SUGAR INDUSTRY AGAINST FOREIGN COMPETITION.

953. ***Maulvi Mohammad Shafee** : 1. Has the attention of the Government been drawn to the sale quotations of foreign sugar for the last five months ?

2. (*a*) Has the Government taken pains to inquire into the reasons for this fall in the prices of foreign sugar ?

(*b*) If so, would the Government be pleased to make an exhaustive statement on the subject and to lay on the table the papers in this connection ?

3. Are not the present day quotations of foreign sugar less than the cost of production and manufacture as estimated by the Indian Sugar Committee, 1920, if the protection and toll duties are deducted from the quotations in reference ?

4. Have the Government considered the question as to whether the present state of the market requires that the sugar industry in India be further protected by the Government of India against foreign competition ?

The Honourable Sir Charles Innes : (1) Yes.

(2). (*a*) and (*b*). The Honourable Member is referred to the concluding paragraph of the Review of the Sugar Trade published as a Special Supplement to the *Indian Trade* Journal for January 1st, 1925, which gives a correct indication of the trend of the market and the reasons causing it.

(3) The Government are not exactly aware of what figures the Honourable Member has in mind, but it is a matter of common knowledge that costs of production of practically all commodities are everywhere below what they were in 1920.

(4) The Government have no reason to suppose that the sugar industry requires protection. I would point out that the specific duty imposed upon sugar last March is on present prices nearly 40 per cent. *ad valorem*.

Lala Duni Chand : Is the policy of the Government in any way responsible for the extraordinary fluctuations of the sugar market ?

The Honourable Sir Charles Innes : No, Sir.

SPEECH OF THE SECRETARY OF STATE FOR INDIA REGARDING THE MEDICAL SERVICES.

954. ***Dr. K. G. Lohokare** : (*a*) With reference to starred question No. 364, will Government be pleased to say if they will publish the authentic report of the speech by the Right Honourable the Secretary of State for India regarding the Medical Services, and clear up the points (in the speech) given in the question, immediately they hear from the Secretary of State ?

(*b*) Will they as well remind the Right Honourable the Secretary of State and urge for an early reply in the matter ?

Mr. J. W. Bhore : (*a*) The Honourable Member is referred to pages 555—557 of the Parliamentary debates of the House of Lords for Wednesday the 29th July 1925, a copy of which has been placed in the Library of the House. Government do not consider it necessary to publish the Secretary of State's statement separately as copies of official reports of Parliamentary debates are for sale and easily obtainable. Nor do they think that any elucidation of his Lordship's statement is called for. If, however, the Honourable Member feels a doubt in regard to any point I shall be most happy to assist him in any way I can.

(*b*) Does not arise.

PROPORTION OF ADMINISTRATIVE POSTS HELD BY R. A. M. C. AND I. M. S. OFFICERS.

955. **Dr. K. G. Lohokare :** With reference to starred question No. 463 and the supplementary question to it will Government be pleased to say :

(*a*) if the proportion of the medical administrative posts held by the R. A. M. C and the I. M. S officers represents the ratio of British troops in India to Indian units of the Army ?

(*b*) if a proportionately less number of such appointments are held by the I. M. S. officers whether the Government have given consideration to this disadvantage to the medical organisation of the Indian Army ?

(*c*) what is the number of R. A. M. C. officers in India over and above the usual sanctioned strength for each unit of infantry, artillery and such other units ? If the number is in excess, by how many is it so and when will it be normal ?

Mr. E. Burdon : (*a*) The answer is in the negative.

(*b*) As stated on the 26th August last in reply to the Honourable Member's question No. 463, the administrative medical appointments in India are equally divided between the Royal Army Medical Corps and the Indian Medical Service and the Government of India are of the opinion that the medical organisation of the Indian Army is in no way placed at a disadvantage in consequence.

(*c*) There is no excess of Royal Army Medical Corps officers in India over the sanctioned strength.

APPOINTMENTS OF I. M. S. OFFICERS TO HOLD CHARGES OF ADMINISTRATIVE DISTRICTS WHERE BRITISH TROOPS AND R. A. M. C. OFFICERS ARE LOCATED.

956. ***Dr. K. G. Lohokare :** Will Government be pleased to say if any I. M. S. officer is appointed to hold charge of an administrative district or unit, where British troops and R. A. M. C. officers are located ? If not, why not ?

Mr. E. Burdon : The answer to the first part of the question is in the affirmative. The second part does not, therefore, arise.

EXTENSION OF SERVICE IN INDIA TO R. A. M. C. OFFICERS.

957. ***Dr. K. G. Lohokare :** Will Government be pleased to say if R. A. M. C. officers of longer period service are allowed to have extensions of their usual term of duty in India, and if so, whether such practice retains a

larger number of long period service R. A. M. C. officers in India in proportion to the usual strength of Corps, and if this creates claims of such officers to administrative medical posts over the I. M. S. officers ?

Mr. E. Burdon : Officers of the Royal Army Medical Corps are allowed to have extensions of their normal tour of duty in India but very few avail themselves of this privilege. The practice, however, does not create claims for administratve medical posts over the heads of officers of the Indian Medical Service.

R. A. M. C. AND I. M. S., OFFICERS.

958. ***Dr. K. G. Lohokare** : Will Government be pleased to give information as per following table ?

Service or Corps.	Total permanent strength.	*Number of officers with service in years.*					*Army Administrative officers with service in years.*				
		below 15	15—18	18 to 21	21 to 25	25—30 and above.	15—18	18—21	21—25	25—28	28 and above.
R. A. M. C. in India.	..	..	..	..	..	..	..	..	..	..	..
I. M. S. ..	..	..	..	..	..	..	..	..	..	..	..

Mr. E. Burdon : The Honourable Member can obtain this information, if he requires it, from the current edition of the Indian Army List, pages 955 to 1009.

Dr. K. G. Lohokare : Does the publication referred to by the Honourable Member give my reply in a tabular form in this way ?

Mr. E. Burdon : No, Sir.

Dr. K. G. Lohokare : Does the Honourable Member expect me to work it out ?

Mr. E. Burdon : Yes, Sir.

Dr. K. G. Lohokare : With all the staff at his command ?

ENCOURAGEMENT OF INDIAN ARTS AND CRAFTS.

959. ***Mr. B. Das** : (*a*) Has the attention of the Government been drawn to the article in *Bombay Chronicle* of 25th August regarding the threatened future of Indian arts ?

(*b*) Have Government any other schemes before them for consideration besides that of the Prize of Delhi Committee ?

(c) Is it a fact that the Government of Bombay submitted a scheme to the Government of India as early as 1922 ?

(d) If the reply be in the affirmative will Government be pleased to place a copy of the same on the table and inform the House if the same was considered along with that drafted by Sir Edwin Lutyens ?

(e) Will the Government be pleased to place a copy of the draft of Sir Edwin Lutyens on Indian arts on the table ?

FRAMING OF A SCHEME FOR INDIAN ARTS AND CRAFTS BY THE ARCHITECTS OF THE NEW CAPITAL.

960. ***Mr. B. Das :** (a) Will Government be pleased to state (i) which Provincial Governments (ii) what public bodies, were consulted by them so far on the Prize of Delhi Scheme and will Government be pleased to publish these views in the Gazette of India for public opinion and criticism ?

(b) Will Government be pleased to lay on the table Resolution No. 189 of the New Capital Committee which empowered the architects of the New Capital to frame a scheme for Indian arts and crafts ?

(c) Have Government formulated their views on "initial conception with regard to sister arts and crafts" referred to in Mr. Baker's memorandum on craftsmen ?

MURAL DECORATIONS FOR BUILDINGS IN THE NEW CAPITAL.

961. ***Mr. B. Das :** (a) Will Government be pleased to state how far the contract with the architects of the New Capital affects the question of decorations of the New Capital and how far the architects have a controlling voice over the same ?

(b) How far have Government committed themselves in regard to mural and similar decorations for the New Capital ?

ENCOURAGEMENT OF INDIAN ARTS AND CRAFTS.

962. ***Mr. B. Das :** (a) Have the Government of Bombay recently addressed the Government of India on the subject of the encouragement of Indian arts and crafts ?

(b) What are their present proposals ?

FRAMING OF A SCHEME FOR INDIAN ARTS AND CRAFTS BY THE ARCHITECTS OF THE NEW CAPITAL.

963. ***Mr. B. Das :** Have Government approved of the scheme, in part or whole, submitted by the architects of the New Capital on Indian arts and crafts ?

The Honourable Sir Bhupendra Nath Mitra : With your permission, Sir, I propose to answer questions Nos. 959 to 963 together.

The Honourable Member's attention is invited to the replies given to Mr. Joshi's questions Nos. 876 to 881 on the same subject. I have only to add that certain suggestions for the establishment of a Central Art

School at Delhi are being considered by Government and that as Government have at present no intention of taking any further action on the scheme formulated by the architects of New Delhi, they do not consider that any useful purpose would be served by placing a copy of the scheme on the table.

ESTABLISHMENT OF A RATES TRIBUNAL.

964. ***Mr. K. C. Neogy :** (*a*) Has the attention of Government been drawn to a letter appearing in a recent issue of *Capital* (Calcutta) over the signature of David S. Erulkar, on the question of a Railway Rates Tribunal for India ?

(*b*) Is it a fact that, as stated therein, Government have empowered the Railways on the East Coast of India to infringe the minima class rates in certain cases, so as to enable the Railways to meet competition by sea and canal routes ?

(*c*) Will Government be pleased to state on what Railways, and from and to what stations, rates have been allowed to be reduced below the minima ; and for what reasons ?

The Honourable Sir Charles Innes : (*a*) and (*b*). The reply is in the affirmative.

(*c*) The permission to go below the ordinary minimum rates in certain cases on the Bengal Nagpur Railway between Waltair and Calcutta and on the Madras and Southern Mahratta Railway, between Madras and Vizagapatam was granted over 20 years ago. An inquiry is now being instituted into the justification for continuing to allow the railways to exercise this power of quoting specially reduced rates on these routes.

Mr. K. C. Neogy : Is it not a fact, Sir, that the latest notification signed by the Secretary of the Railway Board which sanctions the fixation of these extraordinary rates is dated the 23rd December 1921 and is it not a fact also that in that notification it is stated that the Railway Board sanctioned these rates in January 1922 also ?

The Honourable Sir Charles Innes : I understand, Sir, that permission was given over twenty years ago, and presumably it has been carried on since then. As I have said, I am making inquiries into the matter.

Mr. K. C. Neogy : What are the circumstances in which permission was granted in the first instance ?

The Honourable Sir Charles Innes : I do not know.

REDUCTIONS IN THE CLERICAL STAFF OF THE RAILWAY BOARD.

965. ***Pandit Shambhu Dayal Misra :** (*a*) Will the Government kindly inform this House as to the manner in which the cut of Rs. 77,000 made by the Assembly during the last Delhi Session from the Railway Board's Budget has been met ?

(*b*) Has the attention of the Government been drawn to an article in the *Hindustan Times* of the 29th August 1925 entitled "Where the axe falls" ? Will Government kindly say what, if any, appointments from the clerical staff of the Railway Board's office have been reduced on this account ?

(c) Will Government kindly state the reasons for effecting retrenchment on one side and creating the post of the Director of Finance on the other? What is the additional expenditure involved by this appointment?

The Honourable Sir Charles Innes: (a), (b) and (c). A memorandum explaining the entire position in regard to the reduction in the cost of the Railway Board has been placed before the members of the Standing Finance Committee for Railways. This memorandum will be available to the Honourable Member when the proceedings of the Committee are printed.

GRANT OF FREE RAILWAY PASSES AND PRIVILEGE TICKET ORDERS TO THE STAFF OF THE RAILWAY BOARD.

966. ***Pandit Shambhu Dayal Misra**: (a) With reference to the reply given in this House to starred question No. 56 on the 4th February 1924 about curtailing the concession of free passes to the staff of the Railway Board, will Government be pleased to state the monetary value of the concessions at present enjoyed by each individual?

(b) How many *privilege ticket orders* at one-third the usual fare are given to each individual during the year? Is the concession enjoyed by the staff of the Railway Board in this shape counted against the monetary value of the free pass concessions? If not, why not? How many persons can travel at a time against one *privilege ticket order*?

(c) Is there any effective check against the prescribed monetary value being exceeded? If so, who checks the figures and what steps are taken to keep them within the limit prescribed, if any?

(d) Will Government be pleased to lay a copy of the orders about the grant of free passages and *privilege ticket orders* to the staff of the Railway Board on the table?

(e) Are all men of the Railway Board governed by the same rules or does the amount of concessions depend on the length of service?

Mr. G. G. Sim: (a) to (c). A copy of the rule governing the issue of passes to the office staff of the Railway Board is laid on the table.

RULES FOR THE ISSUE OF FREE PASSES TO THE OFFICE STAFF OF THE GOVERNMENT OF INDIA, RAILWAY BOARD.

I.—No privilege passes can be demanded as a right; their issue is, without exception, subject to the discretion of the Secretary.

II.—The classification "privilege" will be adopted for all passes issued to the office staff and North Western Railway pass forms will be used in all cases.

III.—"Privilege" passes on Companies' and State-worked railways (including the prescribed allowances of servants and luggage for employees or members of their families) may be granted on the undermentioned conditions, to the office staff of the Railway Department, including the Accounts Branch and to such of the staff of the Metallurgical Inspector and of the Superintendent of Local Manufactures, Calcutta, who were in these offices prior to their amalgamation with the Department of Industries and Labour. Passes over Companies' railways will also be subject to the Conference rules for the interchange of free passes:

(1) After an employee has completed two years continuous service in the Railway Department or partly in another railway office and Railway Department, he may have 4 single journey passes of which not more than 2 may be over Company-worked lines.

(2) The issue of passes to any one in subject to a money value limit of one month's pay in one year. Anything beyond this will only be permitted in special cases of men over 20 years' service.

Exception.—An Accountant in Accountant General, Railways' office transferred from a State Railway—who holds a lien on his post on that railway will be granted passes in accordance with the rules in force on his railway.

IV.—Free passes cannot be granted to employees travelling on duty.

V.—"Family" includes the wife, legitimate children and step-children residing with, and wholly dependent on the applicant. Ordinary privilege passes are admissible to sons, step-sons of an employee when they are under 18 years of age only, and their ages should invariably be given in all applications.

NOTE.—(1) The number of members of an employee's family for whom passes may be issued at one time is limited to six, including the employee himself.

VI.—Passes are inadmissible for any journey for which an applicant draws travelling allowance.

VII.—The class of a pass to which any one will be entitled will be in accordance with the following rules :

(1) All persons employed in the subordinate establishment, drawing salaries of more than Rs. 750 per mensem—1st Class.

(2) All persons employed in the subordinate establishment, drawing salaries of more than Rs. 200, and less than Rs. 750 per mensem—2nd Class.

(3) All persons employed in the subordinate ministerial establishment, drawing salaries of Rs. 200 per mensem and less, intermediate class, or where intermediate accommodation does not exist 2nd class over State Railways only.

(4) For menials—3rd Class.

For the purpose of coming within rule III (2) an employee may however have a pass in a class lower than that to which he is entitled.

VIII.—The number of servants and allowance of luggage for each class will be as printed on the North Western Railway pass forms.

IX.—Passes by mail trains will not be granted on either State-work or Companies lines, except on the specific sanction of the Secretary which ordinarily only be given to first and second class pass holders irrespective of distance to be travelled and to Inter. and Third class pass holders travelling more than 400 miles.

X.—When passes are issued for the Christmas holidays, the return journey pass will be made available only up to the 5th January of the following year and will, on no account, be extended beyond that date. If an extension is applied for and is granted the extended pass will count as a fresh pass against the next year's allowance.

XI.—Third class privilege passes will not be issued during *melas* and Indian festivals when there is a rush of traffic.

XII.—Permission to break journey, at named stations will be granted, at the rate of one break of journey for every 200 miles or portion thereof on the through journey.

XIII.—School passes may be issued to children of employees under 21 years of age. These passes are subject to the restriction of one return pass per annum. Such passes will only be issued if supported by a certificate from the Head Master of the School in question.

XIV.—A pass may be granted on retirement only for a journey between the place where retirement takes place and where the applicant intends to settle, and provided that the passes are applied for within three months after the date of retirement.

XV.—The family of a deceased employee will be given a pass for themselves, their luggage and a reasonable number of servants, between the place where death occurred and where the family wish to settle down, provided that the pass is applied for within three months of the employee's death.

XVI.—A pass for any divergence from the direct route will be treated as for a separate journey, if granted.

XVII.—Temporary clerks who resign their posts in this office are not entitled to passes of any kind.

XVIII.—Applications not submitted in accordance with these rules, will not be entertained.

XIX.—An account of passes issued to each man will be kept on cards as follows :

Name				Rate of Pay.			
Date of pass.	Pass No.	From	To	Number of Persons.	Value of pass.		P. T. O.

XX.—Applications for passes must be submitted to General Branch at least 2 whole days before the passes are required.

XXI.—Pass applications for the employee himself should not be sent forward unless the Superintendent intends to recommend leave.

XXII.—When a man proceeds on casual or other leave any pass issued for his return journey should be available only up to the date he is due at office.

This date should be shown on the pass application.

XXIII.—Members of the staff on leave who have not been able to obtain passes for their return journey at the time of proceeding on leave should apply for them not less than two weeks before their return to duty.

Applications made at the time of going on leave are apt to be overlooked and will not be accepted except when the leave does not exceed 1 month.

XXIV.—The ticket collectors receipt must be obtained in all cases and be sent to the Pass Clerk as soon as possible. As railways look upon the non-collection of passes as a serious offence failure to comply with this order will ordinarily involve forfeiture of a pass.

XXV.—Free passes should not be applied for unless actually required.

XXVI.—Passes not used may count towards the year's allowance unless very satisfactory reasons are given for the passes not being used.

J. IZAT,

Secretary, Railway Board.

DELHI,

The 28th November, 1924.

PERMANENT LOCATION OF THE INDIAN STORES DEPARTMENT IN DELHI.

967. ***Pandit Shambhu Dayal Misra :** (*a*) With reference to the reply given in this House to starred question No. 13 on the 22nd January 1925, will Government kindly say when the process of organization of the Indian Stores Department will be completed and when that Department will be permanently located at Delhi ?

(*b*) Is it necessary for this Department to move with the Government of India any longer ? If so, will Government state the reasons ?

(*c*) What will be the amount of saving if this Department is permanently located at Delhi ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) It is not possible to say when the process of organization of the Indian Stores Department will be completed, as the final organization must depend to a great extent on developments in store purchasing policy, and practical experience of the growth of the department's work. The question of the final location of the headquarters of the Indian Stores Department cannot therefore be decided at this stage.

(*b*) Yes ; because, pending the developments just alluded to, it is essential that the Government of India and the principal indenting authorities should be in close touch with the Indian Stores Department.

(*c*) It is not possible to state what savings if any would result from locating the headquarters of the Indian Stores Department at Delhi until it is known what the final organisation will be.

ESTABLISHMENT OFFICER OF THE ARMY DEPARTMENT.

968. * **Pandit Shambhu Dayal Misra :** Is it a fact that one Major Drysdale, a departmental officer of the Engineer-in-Chief's Branch, was temporarily appointed to the post of Establishment Officer of the Army Department superseding the civilian Assistant Secretaries of the Department ? If so, will Government please state whether the claims of the Assistant Secretaries were considered ? If not, why not ?

Mr. E. Burdon : Yes. Major Drysdale was so appointed, but no one was superseded. The claims of the Assistant Secretaries were carefully considered.

OFFICERS AND MINISTERIAL STAFF OF THE ARMY HEADQUARTERS.

969. ***Pandit Shambhu Dayal Misra :** 1. Will Government please state the total strength of (*a*) officers and (*b*) ministerial staff employed on the 1st September 1925 in the several Branches of the Army Headquarters including those of the Royal Air Force Headquarters ?

2. How many of the officers are Indians ?

Mr. E. Burdon : 1. (*a*) 177.

(*b*) 726.

2. Two of the officers are Indians.

GRANT OF SECRETARIAT SCALES OF PAY TO THE CLERICAL PERSONNEL OF THE ARMY HEADQUARTERS.

970. ***Pandit Shambhu Dayal Misra :** (*a*) Will Government kindly state whether the branches of the Army Headquarters are a part of the Army Department of the Government of India ? If not, what is their status ? Are they attached offices ?

(*b*) Is it a fact that all cases for the Army Department are prepared on the Secretariat lines by the clerical personnel at Army Headquarters and draft orders giving effect to the decisions of the Government of India are likewise framed by the same personnel ? If so, why are the men employed therein refused the Secretariat scales of pay ?

Mr. E. Burdon : (*a*) Branches of Army Headquarters are a part of the Army Department to the extent described in " The Evolution of the Army in India " a copy of which will be found in the Library.

(*b*) The duties and responsibilities of the clerical personnel of Army Headquarters are not the same as those assigned to the Secretariat establishments proper. The attention of the Honourable Member is drawn to the answer given by me on the 23rd July 1923 to a similar question asked by Mr. K. C. Neogy.

PROHIBITION OF THE ENTRY INTO BRITISH INDIA OF THE CHINESE PAMPHLET "GET OUT OF CHINA."

971. ***Mr. Chaman Lall :** Will Government state the reasons for the prohibition issued against the entry into India of Chinese journals and leaflets bearing upon the Chinese strikes as well as the leaflet " Get out of China "?

The Honourable Sir Alexander Muddiman : This and other similar pamphlets have been prohibited entry into British India under section 19 of the Sea Customs Act, 1878, on the ground that they contain matter which is calculated to excite disaffection towards the Government established by law in British India.

Mr. Chaman Lall : May I ask, Sir, if every such leaflet is calculated to bring about disaffection against the Government ?

The Honourable Sir Alexander Muddiman : No, Sir.

Mr. Chaman Lall : Do I understand, Sir, that there are some leaflets which do not affect the question of disaffection ?

The Honourable Sir Alexander Muddiman : Those leaflets have not been prohibited.

Mr. Devaki Prasad Sinha : May I know, Sir, whether it is a fact or not, that some of these leaflets, the entry of which has been prohibited under the Indian Sea Customs Act, contained nothing but a protest against the employment of Indians to quell the recent trouble in China ?

The Honourable Sir Alexander Muddiman : I cannot answer for all leaflets except for those which have been prohibited, and I have given the reason for it.

Mr. Chaman Lall : What is the general principle, Sir, which guides the Government in coming to a decision in these matters ?

The Honourable Sir Alexander Muddiman : It is the very clear principle which I have embodied in my answer.

Mr. A. Rangaswami Iyengar : May I know, Sir, whether before Government concludes that the leaflets are of the character described by the Honourable the Home Member, legal opinion is taken and the law officers are consulted on the point ?

The Honourable Sir Alexander Muddiman : No, Sir. Not in all cases.

Mr. A. Rangaswami Iyengar : Is it possible, Sir, for all those who are affected by these orders to obtain legal opinion ?

The Honourable Sir Alexander Muddiman : I do not know, but I presume they can obtain legal opinion on the payment of the usual fee.

Mr. A. Rangaswami Iyengar : May I know, Sir, whether when they obtain legal opinion, they have any right to get those orders rescinded ?

The Honourable Sir Alexander Muddiman : If any representations are made to me, I will consider them.

Mr. A. Rangaswami Iyengar : Then they have no legal right to get the orders rescinded ?

The Honourable Sir Alexander Muddiman : Certainly not.

Mr. A. Rangaswami Iyengar : Therefore, a man can be condemned unheard in respect of these leaflets ?

The Honourable Sir Alexander Muddiman : I do not understand what is meant by condemnation. All that has been done is to prohibit importation. I think perhaps I might make the point clear in respect of these leaflets. They were not many, one or two. They were imported apparently on a preconceived plan in a large quantity.

Mr. A. Rangaswami Iyengar : Does the mere importation in numbers necessarily mean that the leaflets were seditious and were likely to cause disaffection ?

The Honourable Sir Alexander Muddiman : When Government have taken the view that a leaflet is calculated to excite disaffection towards the Government established in British India, the quantity becomes of some importance. Government think that leaflets of that character should not be disseminated in large quantities, and I do not know whether the Honourable Member would wish me to allow it.

Diwan Bahadur M. Ramachandra Rao : May I ask the Honourable Member whether this leaflet has been placed before the Advisory Committee attached to his Department ?

The Honourable Sir Alexander Muddiman : No, it was not.

Diwan Bahadur M. Ramachandra Rao : May I ask why this was not done ?

The Honourable Sir Alexander Muddiman : I gave the reason for it the other day.

Mr. Devaki Prasad Sinha : Does the Honourable Member himself decide if the entry of these leaflets into this country is undesirable, or is there some other officer subordinate to him who decides this question ?

The Honourable Sir Alexander Muddiman : All orders in regard to these matters are passed subject to my personal control.

Mr. Chaman Lall : May I know, Sir, if the Honourable Member has read any of these leaflets ?

The Honourable Sir Alexander Muddiman : Yes, Sir.

Mr. Chaman Lall : May I know, Sir, if he has read all of these leaflets which have been prohibited ?

The Honourable Sir Alexander Muddiman : I have read the leaflets which have been prohibited.

Mr. N. M. Joshi : May I know, Sir, whether there is any means of getting justice for people who are treated unjustly in this matter ?

The Honourable Sir Alexander Muddiman : If people are treated unjustly, they can make representations to me.

Mr. A. Rangaswami Iyengar : You are the authority to say whether you are just or unjust ?

The Honourable Sir Alexander Muddiman : In this matter the Governor General in Council is the authority and I am the head of the Department concerned.

Mr. Chaman Lall : One more supplementary question, Sir ? Does the disaffection against Government consist in this, that these people object to the use of Indian troops against Chinese workers ? Is that the reason for the prohibition of these leaflets ?

The Honourable Sir Alexander Muddiman : No, Sir.

INTRODUCTION OF NEW STEEL MANUFACTURING PLANTS INTO INDIA SINCE THE PASSAGE OF THE STEEL PROTECTION ACT.

972. ***Mr. Chaman Lall:** Will Government state the number of new steel manufacturing plants which have been introduced into India from abroad and the companies introducing these since the passing of the Steel Protection Act ?

The Honourable Sir Charles Innes : As far as Government are aware the only new steel works established in British India since June 1924 is the transference from Pondichery to British India of certain works engaged in re-smelting and re-rolling scrap steel.

Mr. Chaman Lall : Is the Honourable Member aware that very large steel plants are being transferred from the United Kingdom to India ?

The Honourable Sir Charles Innes : No, Sir.

Mr. Chaman Lall : Will the Honourable Member make inquiries ?

The Honourable Sir Charles Innes : If the Honourable Member will give me his authority for his statement outside, I should be very happy to discuss this matter with him.

RECRUITMENT OF LASCARS TO ACT AS STRIKE BREAKERS.

973. ***Mr. Chaman Lall :** (*a*) Will Government state whether any lascars have been sent to South Africa to act as strike breakers and the names of the shipping companies responsible for this recruitment ?

(*b*) Will Government state the terms and conditions of such recruitment ?

The Honourable Sir Charles Innes : The Honourable Member's attention is invited to the answers given to short notice questions on the same subject asked by Mr. A. Rangaswami Iyengar and Mr. N. M. Joshi on the 10th September 1925.

EUROPEAN STAFF OF THE IMPERIAL BANK OF INDIA.

974. ***Mr. Jamnadas M. Mehta :** 1. What was the total European staff of the three Presidency Banks before the amalgamation and what were the salaries drawn by them ?

2. (*a*) How many Europeans have been imported since the amalgamation for each circle and in each year ?

(*b*) On what terms and conditions are these imported ? Are there any educational or other qualifications necessary ? Are they required to pass any examinations either before or after being appointed ? What is the total amount spent in importing these recruits each year ? How many of the new recruits imported from England since 1921 are holding places of agents, superintendents, deputy accountants and chief accountants and what salaries are they drawing ? How many European recruits have been imported since January 1924 till the end of July 1925 ? How many have come since 30th July 1925 ? How many more are coming ?

3. What is the present European staff in the three circles and the total salary drawn by them ?

4. (*a*) Were any allowances given to the European staff before the amalgamation or at the time of amalgamation ? How many kinds of allowances were allowed to each ?

(*b*) What was the total amount of allowances paid by the Presidency Banks just before the amalgamation to the European staff ? What was the total amount of allowances paid by the Imperial Bank in the first year of amalgamation and in each of the following years ? What is the total amount paid now ?

5. How many European officers are on furlough and what is the total amount of furlough salary and furlough allowance that the Bank pays each year since amalgamation ?

6. Are free quarters given to the European staff ? Who stays in the Bank chummeries in Bombay and elsewhere ? What amount does the Bank spend each year on these chummeries directly or indirectly ?

7. (*a*) How many European officers have resigned or retired since amalgamation and on what pensions ?

(*b*) How many European officers are on the pension list ? What amount has the Bank been paying each year since amalgamation for pensions ?

(*c*) Is there any privilege rates of surcharge allowed to the European staff in drawing their pay, pension or furlough pay and allowance or in remitting money to England ? If so what is that privilege rate ?

(*d*) How much money does the Bank lose every year in each circle by granting the privilege rate to the European staff ?

INDIAN STAFF OF THE IMPERIAL BANK OF INDIA.

975. ***Mr. Jamnadas M. Mehta :** 1. How many Indian officers were there in the Presidency Banks before the amalgamation and what salaries were they getting ?

2. (*a*) How many Indian officers were taken each year in each circle after the amalgamation and on what salary ?

(*b*) What is the present total number of Indian officers in the three circles and what salary each draws ?

(c) How many of them are superintendents, managers, agents, deputy chief accountants, chief accountants, second grade Indian assistants and probationary Indian assistants ?

3. What is the total amount of salaries drawn by the Indian staff in the different circles according to the following table :

(1) Staff appointments carrying salaries above Rs. 1,000 (excluding all allowances) and how many such appointments are held by Indians,

(2) How many officers are there who get between 500 and 1,000 in each circle.

(3) How many between 250 and 500.

(4) How many between 150 and 250. How many of them are clerks and how many probationary assistants.

(5) How many between 125 and 175 (not included in above).

(6) How many between 75 and 125 ?

4. Were there any allowances paid to the Indian staff before or at the time of amalgamation ? What and how many kinds of allowances are paid to the Indian staff in each circle and in each year since amalgamation ?

5. Are the Indian officers given any house allowances ? Are they allowed to stay in and utilise the privileges of the chummery ? How many Indians are staying in the Bank's chummery ?

6. What is the total number of second grade assistants and probationary Indian assistants taken in each year in the different circles for the last four years and on what salaries and grades ? What are the qualifications if any, that these second grade and probationary assistants should possess ? Are they required to pass any examination before or after they are selected ? What is the nature of the work that second grade and probationary Indian assistants are doing ? Is there any difference made between Indian assistants and European assistants in (a) salary (b) allowance (c) work (d) treatment (e) leave (f) furlough and (g) pension ?

7. What is the nature of the work that the European staff in general and the new European recruits in particular are doing ? Cannot the same work be done by Indian graduates ?

8. How many probationary Indian assistants were taken in the three circles since January 1924 up to the 30th July 1925 and what are their educational qualifications ? Are they selected purely on the basis of merit or any other considerations ?

9. How many of the probationary Indian assistants taken so far are trained for the places of agents, deputy chief accountants, chief accountants and deputy secretary and treasurer ? How many of them are now holding any other above-mentioned appointments ?

10. How many years does it generally take for an Indian graduate, probationary assistant or otherwise, to become chief accountant or deputy secretary and treasurer ?

APPOINTMENT OF GRADUATES IN THE IMPERIAL BANK OF INDIA.

976. ***Mr. Jamnadas M. Mehta :** (1) How many graduates have joined the bank since amalgamation in each circle ? How many of them are B.A., B.Com., and M.A. ? What is the total strength of such graduates in the Bank in all the circles at present ? How many of them are permanent and what salary are they drawing ? Is there any difference made between graduates and a non-graduate in salary, work, promotion and treatment ? What is the total amount of salary that is drawn by all the graduates in the three circles ?

(2) How many graduates are confirmed in the first year of their joining, how many within eighteen months and how many within two years ? How many graduates have left the Bank each year ?

(3) What steps have been taken or opportunities given to the graduate employees of the Bank to train them up for higher appointments ? Are the graduate employees given any preference in selections to Indian assistant grade ?

(4) Is it true that the graduate employees at the Bombay Head Office have sent in a representation to the Secretary and Treasurer to give them facilities for higher appointments and to introduce a better scale of pay for them ? What steps have been taken to satisfy their grievances ?

(5) Is there any system of leave rules for the benefit of the Indian staff ? Is it a fact that the Indian Staff Associations, Calcutta and Bombay, have sent in representations to the authorities to introduce a sound system of leave rules ? What has been done with regard to it ? Is there going to be any system of leave rules at all ? If so when ?

FRAUDS IN THE IMPERIAL BANK OF INDIA.

977. ***Mr. Jamnadas M. Mehta :** (*a*) Has the attention of the Finance Member been drawn to Ditcher's comments in the *Capital* of 19th March 1925 ? Will the Finance Member be pleased to state if it is true that the frauds in the Imperial Bank of India are due to rapid Indianization ?

(*b*) How many frauds occurred and to what extent and where did they take place or were they detected ? When did they take place or for what length of time were they perpetrated ? Is it before or after the amalgamation ? Who were Chief Accountants, Deputy Chief Accountants, Superintendents, Managers and Agents in places where and when frauds took place or were found out ? What positions are they holding now in the Bank ?

The Honourable Sir Basil Blackett : I am afraid I must answer these questions Nos. 974—77, together. I have seen the article referred to in 977 (*a*). The details of the arrangements of the staff of the Bank are not within the knowledge of the Governor General in Council.

Mr. Jamnadas M. Mehta : Is this the answer to all the questions, Sir ?

Mr. President : If the Honourable Member is not satisfied with the answer given, he has his remedy in other ways.

Mr. Jamnadas M. Mehta : My only remedy is to move an adjournment of the House.

Mr. President : Order, order. This is not the time for it.

Mr. Jamnadas M. Mehta : If this is the answer to all the four questions, then I have nothing more to say.

Mr. R. K. Shanmukham Chetty : Will Government be pleased to call for information in regard to these matters ?

The Honourable Sir Basil Blackett : I think the House must be under some misapprehension. The Government of India are not responsible for the staffing of the Imperial Bank, and it is not part of the arrangement that they should be responsible.

Mr. Jamnadas M. Mehta : But the people of India deposit more than 20 crores in the Imperial Bank ?

The Honourable Sir Basil Blackett : The people of India also deposit in other Banks.

Mr. Jamnadas M. Mehta : But the people of India deposit money in the Imperial Bank through the Government ?

Mr. A. Rangaswami Iyengar : May I know, Sir, whether under the Imperial Bank Act this Government do not possess power to call for information in cases in which they have reasonable grounds for taking action ?

The Honourable Sir Basil Blackett : I do not think there is any reasonable ground for taking action in this matter.

Mr. Jamnadas M. Mehta : The staff of the Imperial Bank is doing work for insurance companies and others.....?

The Honourable Sir Basil Blackett : The Honourable Member, Sir, is raising an entirely separate question which, as he knows, is being seriously considered by the Bank authorities.

Mr. Chaman Lall : Will the Honourable Member say whether the Imperial Bank is a purely private concern, and whether the Government of India and the people have no voice in the management of the Bank ?

The Honourable Sir Basil Blackett : If the Honourable Member will put down a question on paper, I will try to answer it.

Mr. A. Rangaswami Iyengar : May I know, Sir, exactly what the powers of the Government of India are in regard to the management of the Imperial Bank of India ?

The Honourable Sir Basil Blackett : I give the same answer to that, Sir. I shall be glad to answer that question at leisure.

COMPLAINTS IN THE PUBLIC PRESS REGARDING THE ARMY CANTEEN BOARD.

978. ***Khan Bahadur W. M. Hussanally** : Has the attention of Government been drawn to the various complaints in the public Press especially in the *Pioneer* and the *Civil and Military Gazette* to the effect that the Army Canteen Board has been a failure ? If so, do they intend to revert to the contract system ? If so, when ? If not, why ?

Mr. E. Burdon : I can only reply to this question by inviting the attention of the Honourable Member to the reply which I gave on the 7th instant to his starred questions Nos. 685—687.

Mr. President : I understand Mr. Yusuf Imam wants to put the questions which stand in his name, Nos. 915—920. Although he was not present at the time his name was called, I would allow him to put his questions, but I want to lay it down as a rule for the future that, if any Honourable Member is not present when his name is called, he will not be entitled to put the questions on his return. It is very inconvenient both for the Chair and for the Honourable Member who has to answer the questions.

(The Honourable Member then put questions Nos. 915 to 920, which together with their answers will be found in their proper place.)

TOTAL AMOUNT OF GOVERNMENT LOAN CONVERTED UNDER THE CONVERSION TERMS RECENTLY OFFERED BY GOVERNMENT, ETC.

Sir Purshotamdas Thakurdas : Sir, I have given private notice of the following question to the Finance Member :

(*a*) Will Government be pleased to state the result of the total amount of Government loan converted under the conversion terms offered by the Government this year ?

(*b*) Will Government be pleased to state the extra premium paid under the conversion terms, and the saving effected by them in interest, if any ?

The Honourable Sir Basil Blackett : (*a*) The conversion loan was open till the 12th September 1925 inclusive and the following figures show the approximate results. There will probably be some few corrections when the final figures are received.

	Rs. Lakhs.
(1) Conversions into 5% Ten Year Bonds	4,63
(2) Conversions into 5% Tax free loan (1945—55) ..	25,21
Total ..	29,84

The bonds converted consisted of :

(1) 5½% Bonds 1925	1,66
(2) 6% Bonds 1926	17,56
(3) 6% Bonds 1927	7,32
(4) 5½% Bonds 1928	3,30

(*b*) The extra cash payments paid in respect of the above conversions amount to Rs. 79 lakhs. Leaving out of account the fact that premiums on maturity amounting to approximately Rs. 21½ lakhs in respect of 1925 and 1928 Bonds will not now have to be paid, the annual saving on interest on the bonds converted amounts to approximately Rs. 27½ lakhs. In addition Rs. 4,63 lakhs of our debt having become

subject to income-tax instead of being tax free, we are potentially entitled to collect income-tax amounting to about Rs. 2 lakhs per annum on interest on this debt. I think the House will agree that this is a very satisfactory result.

UNSTARRED QUESTIONS AND ANSWERS.

OPINIONS OF SIR JOHN KERR AND SIR WILLIAM REID ON THE SUBJECT OF THE TRANSFER OF SYLHET TO BENGAL.

189. **Mr. Kamini Kumar Chanda**: Is there any other recorded opinion of Sir John Kerr or of Sir William Reid besides the papers published regarding the proposal to transfer Sylhet to Bengal? If so, will the Government publish the same or lay it on the table?

The Honourable Sir Alexander Muddiman: The reply is in the negative.

DEFICIT DISTRICTS IN BENGAL AND ASSAM.

190. **Mr. Kamini Kumar Chanda**: Will the Government ascertain from the Government of Assam if there is any District in deficit besides Sylhet, for instance the Khasia Hills containing Shillong and other Hill Districts? And will they similarly ascertain from Bengal if there is any District in deficit therein?

The Honourable Sir Alexander Muddiman: The information is not available and Government do not consider it would be sufficiently available to justify the labour involved in its collection.

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 14th September, 1925, agreed without any amendments to the following Bills which have been passed by the Legislative Assembly:

A Bill to amend the law with respect to the carriage of goods by sea,

A Bill to amend the Provident Funds Act, 1925,

A Bill further to amend the Opium Act, 1857."

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE ACCOUNTS OF 1923-24.

The Honourable Sir Basil Blackett (Finance Member): Sir, I lay on the table the Report of the Public Accounts Committee.

Report of the Public Accounts Committee on the Accounts of 1923-24.

I.—INTRODUCTORY.

1. This report deals with the accounts of the year 1923-24. This was the third year after the introduction of the Reforms as a result of which certain

items of expenditure became subject to the vote of the Assembly, and the accounts with regard to these passed under the scrutiny of a Committee of the Assembly.

2. It is, moreover, the first year in which some of the results of such a scrutiny can be observed. The first Public Accounts Committee presented its report in July 1923, and the Government of India published its views on matters raised in this report in their resolution of 15th January 1924. In this resolution they accepted most of the recommendations of the Committee, the most important of which related to the abandoning of the previous practice of basing the final grants for the year on the revised estimates of expenditure prepared by the Finance Department in order to arrive at an approximate idea of the total results of the year's working over all the heads of expenditure. In the course of our scrutiny of the accounts, we came across some cases which suggested that all the changes made were not fully known, or were insufficiently realised in the year 1923-24. The orders of the Government were issued too late to have any marked effect on the expenditure of the year 1923-24, as they naturally took some time to filter through to subordinate authorities. We have no doubt that the appropriation accounts of the next year will show that the adoption of the Committee's recommendations have resulted in a marked improvement.

II.—EXCESSES OVER VOTED GRANTS.

3. The following table compares the amount of grants voted by the Assembly with the total expenditure out of those grants:

—	GRANTS SANCTIONED BY THE ASSEMBLY.		Net grant as modified by competent authority.	Actual expenditure.
	Original.	Final (including supplementaries).		
	Rs.	Rs.	Rs.	Rs.
Expenditure charged to revenue.	88,95,87,000	90,94,77,000	90,39,06,671	87,27,34,930*
Expenditure charged to Capital.	41,49,69,000	41,49,69,000	41,23,37,000	23,03,27,755
Total expenditure ..	1,30,45,56,000	1,32,44,46,000	1,31,62,43,671	1,10,30,62,685
Disbursement of loans and advances.	23,62,37,000	23,67,67,000	23,67,67,000	21,95,88,592
GRAND TOTAL ..	1,54,07,93,000	1,56,12,13,000	1,55,30,10,671	1,32,26,51,277

* This includes some non-voted expenditure (*vide* paragraph 12 *supra*.)

Excluding loans and advances, the actual total voted expenditure was thus nearly 20 crores below the original grants and nearly 22 crores below the final grants sanctioned by the Assembly.

4. If the total voted and non-voted expenditure is taken, the position is as follows:

———	Original estimate.	Revised estimate.	Actual expenditure.
	Rs.	Rs.	Rs.
Revenue expenditure	2,08,60,36,000	2,09,94,12,763	2,05,77,25,842
Capital expenditure	41,55,47,000	41,29,75,000	23,10,06,788
Loans and Advances	23,62,37,000	23,67,67,000	21,95,88,592
TOTAL ..	2,73,78,20,000	2,74,91,54,763	2,50,83,21,222

5. It will be seen that the expenditure varied to a very considerable extent from the estimates, but the latter could not have been expected to be very accurate, as the report of the Inchcape Committee was in the hands of the Finance Department too late to be utilised in the preparation of the detailed estimates. It was obviously a difficult problem to fit the proposals of the Committee into the Budget. Final conclusions could not be arrived at with regard to a great many recommendations. Some of the retrenchments could only be introduced gradually and it was difficult to estimate exactly their full effect on the estimates of the year. The Government had accordingly to adopt the rough and ready method of making a lump reduction in the total estimates and distributing it among the more important heads. Taking all things into consideration the result cannot be deemed unsatisfactory. That the economies actually effected were much more than were anticipated is, indeed, a matter for congratulation.

6. The detailed figures of expenditure are given in the Statement printed as Appendix III to this Report. It will be noticed that there is not, comparatively speaking, much difference between the total of the non-voted actual expenditure and the corresponding sanctioned grants, the former being about a crore less than the latter. This result, however, obscures the fact that Army expenditure was nearly 4 crores below the final grant and $3\frac{3}{4}$ crores below the original grant. This large saving was more than counterbalanced by two changes in accounting as a result of which the whole of the discount charges on the 1923-Rupee Loan were charged off in the year, and the amounts of Loans and Advances outstanding against the Persian Government, which had hitherto been shown in the accounts under "Suspense" were written off against revenue in 1923-24.

7. The voted expenditure, on the other hand, diverges widely from the sanctioned grant and it is instructive to compare in more detail the actual

figures of expenditure with the original grant. So far as revenue expenditure is concerned, the actual expenditure is 87,27 lakhs against an original grant of 88,96 lakhs, which was later raised by the Assembly about the close of the year to 90,95 lakhs. Of the saving of over 3½ crores as compared with the final grant, 2 crores occurs under revenue expenditure of Railways. The balance is the cumulative effect of a number of relatively small savings occurring under most of the individual grants, the largest single items being under "Superannuation allowances and pensions" and "Interest on miscellaneous obligations". The former was due to a decision taken in the course of the year to transfer expenditure on pensions of commercial departments to those departments and is not a real saving; the latter was mainly due to the fact that the encashment of postal cash certificates was much less than anticipated, with the result that the bonus paid, which is debited to "Interest" at the time of encashment, was very much lower.

8. The total capital expenditure proved to be nearly 23 crores against a grant of 41½ crores, a saving of 18½ crores, of which nearly 18 crores was under "Railways," the balance being distributed between Delhi and Posts and Telegraphs, the former being responsible for much the greater portion. The large saving under the grant for Railways was undoubtedly due to the fact that the original estimates of expenditure were too high. The Financial Commissioner, Railways, whom we examined on this point, explained to us that the real reason for the enormous lapse both under the capital grant and the grant for revenue expenditure in connection with railway construction was due to the fact that under the old system the Railway authorities were never certain of the amount of money they were going to get and consequently could never make proper arrangements for spending. They naturally made provision for proceeding with works that they had started or were starting during the course of the year under any contingency that might arise, so that each railway asked for the maximum amount that it could spend, and the result was that, taken all together, the estimates proved always to be too high and there was every year a considerable lapse. Mr. Sim explained that during the current year he had cut down the total amount of the capital grant from 33 crores, which the railways in the aggregate hoped to spend, to 23 crores, as he expected that that was the limit of their capacity for spending. We do not desire to suggest that arbitrary limits should be fixed which would tend to curtail capital expenditure on railways, so long as the expenditure is remunerative, but in view of the large lapses in capital grants in this and the preceding years, we think that consideration should be given to possible improvements in methods of estimating.

Question 801.

9. The total expenditure under the head "Disbursements of loans and advances" amounted to 21,96 lakhs against the final grant of 23,68 lakhs. The saving is explained as entirely due to the fact that the Provincial Governments borrowed less from the Government of India than had been anticipated originally.

10. There have been, however, excesses under individual grants for which an excess vote of the Assembly is required. These excesses have been detailed

in Statement B forming an enclosure to the Auditor General's letter No. 852. Admn. 44/25 of the 24th June 1925 dealing with the Appropriation Reports on the Accounts of the Central civil expenditure for 1923-24. This Statement (reprinted as Appendix XVII to this report) compares the actual expenditure with the net grants including modifications sanctioned by authorities other than the Legislative Assembly. This is quite proper from the point of view of audit which has to bring to notice all cases of expenditure in excess of the grants placed at the disposal of the actual disbursing agents by the competent authority; but so far as the Assembly is concerned, it is only the excess over grants sanctioned by itself that matters. In certain cases modifications sanctioned by proper authority have had the effect of reducing the total grant at the disposal of the disbursing officer. Where the actual expenditure exceeded this latter figure, but was below the grant as finally sanctioned by the Assembly, the excess does not require the sanction of the Assembly though it should be dealt with by departmental action if no sufficient explanation is forthcoming. This was the procedure recommended in paragraph 18 of the Report of the Public Accounts Committee on the Accounts of 1921-22, on which was based the new system adopted by Government of separating the supplementary demands placed before the Assembly from the revised estimates of expenditure adopted by them.

11. We give below a table detailing the excesses which, in our opinion, as explained above, require the sanction of the Legislative Assembly.

EXCESS OVER GRANTS.

Item No.	No. of grant.	Grant.	Amount granted by Assembly.	Actual expenditure.	Excess.
			Rs.	Rs.	Rs.
1	15-A	Administration of Justice ..	1,35,000	1,35,654	654
2	16	Jails and Convict Settlements ..	2,000	5,070	3,070
3	31	Civil Veterinary Services ..	6,11,000	6,14,319	3,319
4	36-B	Emigration—External ..	62,000	69,882	7,882
5	45	Adjustments with Provincial Governments.	19,06,000	37,97,921	18,91,921
6	46	Refunds (including refund of freight tax Rs. 3,94,304)	7,95,000	11,76,059	3,81,059
7	62	Interest free advances ..	9,18,99,000	9,23,44,006	4,45,006
					27,32,911

[Sir Basil Blackett.]

12. A brief explanation of each item is given below:

Item 1.—The excess was due to an accounts adjustment which had to be made after the close of the year when it was too late to obtain a supplementary grant. This is explained as having been due to defective work in the accounts office owing to an auditor's lack of familiarity with rules.

Appendix XI.

Item 2.—The grant under this head represents merely 'Exchange' on leave salaries, etc., paid in England. The original grant proved insufficient, but no attempt was made to obtain an additional grant. It has been explained that this was due to the fact that when the revised estimates for English expenditure were placed before the Assembly for sanction, the consequential alterations under the head "Exchange" were not made, as they ought to have been. Under the system then in force, 'Exchange' was included in every separate head in the Demands for Grants and doubtless to carry out alterations under each head involved considerable labour which was apparently at the time felt to be not worth while. We understand that, under the present system, the procedure would be simpler, and we have been assured that necessary alterations of 'Exchange' to correspond with the revised estimate of English expenditure would be made in future.

Question 340.

Question 341.

Item 3.—This excess seems to have been due to the fact that it was not quite clear whether any additional grant was necessary or whether the particular expenditure that eventually caused the excess could be met by savings under other heads, and apparently time was spent in discussing what should be done till it was too late to take any effective action.

Question 572.

Item 4.—The excess was due to the charges for repatriation of certain Punjabis from Marseilles to British India having been adjusted in the accounts without any steps being taken to provide a grant for the purpose. The failure to make the necessary provision was, we understand, due to a misunderstanding between the local Accountant General and the Government of India. The Accountant General made provision for it in the revised estimates but did not give a detailed explanation of the charge. As the system of basing the final grants on revised estimates had been abandoned that year on the advice of the Public Accounts Committee, the Finance Department did not take any action to get a grant for this purpose in the absence of a specific application for it from the proper authority, especially as there was no detailed information justifying the necessity for a grant.

Item 5.—The excess has been explained as due mainly to the revision of Rule 15 of the Devolution Rules which resulted in a change in the basis of calculations of the assignments to Provincial Governments on account of income-tax. The actual amounts due could not be ascertained till after the close of the year. The total expenditure was Rs. 37,97,921, while the amount sanctioned by the Assembly

Question 360.

Question 382.

was only Rs. 19,06,000. To this latter sum the Finance Department added Rs. 3,446 from their reserve. The excess as compared with the original grant was thus Rs. 18,91,921. For reasons which we shall elaborate later, we consider that the whole of this amount requires the sanction of the Assembly, though part of it was met from the reserve placed by the Assembly at the disposal of the Finance Department.

Item 6.—No provision seems to have been made for refunds of freight tax. The excess has not even been brought to notice in any of the Appropriation Reports and it is the Auditor General who in his compilation of the accounts apparently first noticed the omission to obtain a grant. The tax ceased to be collected in 1922-23, and these casual refunds are apparently likely to be overlooked. Even though it is difficult to estimate the amount of such refunds and provide funds for them in the beginning of the year, it ought to be possible to obtain a supplementary grant at the close, on the basis of payments actually made.

Item 7.—This increase occurred under the sub-head, value of Army stores issued on repayment, an estimate of which is difficult to make as it depends on the demands for such stores made by departments. The sub-head represents a purely book-keeping adjustment and it is understood that under the instructions of the Auditor General it is for this reason now being treated as non-voted.

Question 368.

13. There are two items in the Statement of Excesses over voted grants furnished by the Auditor General, which do not find place in the above statement, namely, "Irrigation Works not charged to revenue" and "Civil Works". As regards the former the total expenditure was well within the grant sanctioned by the Assembly, though it exceeded the grant as modified by other authorities. Consequently, as we have already explained, it does not require the sanction of the Assembly. As regards the excess under "Civil Works" the total expenditure of Rs. 1,27,01,975 included a sum of Rs. 19,64,882 which, it has been explained, ought to have been charged as non-voted expenditure. We have been advised that, as the excess of expenditure is due solely to incorrect inclusion by the accounts officer of non-voted expenditure, and as there has been no excess of voted expenditure over the amount voted, it is not only unnecessary but irregular to make an excess demand under Rule 49 of the Legislative Rules.

Question 371.

14. We are glad to note that both the number of Demands under which an excess vote is required and the total amount of excesses requiring such sanction, have gradually decreased from the time the accounts first came under the review of the Public Accounts Committee. In the first year (Accounts of 1921-22) there were 26 such items aggregating 493 lakhs; in the next year (Accounts of 1922-23) there were 24 items aggregating 93½ lakhs; in the Accounts of 1923-24 there are only 7 items with a total of slightly over 27 lakhs. We hope for further reductions as we are of opinion that with a well regulated system of control over expenditure there ought not to be any excesses at all. We shall return to the general question of control over expenditure at a later stage of our report.

[Sir Basil Blackett.]

15. With these remarks we formally recommend that the Assembly assent to an excess grant for the year 1923-24 which the Governor General in Council will place before them in due course for the following sums in respect of the heads referred to in paragraph 11.

	Rs.
Expenditure charged to revenue	22,87,905
Disbursement of Loans and advances	4,45,006
Total ..	27,32,911

16. Under Section 52 (2) (*i*) of the Indian Legislative Rules it is our duty to bring to the notice of the Assembly any re-appropriation from one grant to another. Such re-appropriations occurred in 1923-24 only under the Posts and Telegraphs grants. A statement of re-appropriations sanctioned by the Government of India from Grant No. 60 (capital outlay) to grant No. 10 (Revenue Expenditure) has been given in the Appropriation Report of the Accountant General, Posts and Telegraphs and will be found reprinted as Appendix XVIII to this Report. The Public Accounts Committee last year emphasised the fact that grants voted by the Assembly could be added to only by the Assembly and that any transfers to a grant from another or from a non-voted head were invalid unless voted by the Assembly. The Government of India accepted this statement of the constitutional and legal position, but apparently there were misunderstandings on this point in 1923-24. In the particular case in question there were savings within Grant No. 10 sufficient to cover these amounts and these re-appropriations were inoperative and unnecessary. Mr. Jukes explained to us how a misunderstanding arose in connection with these powers. We suggest that the Government of India should make it quite clear to all subordinate officers, beyond the possibility of misunderstanding, that additions to a grant voted by the Assembly can be made only by the Assembly.

Questions 57 & 58.

III.—GENERAL.

17. Our predecessors devoted particular attention to the very important question of the machinery available for watching the progress of expenditure and of the steps taken by the administrative authorities to control expenditure. We have similarly devoted considerable attention to this subject and have examined departmental witnesses on the position in each department and the conclusion we have arrived at is that there is still very much room for improvement. We were gratified, however, to find that, since the question was first taken up by the Public Accounts Committee, it has been carefully examined, its importance has been recognised, experiments are being conducted to find out the best methods of tackling it, and, in certain cases, steps have already been taken to obtain periodical reports of expenditure from subordinate officers.

18. At the outset we wish to draw attention to a remark of the Auditor General in his letter forwarding the Indian Appropriation Reports of

Central and Provincial expenditure for the year 1923-24 to the Secretary of State, that in most provinces the proportion of excesses over grants was greater in the case of non-voted than of voted grants. From this he draws the inference that the submission of expenditure to the control of the Legislature ensures better financial control and he adds that the majority of Governments appear to attach little importance to the necessity of a formal provision of funds to meet excesses over non-voted expenditure. In the accounts of the year under review it will be observed that the number of non-voted grants in which excesses have occurred is 16 as against 7 voted grants. The Auditor General has also drawn attention to the fact that an excess occurred in the case of both non-voted grants (revenue and capital) in the case of railways and he remarks that this gives rise to the impression that Government regards provision of funds under non-voted heads to meet an excess as of minor importance. So far as this particular remark was concerned, we examined the Financial Commissioner for Railways and he explained that the excess in the non-voted grants for Railways was mainly due to the fact that the rate of interest chargeable could not be calculated till after the close of the year. At the time of the preparation of the budget estimates the rate of interest calculated for the previous year had to be taken into account and the actual rate that would be taken in the accounts could not be foreseen. We desire to draw the attention of the Government to these remarks of the Auditor General in order that they may take effective steps to ensure that all disbursing officers appreciate fully the necessity of obtaining the sanction of the Government in the case of non-voted expenditure whenever they foresee that actual expenditure is likely to exceed the sanctioned grant, just as in the case of voted expenditure they have to take steps to obtain the sanction of the Legislative Assembly.

Question 854.

19. In the course of our scrutiny of the Appropriation Accounts for the year 1923-24 one of the facts which attracted our attention most prominently was that of the 33 cases in which additional grants were asked for from the Legislative Assembly during the year, there were no fewer than 17 where the actual expenditure was below the original grant sanctioned by the Assembly before the beginning of the year. The following gives a list of the grants where the expenditure fell below the original grant while an additional grant was sanctioned by the Assembly at the end of the year:

Grant.	*Additional* grant sanctioned.	*Saving* as compared with *original grant.*
	Rs.	Rs.
1. Customs	3,03,000	46,738
2. Taxes on Income	5,23,000	76,171
3. Irrigation, Navigation, etc.	27,000	56,060
4. Interest on miscellaneous obligations	63,000	20,36,516
5. General Administration	5,11,000	1,42,069
6. Ports and Pilotage	17,000	30,084
7. Geological Survey	17,000	15,216

[Sir Basil Blackett.]

Grant.	*Additional* grant sanctioned.	*Saving* as compared with *original grant.*
8. Miscellaneous Departments	1,80,000	1,17,914
9. Superannuation Allowances and Pensions ..	15,47,000	12,43,182
10. Miscellaneous	2,29,000	4,21,276
11. North-West Frontier Province	32,000	5,28,040
12. Baluchistan	58,000	1,00,912
13. Delhi	88,000	94,188
14. Coorg	19,000	2,25,353
15. Ajmer-Merwara	35,000	1,40,793
16. Rajputana	17,000	3,166
17. Central India	14,000	34,001

The fact that additional grants were asked for in these cases seems to indicate that whereas the administrative authorities concerned were fully alive to the necessity of obtaining a grant in anticipation of expenditure to be incurred they were not equally alive to the desirability of not asking for more funds than were actually necessary. It shows also that they were not in a position to know the actual progress of expenditure so as to gauge accurately the needs of the situation.

20. We recognise that in circumstances where it is proposed to incur expenditure on new and important items not contemplated when the original estimates were framed, it may become desirable to obtain the formal approval of the Assembly in some way or other as well as that of the Standing Finance Committee as at present. When however these new charges can be met within the grant by savings elsewhere, we suggest that a possible method of bringing them to the notice of the Assembly would be by means of a token vote as in the United Kingdom, by which a demand would be laid before the House for a nominal sum. Full details of the proposed expenditure would be given to the House, and it would be explained that the whole sum would be met from within the grant already sanctioned, but the House would be asked formally for an additional grant for a nominal sum of, say, Rs. 100 in order that it may be enabled to signify its approval.

21. Facts are not also wanting which seem to suggest that there is still in some quarters an insufficient realisation of the necessity for taking steps to have funds provided by proper authority before expenditure can be incurred. In the Appropriation Reports we came across statements like the following:

> "The excess was foreseen and the local officer addressed Government on the subject which decided to leave this unavoidable excess expenditure to be dealt with through the Appropriation Report" (page 87 of the Appropriation Report of the Accountant General, Central Revenues).

"The excess for which no provision was made in the budget was brought to the notice of the Government of India, Foreign and Political Department, which authorised the payment as one without appropriation" (page 81, *ibid*).

"The excess under the head was foreseen but the Commissioner, Salt who was addressed on the subject, explains that as refunds are adjusted by deduction from Receipts no supplementary grant was applied for as it was not known to him that refunds also required appropriation" (page 161, *ibid*).

22. Again, owing to the change of system in the year 1923-24 which involved the abolition of the old procedure by which the revised estimates were taken as a basis for supplementary grants, there was some room for misunderstanding between the Accountants General and the administrative authorities in the matter of responsibility for taking steps to obtain funds for expenditure. To this cause was due the failure to provide funds in certain cases, for example, under Interest and Superannuation Allowances. The failure to alter the provision for exchange correspondingly with the alteration in the figures for expenditure in England which were corrected at the time of the revised estimates, also points to an imperfect understanding of the desirability of taking steps, by the proper utilisation of the powers of reappropriation that are at present exercised by the executive, to see that the expenditure under each minor head is not exceeded.

Question 342.

23. All these point to the necessity of devising adequate machinery to provide data for watching the progress of expenditure against each grant. We understand that a set of draft rules to assist in watching the progress of expenditure against grants was submitted by Sir Frederic Gauntlett to the Government of India last year for consideration and that the opinions of all Departments have been obtained on these rules which are at present under reconsideration by the Auditor General. It seems that a similar set of rules have been in force in the United Provinces and in the Punjab for some time and that it has been considered desirable to await a report on the results of their working in those provinces before proceeding further with them. Moreover, fairly extensive experiments of another system have been made in the United Provinces and elsewhere by Mr. Jukes during the past year in the course of his investigation of the question of the separation of accounts from audit whereby the administrative authorities are in a position to get information about the state of expenditure much earlier than they can under the present system. We attach great importance to the provision of adequate facilities to the responsible administrative authorities for watching the progress of expenditure under their control and trust that some definite arrangements which will achieve this object will be promulgated in the near future.

Question 1.

24. In the meanwhile we understand from the evidence taken by us that certain Departments do obtain at present from their subordinate officers periodical statements of expenditure. In the North-West Frontier Province, Mr. Copeland told us, the disbursing officer sends in monthly statements and the head of the department watches the expenditure month by month and a consolidated

Question 500.

[Sir Basil Blackett.]

statement is sent to the Accountant General in order that the two sets of figures may be reconciled. He expected that this system would be a great improvement and ought to be working well in 1925-26 at the least. Mr. Lloyd told us that the Central Board of Revenue had asked the heads of departments to send them a quarterly statement giving details of expenditure under the principal units of appropriation. We consider that if these statements of expenditure are to be utilised properly, they should be sent periodically, by the responsible heads of Departments to the Department at headquarters which, by asking the Assembly to vote the original grant, has assumed final responsibility for watching the expenditure. If this system is adopted, these reports, we consider, might be furnished quarterly in the earlier part of the year but in the latter part it would be essential to have them monthly, so that the actual progress of expenditure can be watched with the object of seeing whether an additional grant is necessary in any case or whether excesses in any particular circle of accounts or in any particular sub-head can be covered by reappropriation from savings elsewhere in the same grant.

Question 394.

25. A careful watch over expenditure is also useful in this respect that it will at once bring to the notice of the controlling authority all cases in which there is any particular slackness in expenditure or where expenditure is being incurred at a too rapid pace irrespective of prudent financial considerations. It will in short enable him to regulate the pace of expenditure, so that he can utilise the funds at his disposal in the most useful and economical way. Several instances have been brought to our notice where funds have been allotted far too late to be properly utilised. Such delay in allotment of funds combined with a strict adherence to the doctrine of unspent amounts lapsing at the end of the year, results in undue haste in spending at the close of the year with all its concomitant evils.

26. The question of the powers of reappropriation to be exercised by the Government of India and the subordinate authorities within a grant is closely connected with the question of the control of expenditure. We have noticed that in certain cases these powers are utilised merely to conceal defective budgeting; for instance, in certain minor heads in the Posts and Telegraphs grant, we found that reappropriations had been sanctioned before the end of the first month of the financial year. In the new form of Appropriation Accounts in which all variations of the actual expenditure from the original grant under a certain number of prescribed sub-heads will be specifically brought to notice, it will be easy to discover whether the action taken by the responsible authorities for regularising these excesses by reappropriations from other sub-heads within the grant conforms to the rules prescribed by the Finance Department and whether there is any necessity for suggesting any change in those rules.

27. Before passing from this subject there is another matter to which we should draw attention, namely, the number of misclassifications that have come to our notice in the Appropriation Reports. One class of misclassification is that of showing non-voted expenditure as voted and *vice versa*. In one case, as we have already stated, the misclassification resulted in the total actual ex-

penditure being shown as exceeding the grant sanctioned by the Assembly, while, as a matter of fact, there was no excess. In paragraph 10 of the Report of the Public Accounts Committee on the accounts of 1922-23 the importance of a proper classification of charges in the accounts was emphasised. In the particular case which brought the matter prominently to our notice, it is apparent that the expenditure has been classified wrongly in the Finance and Revenue Accounts presented to Parliament on the authority of the Auditor General. This raises the question of the steps that should be taken to have this obvious error in the accounts corrected. The Auditor General was unable to give us a definite opinion on the matter at the time. We consider, however, that it is very important that the accounts should always represent facts and when it is brought to notice that in any particular case they have failed to do so, there should be a procedure by which they may be corrected. We suggest that the Finance Department should, in consultation with the Auditor General, explore the means of doing so.

28. The misclassification referred to above was in connection with expenditure in the North-West Frontier Province and gives point to the remark of the Auditor-General that misclassifications in the office of the Accountant-General, Punjab, seemed more serious in respect of expenditure in that province than in the case of the Punjab. He suggested that this must be largely due to the complete lack of touch between the Accounts Office and the Administration, and emphasised the need for a separate accounts office at Peshawar for the North-West Frontier Province. We understand that this proposal was considered in 1921 and dropped on grounds of financial stringency. We recommend that the suggestion made now by the Auditor-General should receive the immediate and careful consideration of the Government.

Question 504.

29. There is another class of misclassifications which attracted our attention in the Appropriation Report on Railways. This was in respect of capital and revenue expenditure, expenditure correctly debitable to the first being debited to the second and *vice versa*. We understand that the misclassification was sometimes due to ignorance of rules but sometimes it was also due to a desire to get round the difficulty of want of funds. As all railways have now been told that there would be no difficulty in their getting funds according to requirements and that there is no necessity for adopting this undesirable device to avoid the difficulties experienced before, it is expected that misclassifications will be of less frequent occurrence in future.

Questions 869 and 1105.

30. One of the most important and interesting questions that we discussed was that of the proper procedure to be followed in the case of allotments made by the Finance Department from the reserve at its disposal. In paragraph 14 of their Resolution in connection with the Report of the last Public Accounts Committee the Government of India pointed out that under the present system whereby the Assembly voted under the head "Miscellaneous" a reserve placed at the disposal of the Finance Department, any reappropriations from the reserve had the effect of adding to some other grant to which the expenditure was rightly debitable and that this was an exception to the general rule that grants voted by

Appendix I.

[Sir Basil Blackett.]

the Assembly could be added to only by the Assembly. The Resolution went on to say that this exception was more apparent than real as the reserve was intended for the purpose of distribution and allotments out of the reserve were brought to notice by the Accountant General in his Appropriation Report, thus giving the Public Accounts Committee an opportunity of criticism. We consider, however, that though, in practice, the procedure is hardly open to objection, yet from the constitutional and legal point of view it is, strictly speaking, irregular. We are more inclined to agree with the view put forward by Mr. McWatters that in all cases where the expenditure exceeds the amount granted by the Assembly, though the excess is covered by allotment of funds from the reserve, steps should be taken to obtain a grant from the Assembly to cover the excess. The only objection against this procedure is that the result will be that the Assembly will have in certain cases granted money twice over for the same purpose, as, we understand, constitutionally the Assembly cannot reduce a grant once made. The practical effect will of course be *nil*, for under the ordinary procedure any amount left unexpended from the reserve will automatically lapse at the end of the year.

Question 317.

31. The objection that the Assembly should not grant funds for the same purpose under two different heads has, however, some force, and a way of meeting it would perhaps be to treat the reserve somewhat on the lines of the Civil Contingencies Fund in England. We quote below from Hilton Young's System of National Finance a brief description* of the Fund:

> "In the course of the year the Civil departments often find that the rigid system on which their grants are appropriated confronts them with one or other of several difficulties. Either there is an urgent need that they should begin to provide money for some established service for which Parliament has not yet voted anything, or some wholly new and urgent little service turns up to be performed, for which Parliament has made no provision, or it becomes urgently necessary to overspend to a small extent the total Vote for a grant, and no excess has been received by way of appropriations in aid out of which, with the help of a Supplementary Estimate, to meet the overspending. Multifarious small payments have also to be made which are not appropriate to any Vote and are individually too small to be voted separately. Sooner or later Parliamentary authority must be obtained for all these small payments, and for any departure which emergency obliges departments to make from the scheme of appropriation, but meanwhile, what is to be done? To provide for such cases the Treasury keeps a nest egg in the form of a little loan-fund out of which it can make temporary advances to the Civil departments, and this is the Civil Contingencies Fund. It has a fixed capital which has been raised from time to time as the turnover of the Civil departments has increased. In 1913 it stood at £ 300,000, and in 1921 it was permanently increased to £ 1,500,000. A very large temporary increase in the

*For a more detailed account, see Appendix XXII.

capital of the Fund, to no less than £ 120,000,000, had been allowed in 1919, in order to enable it to finance through their last stages the big trading services which had been undertaken by the State during the war. (The vote of Credit, out of which these were formerly financed, came to an end with the war.) Out of the capital the Treasury makes advances to the Civil Departments in anticipation of the grants of Parliament, when there is urgent need that payment for an established service should be begun before a grant is made. Advances of the sort are repaid to the Fund by the department when it gets its grant. Other advances are made to departments out of the Fund to meet payments for small services for which Parliament has made no provision in the estimates of the year, and which cannot possibly be postponed until the next year. Others again are made to provide funds for such small overspendings of grants as the Treasury may agree to be inevitable. These last two forms of advances are repaid to the Fund out of grants of Parliament made specially for the purpose on Supplementary Estimates or Excess Grants. Thus the capital of the Fund is restored and maintained intact from year to year. At the financial year's end it is outstanding in the form of a balance in the hands of the Paymaster General, and it is carried forward into the new year to the account of the Fund. Owing to the wide powers of transfer between Naval and Air Votes, and the Heads of the Army Vote, the Admiralty and War Office and Air Ministry need no special machinery of the sort to enable them to deal with their similar emergencies. An annual account of the Fund is audited by the Auditor General and presented to Parliament through the Public Accounts Committee. The Committee watches with some jealousy to see that the Treasury does not make use of the Fund to release the departments to any substantial extent from the limitations of the scheme of appropriation."

32. This Fund is utilised to make advances:

(*i*) for unforeseen expenditure not coming under any head of estimate (such advances being repaid to the Fund from the Vote for Repayments to the Civil Contingencies Fund of the following year);

(*ii*) for deficiencies on ordinary votes (in anticipation of a further vote from which the advance can be repaid);

(*iii*) for services repayable from other sources.

Similarly we consider that it might be laid down in India that no expenditure will be finally met from the reserve but that the Government will advance from it sums to cover any expenditure which has not been provided for or to meet anticipated deficiencies in any grant, on the understanding that such disbursements will be later recouped from moneys provided by the Assembly under the proper head of account. This would result in the fund being always kept at the original figure but if it is to take the place of the Civil Contingencies Fund in England, it would probably be necessary for the reserve to be somewhat larger than it is at present. On the other

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hand, it will not have to be voted every year but will be voted once for all. We are unable at present to offer a definite opinion on the exact procedure to be followed in these cases, particularly as it has a legal aspect which will require very careful consideration. We trust that the Government of India will consider these suggestions and evolve some procedure which will be entirely unobjectionable both from a theoretical and a practical standpoint.

33. We noticed that in the accounts of the year under review, most of the allotments made from the fund were, as a matter of fact, unnecessary, because it was found later that even excluding these allotments, there was enough money within the grant sanctioned by the Assembly to meet the expenditure charged against it. The only exception is in the case of Grant No. 45—"Adjustments of Provincial Governments", but in this case the allotment out of the reserve did not save the grant from being exceeded considerably. A suggestion was put forward before us by Mr. Jukes that there need be no specific reappropriation from the reserve in the earlier part of the year but that funds should be earmarked from it as a sort of guarantee that the expenditure would, if sufficient funds were not available from the grant itself, be met from the reserve, actual transfer being made only at the close of the year when it was reasonably certain that the grant under the proper head was not sufficient to meet the charge. We discussed this point at length with Mr. McWatters and we agree with him that it is not really much of an improvement, because even in February, the Government are not in a position to know definitely whether money was available from the grant itself or whether a definite allotment from the reserve was necessary. He pointed out that the net result would be that there would probably be less expenditure from the reserve but that less information would be laid before the Public Accounts Committee. We do not therefore think that this would be an improvement on the present system, under which the Government are under the necessity of allocating funds definitely from the reserve and are consequently precluded from using the same amount many times over for different purposes.

Questions 311 and 312.

34. The question of making the Appropriation accounts more illuminating was originally raised by the first Public Accounts Committee in 1923 when reporting on the accounts of 1921-22. In the succeeding year the matter was again referred to in the Committee's report and it was stated that the Auditor General had placed an officer on special duty to examine the question and that the officer's report would be available for consideration by the Committee in 1925. This report has been placed before us and we desire to express our appreciation of the care and thoroughness with which the problem has been tackled. The report in question concerns primarily the Appropriation Report prepared by the Accountant-General, Central Revenues in respect of Central expenditure other than in the Army, Railway and Posts and Telegraphs Departments. We are of opinion, however, that the suggestions made in the Report can be applied with very few, if any, alterations, to the Appropriation Reports of expenditure of the three latter classes and we trust that they will be so applied. We have gone carefully into the proposals contained in the report, a brief sketch of which will be found in Appendix IV. The most important

proposals relate to the amalgamation of the two separate reports which are at present placed before us, the Appropriation Report and the Audit Report, into one, all financial irregularities, embezzlements, frauds, etc., which are at present shown in the latter being included under the proper grant in the new amalgamated Report. It is proposed that the present procedure under which Audit officers are prevented from mentioning, without the special sanction of the Government, irregularities, etc., on which final orders of the Government have not yet been passed, shall be abandoned, and the Audit officer will be at liberty to bring to notice in his report any point which he considers worthy of mention. The present procedure has in some cases the effect of bringing irregularities to the notice of the Public Accounts Committee and of the Legislature after a lapse of time so considerable that it is impossible for the Committee either to suggest adequate measures to deal with them, or to express any opinion on steps already taken by the executive authorities which might be applied to those particular cases. It has also been recommended that the Appropriation Account, instead of showing expenditure, as at present, by circles of account, should deal with expenditure by prescribed sub-heads, that the accounts of voted and non-voted charges should be shown together so as to give a better idea of the expenditure on each particular grant as a whole, and that particular attention should be paid to store accounts in respect of important stocks and to suitable trading accounts of *quasi*-commercial concerns. We desire to express our approval of the proposals in general but we prefer to leave the details to be worked out by the Finance Department of the Government of India in consultation with the Auditor General. We trust, however, that it will be possible to give effect to the proposals at a very early date, as we are of opinion that the Appropriation Report in the new form will be much more informative and will more easily enable defects in system and in procedure to be discovered and set right expeditiously.

35. We regret very much that we were unable to deal with the important question which we inherited from our predecessors, whether revenue and expenditure should be shown gross and net in the accounts. It was brought to our notice that there were legal obstacles in the way of a procedure such as our predecessors tentatively recommended, namely that a grant for gross as well as for net expenditure should be obtained from the Assembly in all cases where recoveries of large amounts were involved. We understand that the question is still under consideration in the Legislative Department who have not yet been able to express their final opinion in the matter.

36. As an illustration of the importance and the difficulty of the problem we should like to cite an instance mentioned by the Accountant General, Posts and Telegraphs, in his Appropriation Report. Among the changes in accounts classifications ordered by the Auditor General in the year under review, the detailed head "Contributions from private individuals and Indian States" which was formerly borne under the receipt head "Fees and other receipts" was expunged and the amounts of these contributions are now deducted from relevant expenditure heads, the result being that only the net expenditure incurred on specific services after deduction of these contributions appears in the books. We were not satisfied that this procedure, which had incidentally the effect

Questions 154—168.

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of removing this particular expenditure from the control of the Assembly, was constitutionally correct. The difficulty can best be appreciated by noticing the important fact that if in any case the recovery of expenditure is not made, the actual amount spent would have to be found from grants voted by the Assembly.

Question 164.

37. Another instance was specifically brought to our notice by the Auditor General where, as explained in the Appropriation Report of the Accountant General, Central Revenues (page 105), the expenditure on account of the Imperial Police Service examination in the United Provinces had been met out of the fees realised from the candidates for admission to the said examination. He added that no budget provision was made in 1923-24 as the charge in question was ordered by the Government of India to be met out of the fees realised from the candidates. The Auditor General pointed out that these orders contravened the general principle that receipts should not be utilised to meet expenditure. We understand that the orders were due to a misunderstanding, the intention of the Government having been to ensure that the fees realised should be sufficient to cover the cost of the examination. We consider it desirable to adhere ordinarily to the general rule quoted by the Auditor General and we understand that the Government of India agree with this view.

38. We notice that the Auditor General has assumed in one of his letters forwarding the Audit Reports, that the Public Accounts Committee is not, under the existing rules, concerned with matters which relate to receipts. This point was further elaborated by Mr. Jukes in replies to questions put by us. His opinion briefly was that under the statute as it stood at present, the Assembly and consequently the Public Accounts Committee had nothing whatever to do with the estimates of revenue or anything concerned with revenue, all that they were concerned with being the expenditure. We are not quite satisfied that the constitutional position is as stated by the Auditor General and that we as a Committee cannot, unless such questions are specifically put before us by the Finance Department, consider questions of receipts when they come to our notice in scrutinising the Appropriation Reports. We are inclined to doubt whether the fact that estimates of revenue do not come to the Assembly for sanction justifies the view that any serious failures to collect revenue or any defalcations which have the result of reducing the revenue collected are *ipso facto* out of our purview altogether. We suggest that this question should be carefully considered by the Finance Department in consultation with the Legislative Department, if necessary; but meanwhile we have not considered ourselves debarred from making comments wherever necessary on questions arising in connection with receipts. We understand that in the British system losses due to fraud, defalcation, etc., in connection with revenue are brought to the notice of the Public Accounts Committee and Parliament by the device of treating such losses as a form of expenditure requiring to be covered by a vote of Parliament, a corresponding credit being made to the appropriate revenue heads, so that the Revenue figures show all sums received from the public in payment of taxes or dues, even though owing to some irregularity

Questions 1115—1121.

the money has never actually passed from the officer who received it into the Exchequer. Some adaptation of this system to India would seem to be worthy of consideration.

39. As a matter of fact certain of these questions have come to our notice in the course of our scrutiny of the Reports placed before us. Of these the most important is the question of a proper check on Customs receipts raised by the Auditor General in his letter forwarding the Audit Reports to the Secretary of State. Before we come to this, we should like to dispose of two minor matters that were brought to our notice in the Audit Report of the Accountant General, Central Revenues. The first was a suggestion made by the Accountant General, Bombay, with regard to the desirability of seeing that all receipts on account of Government dues like income-tax should be paid direct into the Imperial Bank. The second was a suggestion made by Mr. Kaula that in order to avoid the risk of defalcations by fees not being transmitted regularly by the collecting officer to the Treasury, fees in respect of minor services rendered by Government, for example, passport fees, should be collected by means of stamps. We trust that both these suggestions will receive the careful consideration of the Government of India.

40. The question of an adequate check on Customs receipts is very important and particular attention has been drawn to it by the Auditor General in his letter No. 379-Admn.-588/24 of the 5th March 1925. His remarks on this subject put the point so clearly and forcibly that we make no apology for quoting them in full:

> "At present the Customs is the only great Revenue Department in which receipts come under my audit scrutiny. This scrutiny is applied by means of a regular test audit conducted by one of my own officers. Customs dues are now the most important source of the revenues of the Government of India. The rates which were originally low are now in many cases very substantial. The temptation to evade payment is now very great, and it is of vital importance that there shall be a system of internal check which will ensure an intelligent close and efficient scrutiny of the collection of Customs dues. In my opinion the arrangements for, and the system of, internal check in this Department both in respect of executive and of account work are not satisfactory, and I consider that the position of the departmental accounts and audit needs strengthening and the system needs to be modified. Certain suggestions to this end have recently been submitted to the Central Board of Revenue. Recent events have accentuated the urgency of the need for the introduction of remedial measures. Serious irregularities have come to light at all Custom Houses, and in Calcutta frauds have been perpetrated on the revenue which are more serious than any which have occurred in the Department for a generation past. I know of no branch of Government activity in which there is more need for an improvement of the system, and organisation of internal check, than in the Customs Department. The Customs Depart-

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ment has also been chosen as one in which an experiment is being tried in the allied matter of separating accounts from purely audit functions. With this end in view, a Pay and Accounts Officer has been appointed experimentally to one of the principal Custom Houses. If it be decided to retain such an officer permanently, it will be necessary to co-ordinate his activities with the measures necessary for the improvement of the system of internal check, and to modify my organisation for test audit".

Questions 460—476.

41. We examined Mr. Lloyd, Member of the Central Board of Revenue, on this question and we understand that the Government are fully aware of the importance of taking all measures necessary to improve the system. We have been assured that steps have been taken to strengthen the superior supervising staff, that the internal check has been improved by an increase in the number of appraisers, and that the internal audit staff has also been added to. It is understood that the question of re-organising the internal audit staff and of strengthening the audit conducted by the Auditor General is also under consideration. We trust that the Government will consider carefully what further measures are necessary in order to put the system of internal check and audit on a satisfactory footing, and we hope that the Auditor General will have a more encouraging state of affairs to report next year.

Question 169.

42. We note with concern the opinion of the Auditor General that the total number of frauds, embezzlements and other serious financial irregularities shows no improvement as compared with the preceding year's report. This comment is made by him in respect of all the Audit Reports on the accounts of Central expenditure, Civil, Military, Railways and Posts and Telegraphs. The Government of India have issued a confidential circular letter impressing upon all concerned that in cases of fraud and embezzlement which came to light disciplinary action should be taken against those found guilty of bad supervision. This letter was issued after the close of the year under scrutiny and we share the hope of the Auditor General that future reports will show that the letter has had some effect. The Director General, Posts and Telegraphs, informed us in connection with his Department that there had been a decrease both in the number of officials concerned in frauds and embezzlements and in the total amount involved. We understand also that in the Railway Department improvements in procedure have been introduced and that deterrent punishments have been awarded in several cases which, it is hoped, will lead to a more satisfactory state of affairs in future. Where such large sums are involved as in the Railways and Posts and Telegraphs, it is impossible to hope that frauds will ever entirely cease and the percentage of the amounts involved in these frauds is after all not very large at present. But it is important to scrutinise carefully the facts of each fraud and embezzlement that comes to light in order to see whether any carelessness in supervision or defect of system has led to such fraud or embezzlement. The necessity of keeping a watchful eye on these matters and of making the subordinate staff understand that such a watch is kept cannot be overestimated.

43. In considering the question of the adequacy or otherwise of disciplinary action in cases of frauds or of irregularities where there was no fraudulent intention, we were struck by the fact that at present the general impression seemed to be that, once an officer has retired, the question of taking any disciplinary action for irregularities committed by him while in service should not be considered at all. We recognise that in certain cases it would be hard to call upon an officer long after he has retired to explain particular actions in the course of his service; but we agree with the Auditor General that it is not correct to hold that pensions should in all cases be considered sacrosanct. We are of opinion that the fact that an officer has retired between the date of committing an irregularity and the date of the discovery is not by itself a sufficient justification for not taking any disciplinary action at all in the matter. If sums are lost to the State through his irregular action, fraudulent or otherwise, we can see no obvious reason for not considering whether any part of such sums should be recovered from him in spite of his retirement, or whether any disciplinary action in the matter of reducing his pension or otherwise cannot be taken against him.

44. We turn now to some of the comparatively minor matters of general interest that were noticed by us in going through these Reports. In the first place, we desire to re-emphasise the remarks of the last Committee on the question of the importance of seeing that accounts adjustments do not cause excesses over grants. Certain cases have been brought to our notice in which excesses over a grant or over minor heads of a grant, were caused by accounts adjustments after the close of the year. We trust that the general principles laid down by the Government of India in their Resolution on the last Report will have the desired effect. We also hope that the importance of the administrative and the accounts authorities being in touch with each other will not fail to be recognised.

45. The Auditor General has brought prominently to our notice the question of the provision of lump sums in the estimates and has suggested that on the analogy of the rules for the Provincial Finance Departments, the Central Finance Department also should always refuse to provide in its estimates for any scheme which it has not examined. Two instances were specifically cited by the Auditor General, *viz:* provision for income-tax staff in Bombay and that for the South Waziristan Scouts in the North-West Frontier Province Budget. It has been explained to us by the officers who gave evidence on these points that these were not really lump sum provisions as full details were available at the time and had been submitted by the subordinate authorities. We understood from Mr. McWatters that the Finance Department was as a matter of fact steadily setting its face against lump sum provisions and had actually issued instructions in 1924 formally prescribing that lump sum provisions should be avoided as far as possible except where the necessity for providing for expenditure in advance of the detailed estimates (for example, for commissions of inquiry) could be clearly shown. We agree with the Auditor General's view which, we understand, is fully accepted by the Finance Department

Questions 417—19.
Questions 508—511.
Appendix X.

Question 369.

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that a lump sum provision is a thing undesirable in itself and should be resorted to only in really exceptional circumstances.

46. The Accountant General, Posts and Telegraphs, commented in his Appropriation Report on the policy of keeping appointments vacant instead of abolishing them, and of providing for them in the estimates, which, he said, conduced to over-budgeting and all that it involved, and in the second place enabled appointments kept vacant to be filled later on without the knowledge of the proper authority. After careful consideration we have come to the conclusion that it is desirable to lay down a general rule for all Departments that no provision should be made in future in the budgets for any appointments which it has been decided to keep in abeyance. If it is decided to revive those appointments, such action should not ordinarily be taken without the previous approval of the Finance Department.

47. We were much interested in seeing the efforts made of recent years by the Posts and Telegraphs Department and the Railways to reduce their stores balances. The balances at the end of the last four years are given below :

Year.	Posts and Telegraphs (including Army mobilisation Stores).	Railways.
	Lakhs.	Lakhs.
1921-22	2,58	23,19
1922-23	2,57	22,99
1923-24	2,10	21,58
1924-25	1,38	17,00

We trust that these efforts will continue so as to ensure that the balances are not kept higher than are absolutely necessary by proper control of purchases and by writing off unserviceable stores.

48. Another matter of general importance that deserves to be mentioned in this report is the rather curious arrangement which was brought to light in the Audit Report of the Accountant General, Central Revenues, where the Government sanctioned in 1921-22 the supply of a motor car to an officer with a monthly maintenance allowance, but as no provision was made for the purpose in the estimates, the amount was borrowed from the Municipality which also paid the maintenance allowance and continued to pay it till 1923-24 when the total amount thus disbursed by them was repaid. The Accountant General commented also on the inadequacy of the price realised when the car was sold. This is a matter of

detail and the evidence we received does not fully bear out the view that the price was too low. But from our point of view the serious irregularity was that of borrowing money from the Municipality to meet expenditure properly debitable to Government and of continuing to do so year after year in spite of repeated reminders from the Municipality. We trust this is an isolated case of its kind and that other disbursing officers are better aware of their responsibilities in the matter of obtaining funds for expenditure to be incurred by them under proper sanction. We hope that the Government will express their disapproval of the action taken by the responsible officer in this case.

49. Certain cases have been brought to our notice which suggest to us doubts as to whether the present system by which contracts may be entered into by the Departments of the Government of India and other authorities without the previous sanction of the Finance Department is quite satisfactory. We recognise that it will be impossible to lay down a rule that all contracts entered into by the administrative authorities within their own powers should be subject to the sanction of the Finance Department, but we suggest that the Finance Department should make rules to provide that any contracts containing any unusual conditions should not be entered into without previous consultation with it and that material variations in contracts once entered into should not be made without its sanction.

IV.—Particular Accounts.

General Administration.

50. Our attention was drawn by the Auditor General to the large savings under the head "Council of State" and the "Legislative Assembly". The saving under the former was very nearly half the original grant. The explanation given in the Appropriation Report, that the savings were due to the fact that the travelling allowance rules were revised, was clearly inadequate. We understand that the real reason was that the budget was framed on the assumption that the allowances of all members of the Legislature appointed by the Government of India to committees would be debited to the head "Council of State." This procedure has now been given up according to one of the recommendations of the first Public Accounts Committee and the present practice is that expenses of only those committees that are appointed by the Legislature with instructions to report to it, are to be debited to the head "Legislative bodies."

Civil Works.

51. We suggest that the details of sums allotted by the Public Works Department out of the reserve at its disposal should be given in the Appropriation Account in future and that it should be definitely laid down that allotments from the reserve should not be made except to cover lapses in grants in the previous year and for unforeseen works and that no allotment should be made on account of establishments, etc.

52. The variations in the percentages for establishment and tools and plant from year to year were brought to our notice by the Auditor General who was inclined to attribute the excesses in such cases to defective budgeting. Under

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existing arrangements, variations are inevitable, and apparently it is impossible to frame correct estimates at any rate in the beginning of the year. We understand that local Governments have been asked whether they would undertake the work of the Central Government for a given period of 3 or 5 years at a definite percentage, but that it is expected that a system of this sort may be more costly in the long run. We are not in a position to express a definite opinion on this latter question, but as regards the preventing of technical excesses over grants caused by the impossibility of ascertaining the percentage it seems to us that it ought to be possible to prevail on local Governments to give us a more approximate estimate of the percentage for the year about the close of it so that steps may be taken to obtain a supplementary grant wherever necessary.

Question 652.

53. The question of devising methods to combat the tendency towards an accelerated rate of expenditure in the concluding months of the year has recently again engaged the attention of the Government of India and they have issued a circular (printed as Appendix XIX) reminding officers of the undesirability of this procedure and pointing out to them that the lapses during the previous year have the first claim upon the reserve at the disposal of the Public Works Department and that consequently there is no necessity for them to incur expenditure hurriedly in order to prevent a lapse of the grant.

Refunds.

54. We found that the estimates in connection with the grant for refunds had not been prepared carefully; as we have already stated, there were officers who were unaware that non-statutory refunds required appropriation. A great portion of the expenditure under this head is under the control of the Central Board of Revenue and we consider that they should be asked to look more closely into the question of the estimates of refunds, though we recognise that there are difficulties in the way of making proper estimates and that payments cannot be postponed for want of funds. A simple way out of the difficulty might perhaps be to make the refunds in question statutory.

Posts and Telegraphs.

55. We discussed the question of estimating and control of expenditure in this department with the administrative authorities who frankly admitted that up to now the budgeting had not been particularly good and that the control of expenditure had left much to be desired. We understand that the instructions recently issued by the Director General with regard to the control of expenditure (Appendix XVI) are expected to result in a considerable improvement. We are glad to note that more attention is proposed to be paid to estimating in future, and that a separate branch will be opened in the Director General's office, for the purpose. We are of opinion that there is considerable room for improvement in the system of estimates for capital expenditure. We suggest that only such major works as have been specifically approved on detailed estimates should be included in the budget, which should contain also separate

Questions 50 and 51.

Questions 54 and 55.

provision for minor works and a reserve for lapses and unforeseen expenditure.

56. In connection with the results of the working of the Posts and Telegraphs Department for 1923-24, the Accountant General remarked: "While the working expenses are more likely to increase unless there is some drastic modification of policy, there must be a very definite revival of trade before any considerable increase in the earnings from telegrams can be expected." We have been assured that no drastic modifications of policy are possible, but we understand that the Committee that recently completed its enquiry into the working expenses of the Department has made recommendations affecting the management of the Department which, if accepted, may lead to large savings on the telegraph side. We trust that the necessity for every effort to secure important economies in working expenses will continue to be borne in mind.

Question 34.

Question 32.

57. The present position of the proposal to transfer control of the Indo-European Telegraph Department to the Government of India was explained to us at some length by Mr. Ryan. We understand that the whole question is at present under careful consideration and we trust that the matter will be pressed to a speedy conclusion.

Questions 44, 45.

58. In the Appropriation Report of the Accountant General, Posts and Telegraphs we found that a portion of the loss under telegraphic systems was due to the radios, which, though a necessary part of any modern Posts and Telegraphs Department, were working at a loss. We desire to call attention to Mr. Roy's note on the subject. We suggest that the question of charging fees for services rendered by these offices to other departments and to shipping deserves careful consideration.

Question 82.

59. Our attention was drawn to the importance of the exhibition of stores balances at their correct value in connection with a certain irregularity in the Telegraph Department. The Accountant General reports that orders were issued by the Director General to the Controller of Telegraph Stores to write down certain stores including B Brackets to half their book value by debit to "Unserviceable stores written off" and they were accordingly written down to half their value. There were however insufficient funds under this head, and the Director General decided that the "written down" value should be limited by the funds available during 1923-24. Accordingly the Controller again brought on to stock 154,000 B Brackets at their original value in his store vouchers for March 1924. The Accountant General remarks in this connection that though the spending of money beyond appropriation is a grave irregularity, to show stock at a value it does not possess, is a graver one. When it is known that stocks are valueless it is the duty of the responsible authority to write these stocks down, and to obtain a grant for the purpose. Even where it is not possible to obtain a grant it is a question whether it is not better in the interests of financial rectitude and truthful accounting to exceed the appropriation than to do formal homage to rules of expenditure control. The Auditor General endorses very strong-

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ly this opinion and condemns the action of the Director General which led to the accounts officer making an incorrect presentation of facts. We understand that the Department has accepted the Accountant General's views as to the irregularity committed in this matter and steps have been taken to prevent the recurrence of such irregularities.

Question 20.

60. We suggest that the question of the proper amount of security to be taken from the Posts and Telegraphs officials should be carefully considered as we are inclined to believe that the present system is defective. Till recently the department apparently did not even see that information was received by the proper authorities of the death or insolvency of sureties. The Director General explained that he had recently issued a circular requiring periodical certificates regarding the existence and solvency of these sureties, but it appeared that the certificate prescribed was from the official himself. It seems desirable that certificates should be obtained from some other competent authority, for instance, the revenue authorities of the district.

Questions 178—184.

61. We were interested to note that as a result of the investigations of the audit officer on the actual cost of the departmental working of motor mail services at Calcutta, the cost of the service had been reduced considerably. The department, however, still prefers a contract system to departmental working. We are not quite satisfied that there is effective competition in the matter of these contracts in all places, and it is not certain that the rates are not, in some cases, unnecessarily high. The Director General has promised later to put in a memorandum giving a full explanation of the contract at Calcutta. We consider that this matter deserves careful investigation.

Railways.

62. We understand that the result of the economies effected by the Indian Retrenchment Committee in the year 1923-24 as compared with previous years are estimated at 2½ crores per annum, of which nearly a crore of rupees was effected on the Great Indian Peninsula Railway. On this the Auditor General raised the pertinent question that it should be ascertained whether the economies effected on the Great Indian Peninsula Railway did not suggest possibilities of further economies on the railways managed by the State. We examined the Financial Commissioner on this subject but he did not expect that the result of similar steps elsewhere would be of such magnitude, though they were taking action in the direction indicated.

63. We also considered the question of the advisability of making the audit independent of the administration in railways managed by companies under contract. We understand that the Government of India have no power under the contracts to enforce this proposal and that they are therefore of opinion that it is neither possible nor advisable to reopen with the Companies this question. We understand that the Auditor General has found it possible to extend and improve the checking of the accounts carried out by the Government

Appendix V.

Examiners in the case of two Railways. He was not desirous of asking for extra staff at present and was willing to wait for another year and watch results before making any proposal.

Question 958.

64. In paragraph 13 of the Audit Report of the Accountant General, Railways, we came across the following statement :—" During the period of the war, *i.e.*, between the years 1915 and 1919 considerable credits on account of revision of prices of stores were carried to the Railway Revenue working expenses." The position was explained by Mr. Philipe but we wish to draw attention to it as it seems to us incorrect to have taken to revenue credits due to the adventitious circumstances of the war, especially when it was pretty certain that after the close of this abnormal period prices would come down and the stores would have to be written down. It was understood that the whole question of the revaluation of stores would soon be considered by the Standing Finance Committee for Railways.

Question 1000.

Army.

65. In perusing the Audit and Appropriation Reports on the Army Accounts for 1923-24 and the Auditor General's observations thereon, we were considerably assisted by the labours of the Departmental Committee* appointed this year by the Government of India to examine the said reports. It is true, no doubt, that the specific duties imposed on us in scrutinising the Audit and Appropriation Accounts of the Governor General in Council are to satisfy ourselves that the money voted by the Assembly has been spent within the scope of the grants made by the latter and to bring to its notice reappropriations and excesses as well as any other expenditure which the Finance Department may desire to be brought to notice. Nevertheless, the Committee feel it incumbent on them in the exercise of their general powers of dealing with and scrutinising the whole of the Audit and Appropriation Accounts of the Government of India, to offer a few general observations on the Army Accounts for 1923-24, in the hope as expressed by the Departmental Committee that " the publicity given thereby to the observations of the Auditor General and of ourselves within the Army would, as in civil Administration, be salutary.

66. We are glad to note that the question of assimilating the Indian Appropriation Reports to the corresponding British Reports will be taken up by the Financial Adviser, Military Finance, as soon as orders are passed by the Government of India in respect of the assimilation of the Civil Appropriation Reports. Our recommendations on the proposals of the Auditor General in this behalf will apply, *mutatis mutandis*, to the Military Appropriation Reports.

67. Much evidence was taken by the Public Accounts Committee of last year and further departmental discussions appear to have taken place, on the cost-accounting system in force in the Army Department. It is to be hoped that as a result of the labours of the Committee that will shortly inquire into this subject, the whole matter will be placed on a simple and intelligible basis

*Vide Appendix XXI.

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which while getting rid of the complicated accounts that confuse the layman in following the figures, will provide a real and effective check on the purchase, stocking and consumption of Military stores.

68. We endorse the observations of the Departmental Committee that the large variations in the figures of the Appropriation Accounts of 1923-24, as between the revised estimates and the actuals cannot but be considered as indicating on the whole lack of control of expenditure and that this should be attended to as, in particular, the budget for the next year, is based to a certain extent on the revised estimates of the year and any over-estimating in the latter is reflected in the former. We hope that the improved system now in adoption by the Financial Adviser would lead to minimising the danger of wrong estimation under these heads of expenditure in the budget of the Government of India. We also think that the latitude that has been permitted in regard to the sanction of alterations in grants made by Government and other competent authorities by which additions and modifications budgeted under one head are spent under another, should be no longer permitted and we agree with the Departmental Committee that it should be further investigated with a view to fix further limitations.

69. We do not desire to offer any detailed observations on the inividual cases of irregularity noticed by the Auditor General and by the Departmental Committee except to say that they concur in the observations made by them. The Departmental Committee observe that many of the financial irregularities, frauds and losses commented on in their report occurred at a time when the abnormal conditions occurred by the Great War had not wholly passed away and that while such conditions existed it was difficult to enforce high standards, but that at the same time the risk of money being mis-spent or lost is ever present and that the facts disclosed and criticisms made should be brought to the notice of all officers in the Army so as to produce a strong impression on their minds. In this view, the fact that we have felt compelled to endorse these observations—which we trust will be laid before His Excellency the Commander-in-Chief—will, it is hoped, induce His Excellency to take such steps as will place Army Expenditure on the most economic and efficient footing in the interests of the tax-payer.

Home Accounts.

70. We desire to make special mention of the value of the scrutiny by the Home Auditor of expenditure in England which, we notice, resulted in a saving to Indian revenues during the year of about £120,000 and has, apart from direct savings, led to improvements in procedure.

Conclusion.

71. We have dealt in the preceding paragraphs with the more important questions that were considered by us in examining the appropriation accounts of the year 1923-24. There are certain other points of minor importance on which our opinions will be found recorded in the minutes of our meetings which, we request, may be considered an integral part of our report.

72. We desire to record our special appreciation of the very able assistance we have received from our Secretary, Mr. P. R. Rau. His experience of the working of the Public Accounts Committee in 1923 and 1924 has made his services in 1925 of exceptional value to us, and he has been unremitting in his zealous discharge of his duties and unfailing in his willing attention to our requirements.

The 11th September, 1925.

BASIL P. BLACKETT.
M. YAKUB.
GANGANAND SINHA.
AHMAD ALI KHAN.
K. G. LOHOKARE.
MAURICE WEBB.
N. M. JOSHI.
V. N. MUTALIK.
A. RANGASWAMI IYENGAR.
HARKARAN NATH MISRA.
HUGH G. COCKE.
S. MURTUZA.

RESOLUTION *RE* BOUNTY ON STEEL.

The Honourable Sir Charles Innes (Commerce Member): Sir, I beg to move:

"That this Assembly recommends to the Governor General in Council that a bounty should be paid on steel manufactured in India between the 1st of October 1925 and the 31st of March 1927, subject to the following conditions:

(1) The bounty should be paid only to firms or companies manufacturing, mainly from pig-iron made in India from Indian ores, steel ingots suitable for rolling or forging into any of the kinds of steel articles specified in Part VII of Schedule II to the Indian Tariff Act, 1894.

(2) The bounty should be paid on steel ingots manufactured by such firms or companies, and the bounty should be paid at the rate of Rs. 12 a ton on 70 per cent. of the total weight of the ingots manufactured in each month.

(3) The total amount of the bounty payable under this Resolution in the 6 months ending the 31st of March 1926 should be 18½ lakhs and in the year commencing the 1st of April 1926 and ending the 31st of March 1927 should not exceed 41½ lakhs, making a maximum total in all of 60 lakhs."

Sir, this Second Assembly has grown up with the steel problem. It has been before us at almost every meeting and the ground is so familiar that I do not think that the House will expect me to travel over it again in any detail. I need only remind the House that in January last I made a proposal that bounties to the amount of 50 lakhs of rupees should be given to the steel industry, that is to the Tata Iron and Steel Company, in the

[Sir Charles Innes.]

year beginning on the 1st of October last and ending on the 30th of September next. And when I made that proposal to the House I promised that the whole question would be re-examined by the Tariff Board during the summer of this year and that it would be brought again under the review of this House in this session. In pursuance of that promise, the Tariff Board have made an examination of the question and the report or rather the reports of the Tariff Board have been circulated to Honourable Members. And it is also in pursuance of that promise that I am now placing the matter again before the House. I think I may assume that all Honourable Members have read those reports. I think I may assume that Honourable Members will accept the recommendation of the Tariff Board that special assistance is still required for the steel industry in India. I propose also to assume that Honourable Members will agree that that special assistance should take the form of bounties rather than an increase of duties, and finally, with due deference to my Honourable friend Mr. Rama Aiyangar I propose to assume that the House will agree that these bounties should be guaranteed for the rest of the life of the Steel Protection Act; that is to say, that the House will agree that we should have no further inquisitions into this Act until the whole matter is revised with reference to the Delhi Session of 1927. I conceive that the main question that the House wants me to explain to-day is why the Government in making our proposal to the House have cut down the recommendation of the Tariff Board. The Tariff Board, as the House knows, recommend that in the remaining period of the life of the Steel Protection Act, bounties to the extent of 90 lakhs of rupees should be given to the steel industry. The Government are suggesting to the House that we should modify these proposals and cut down the bounty to 60 lakhs of rupees, and I think that my main task to-day is to explain to the House why the Government have adopted this course. I can quite understand that our proposals in this matter will cause some difficulty to Honourable Members. Honourable Members will say : You have in the Tariff Board your expert advisers. They have definitely come to a conclusion that you ought to give bounties to the steel industry of 90 lakhs of rupees and we want to know why you propose only to give them 60 lakhs of rupees. I must confess, Sir, that the recommendations of the Tariff Board in this matter came rather as a shock to the Government. I need hardly remind the House that when I addressed the House on this subject in January last, the position of the steel industry in India was, I might almost say, critical. At any rate, the steel industry at that time was in a very serious position, and the Government quite deliberately came to the conclusion that the right course for them to take was to adopt a bold and generous measure. I notice that the Tariff Board have in their report criticised the proposals I made to this House in January last as being rather too generous. Sir, I said quite openly in my speech to the House in January last that the Government knew that the proposals they were then making were more generous than the recommendations made by the Tariff Board. As I say, we were quite deliberate in the action we took, and I think I may claim that as a result of that action, we have succeeded in extricating the Tata Iron and Steel Company from what was a very serious position. Indeed, there is confirmation of that fact in the speech of the Chairman of the Board of Directors at the last annual meeting of the Company. Now, Sir, I am happy to say that the position of the steel industry is very much better. The Tariff Board themselves brings

out these points quite clearly. In the first place, a great difficulty in January last was that there were heavy stocks of imported steel in the country. Those stocks were hanging like a thunder-cloud over the market. Now those stocks have been dissipated, and we have the definite statement of the Tariff Board that stocks of imported steel are now practically normal. Then again, Sir, we can claim that the prices of steel have been stabilised. It is true that they have been stabilised at a low level, but the essential point is that they have been stabilised, and the result of that stabilisation of prices is that, if the calculations we have made in the Commerce Department are correct, there has been a considerable increase in the consumption of steel in India, which is a very satisfactory feature. Then again, one of our great difficulties in January last was the enormous stocks of steel held by the Tata Iron and Steel Company. Those stocks, the Tariff Board report, are now down to normal, and the Company are having very much less difficulty than they had in selling their steel. Indeed, the Chairman of the Board of Directors in his speech at the last annual meeting definitely told us that the Company was booked well ahead with orders. There are no more of those forced sales at ruinous prices, which were such an embarrassment to the Tata Iron and Steel Company in the autumn of last year. I have quoted more than once from the speech of the Chairman at the annual meeting, but I will quote him again. He then said that "the position of the Company is steadily improving from day to day and from month to month." There is improvement in another direction also. There has been a stoppage of that enormous flood of imports of steel into India which was such a feature of the position in the autumn of last year. I think I may say that there are signs now that our policy of protecting the steel industry in India is becoming effective and the clearest testimony to that fact is the reduction of this flood of imports. I gave some figures in reply to a question by Mr. Das the other day. I told the House that in the first half of 1924 the imports of steel bars into India were 120,000 tons. In the second half of 1924 these imports dropped to 90,000 tons and in the first half of 1925 they dropped to 52,000 tons. I think that is a very striking fact. It is a fact which indicates that our policy is at last becoming effective and it is a fact which necessarily impresses my Honourable colleague on the right, because, as our policy becomes effective, so our revenue from our protective duties on steel are bound to become less and less. That, Sir, is the reason why we were surprised in getting the recommendation from the Tariff Board for enhanced bounties. In January the position of the industry was critical. Now the industry is in a very much healthier condition and therefore we were rather surprised to get a recommendation for an increased measure of assistance. But, Sir, the Tariff Board's recommendations are perfectly logical. I expect that Honourable Members realise the method adopted by the Tariff Board. When they first put up their scheme for protection in 1924, naturally they had to arrive at some measure of the protection required, and their first task was to arrive at a fair estimate of the cost of production in India and a fair selling price for locally produced steel. The House will remember that the fair selling price they arrived at was Rs. 180 for certain classes of steel and Rs. 175 for structurals and steel of that kind. Then they had to arrive—and this is the method they have adopted in this last report—at an estimate of the price the Tata Iron and Steel Company are likely to obtain for their steel during the next 18 months. They have made the best estimate they can and they have reported their results in this report. The difference between the two—the fair

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selling price for locally produced steel and the price the Tata Iron and Steel Company is likely to have—represents the measure of protection required. Then, Sir, the Tariff Board set to work to try and forecast the amount of steel on which bounties will have to be paid, which the Tata Iron and Steel Company were likely to produce in the next 18 months. Having arrived at these two factors, namely, the difference between the fair selling price for locally produced steel and the price the Company is likely to get, and the amount of steel on which bounty is required, all that the Tariff Board then had to do was to make an arithmetical calculation. They made certain adjustments and arrived by that method at the result that the amount of bounty that we ought to give to the Tata Iron and Steel Company is Rs. 90 lakhs. The scheme is a perfectly logical scheme. It is carrying out to its logical conclusion the scheme put up by the Tariff Board in 1924.

But, Sir, the Government of India have to look at this matter from rather a different point of view. The Tariff Board took a perfectly detached point of view in considering this question, but we have to take rather a different standpoint. I should like at once to make this point. Though we have thought it necessary to make some reduction in the proposals of the Tariff Board, I hope the House will not think that we are in any way weakening in our policy of protecting the steel industry. That, Sir, is not the case, and I say it most emphatically. We have to take various considerations into account. In the first place, though the Tariff Board had naturally to adopt this method in arriving at their estimate of the amount of protection required, that is to say, they naturally have had to bridge the gap, I beg the House to observe that we on the Government Benches have been always careful to safeguard ourselves against any impression that we would guarantee the Tata Iron and Steel Company any particular price. I made that point clear in my speech introducing the Steel Industry (Protection) Bill. It is quite impossible for Government to guarantee to any Company any particular price.

12 NOON.

The next point I desire to make is this. The House must remember that bounties are a very much more generous form of assistance than increase of duties. In the first place, when you increase the duty it is very rarely that our local manufacturers get an increase of price exactly equivalent to the increase of duty. In the second place, the House must remember that if we had put on an offsetting duty instead of proceeding by way of bounties, we should have been justified, in fact, it should have been our duty if prices of imported steel had increased, to take steps to take off or to reduce such offsetting duty. Here we are asking the House to pledge itself to a scale of bounties for the rest of the life of the Steel Protection Act. That, I think, is a very important point.

Thirdly, I do not think the Tariff Board have taken into account one fact. In making the adjustments to which I have just referred, that is to say, in calculating the fair price of locally produced steel, they took into account the reduction in the cost of internal production caused by the increase in exchange. But they took that into account only in respect of what they call the bounty steel. We have to treat the industry as a whole. The industry makes what the Tariff Board call the bounty steel and they also make what the Tariff Board call other steel, and we think that they

have not taken into account, in estimating the amount of bounties required, the effect of the higher exchange on the cost of production of that other steel. If you apply, as we have done in the Commerce Department, the Tariff Board adjustment not only to the bounty steel but also to other steel it means that the amount of bounty might legitimately be reduced by Rs. 10 lakhs. There are other considerations of this kind which we have got to bear in mind. In the first place, though the Tariff Board's estimate of the surplus revenue from these protective duties is as accurate an estimate as could be made, still it is only an estimate. Under their proposals there is only a margin of Rs. 24 lakhs. Personally we are inclined to think that that margin is too small and we have also got to remember that we are dealing here with the tax-payer's money, that there are many other commitments of Government and we have got to be careful that we are not too generous to one firm at the expense of other legitimate claimants upon us. But, Sir, and here I come to what I consider to be the most important point of all. We have another reason which has actuated our proposal. It is a reason which under the terms of reference the Tariff Board could not take into account, but it is a consideration which the Government and this House must take into account very much. The House must remember that bounties are rather a demoralising form of assistance, and the danger of bounties is that we teach the firm to whom we give those bounties to rely too much upon Government and too little upon itself. Sir, I am here on very delicate ground. I would not have trespassed upon it at all had not the Chairman of the Board of Directors of the Tata Iron and Steel Company referred to this point in his speech at the annual meeting. He said in that speech—I should like to read you the passage :

"Now, gentlemen, I want you to listen to me very carefully. Make no mistake about this point. We hold this money in trust for you. But you yourself hold it in trust for the Indian nation which has at great sacrifice to the country and believing that the development of this great industry will strengthen and further the national growth, given you in the shape of protection more than the whole of the net profit which we have made. The bounties on rails and the bounties on ingot steel paid to us during the last year in actual money exceed Rs. 65 lakhs. And in addition we have the benefit of the tariff on other steel. In return for this the country expects us and you to build up as soon as practicable a strong and healthy industry able in course of time to stand without protection, capable of strengthening and supporting the industrial development of India."

When I introduced the Steel Protection Bill in May 1924 I made an appeal to the industry to co-operate with the Government and the Legislature. When I proposed bounties in January last I made that same appeal, and Sir, I feel that I ought to make that appeal again. I think the Chairman of the Board of Directors will bear me out when I say that hitherto there has been no response to that appeal, and that is a feature in the position which worries me most. The House has to remember that owing to the way in which the capital of this company is arranged, about two-thirds of the share capital takes the form of second preference shares the interest on which is cumulative. For the past three years I think I am correct in saying that arrears of that interest amounting to about Rs. 50 lakhs a year have been accumulated. There is a load of debt amounting to Rs. 1½ crores on that score alone round the neck of the company, and I feel, Sir, that we in this House ought to send a message to-day to the Tata Iron and Steel Company that we expect them to take this matter in hand and that we expect them to co-operate with us in putting their industry upon a sound and healthy basis. We have placed a heavy burden upon the country. I think I am correct in saying that the Tariff Board in their first

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report estimated that burden at about 1½ crores a year. In addition to that, if my proposals are accepted, we will have paid during the life of this Act to this one company Rs. 203 lakhs. I think that we have been—I do not go back upon that for a moment—we have been very generous to the industry, but I feel that the Government and this House have a right to claim from the industry co-operation with us in this matter. I am perfectly satisfied that, though we are not putting the company on velvet, yet we are giving them a very liberal measure of assistance and the figures in the Tariff Board's own report will bear that statement out. The only serious point that has been put to me by my Honourable friends opposite in this matter is, "Yes, but what will happen if exchange goes up? What will you do then?" Sir, I am not an exchange broker and I am not a prophet in exchange. I am not in a position to say whether exchange is likely to go up or to go down. (*An Honourable Member* : "It is going up.") But I do say this, that if exchange does go up to any serious extent for any prolonged period, then it will be a new factor requiring consideration. (*An Honourable Member* : "And a new Resolution.") In the meantime, I hope that the House will unanimously accept this recommendation of Government.

Mr. President : As in the case of the last Resolution moved by the Honourable the Commerce Member, I propose to allow a general discussion to proceed upon this Resolution also for some time and then to take up the amendments one by one.

Mr. C. B. Chartres (Associated Chambers of Commerce : Nominated Non-Official) : I am sure I am voicing the opinion of many Members in this House when I say that I regret very much that the Commerce Member has been compelled to bring before us again a Resolution to give a further extension of bounties to the steel industry. When the Tariff Board submitted their original report and this House imposed an extra tariff to give protection to the steel industry there was at the time of the inquiry a considerable amount of opposition from traders and users of steel throughout the country, but these traders and users subordinated what might be called their personal interests to the view that the steel industry was of national importance to India and the Chambers of Commerce agreed at that time, reluctantly I admit, but they did agree to the increased duties which were imposed and it was very unfortunate for the steel industry that almost immediately after the imposition of these duties the sharp rise in exchange enabled steel to come into the country so cheap that the effect of the protection afforded was of practically no use to the company and the company had again to come to this House for a bounty. The second report of the Tariff Board who have just inquired into the position at the present day has shown that this rise in exchange still exists and that the company again needs a considerable measure of support to enable it to carry on effectively at the present time, and I am glad to inform the House that the Chambers of Commerce of this country have authorised me to state that they fully agree to any action that is found necessary to keep this company going provided such support be given by bounties and I therefore beg to support the Resolution very fully.

The reasons which the Honourable Member has just given to the House for not accepting the recommendations of the Tariff Board in full have, I must say, carried a certain amount of weight with me, but I think

there are other considerations which also have to be taken into account. The Honourable Member has told us that he has examined the Tariff Board report and that this examination shows that the Tariff Board have not made sufficient allowance for exchange adjustment on steel and he estimates the allowance under this head at 10 lakhs. I think there is another matter in which the Tariff Board have erred and that is in the allowance they have given for the profit on sales of surplus pig-iron produced by this company. I happen to know a good deal of the pig-iron market in my own business and I should be very surprised if the Tariff Board have not overestimated under this head by at least 15 lakhs of rupees. Consequently this error neutralizes the Honourable Member's objection and it seems to me that the figure which the Government have now decided to adopt might have been a little more liberal. There is one other point of view that I should like this House to take into consideration. That is when the next inquiry comes along, we want to see this company in such a position that it will be able to compete without having to come to this House for bounties.

Now, Sir, I have examined these reports very carefully and the position of this company seems to be this, that on the production of pig-iron which is the first stage of steel, it is working very efficiently and can produce more than the expected output. In the third stage the Rolling Mills, where they roll the steel ingots and bring them to the form in which steel is sold, the company is also in a position to deal with very much larger quantities than it is now dealing with, and it is only in the actual steel manufacturing plant that the company requires some alterations in order to considerably increase its output. The effect of this increased output is very considerable when you come to consider the cost per ton of manufactured steel. I have jotted down a few figures and although the Tariff Board in this book think that 120 lakhs per annum should be enough as overhead charges for this company, personally I think they have underestimated. I think that the figure for depreciation should not be less than 90 lakhs per annum and taking into account the figure for interest on capital and the debenture interest, I will take the overhead charges at 150 lakhs of rupees per annum, so that on an output of 300,000 tons per annum, which is the rate of output which is expected during the next half year, the overhead charges per ton of steel will be Rs. 50. Now, I think it is greatly to the interest of this company to increase its output until it can use the whole of the pig-iron that is manufactured and keep its finishing plant up to full work and so reduce its cost to the lowest possible figure. Not only will the works cost come down but, if the output be increased to 400,000 tons, the overhead charges will come down by Rs. 12-8-0 a ton. Now this figure is more than the bounty that the Government are offering the company to-day and the point I would make is that had the Government agreed to give the extra bounties which the Tariff Board now recommend on the condition that the company guarantee to employ 30 lakhs of rupees of that bounty to build a third steel furnace so as to bring the output of their steel plant up to the capacity of their blast furnaces and the capacity of their rolling mills, when the company comes to this House again in 1927, they would in my opinion be in a position to compete with the world's market without any bounty whatsoever. I would ask the Commerce Member very seriously when dealing with one of the amendments on the paper recommending this extra bounty if he would not consider accepting that recommendation provided that the company gave a guarantee such

[Mr. C. B. Chartres.]

as that I have indicated. From an engineering point of view I am confident that that is the way in which this company will be able to get its works cost down and put itself in a position to compete with the world. I do not think I have anything more to say and I will simply repeat that I support this Resolution.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Interested as I am in the Tata Iron and Steel Company both as a director and a shareholder I felt that it might be unnecessary for me to take part in the debate to-day ; but the latter part of the speech made by the Honourable the Commerce Member has made me change my mind. It is not only necessary but also incumbent upon me to put before this House the other side of the picture. I do not wish to-day to refer at all to the question of the adequacy or inadequacy of the relief which the Commerce Member said the Government of India are so generously offering to the company. It is I think very unfortunate that the company which happened to be in a position to help the Government during the war at great sacrifice to the interests of its shareholders as compared with what steel companies were doing in other parts of the world should have been a company consisting of private shareholders. If the Honourable the Commerce Member had every time that he referred to the "*generous treatment*" the Government of India gave to this company also said that the company had treated the Government of India not only generously but extravagantly at the expense of the shareholders during the war period, I would not have referred to this at all. But that, Sir, is beside the point. I only wish to bring this up because I feel that this House ought to be placed in a position to fairly judge what is "generous" on the part of my friend on the Treasury Benches and what is not. At present the Government of India are only making a deferred payment to the company for what they took from the shareholders of that company more or less under a moral promise which has still to be carried out. I wish, however, to put that on one side.

The Honourable the Commerce Member said that he was not an exchange broker and therefore he claimed all innocence and, if I may say so, almost ignorance regarding how fluctuations in exchange on the upward side may affect this question.

The House need not be reminded that, whilst the Commerce Member is not an exchange broker, he has at his very elbow the main operator in exchange in the Indian market, and he need not go far, Sir, to be wise in the future course of the rupee sterling exchange. Even a broker, well placed as he may be, has got to go to his client. The Commerce Member has only got to turn round to his esteemed colleague and there he has, without the slightest trouble, the most up to date information as to what is in store for India in exchange fluctuation.....

Mr. M. A. Jinnah : Which no broker can get.

Sir Purshotamdas Thakurdas : None else. However that is a matter which I shall refer to again. I do not say the Commerce Member should indicate to-day which way he will work if any fluctuations come about in the exchange market.

As I said, my main reason for rising to address the House to-day is in connection with the appeal which the Commerce Member made to the

company. He referred to a certain part of the speech of the Chairman of the Tata Iron and Steel Company, a part of the speech which I may say I had something to do with. I did not hear if the Commerce Member referred to that part of the Chairman's speech with approval, but I am sure he could not disapprove of that appeal that the Chairman of the Tata Iron and Steel Company made to the shareholders of that company.....

The Honourable Sir Charles Innes : May I explain, Sir, that I wanted to reinforce that appeal ?

Sir Purshotamdas Thakurdas : I am very glad, Sir, that the Government of India have some things at least that they can approve of coming from Directors of the Tata Iron and Steel Company. But may I ask the Commerce Member whether the appeal he has now chosen to make is not too vague and too general ? What does the appeal convey ? There is a part of the capital rupees 7½ crores in preference shares ; what do you want the Company to do with that capital ? Why not say definitely to the Company, this is what you would like the Company to do, and give your reasons for it. As a matter of fact, Sir, I think I have been after the Commerce Member for more than a year now to get at what the Government of India think would be the right thing for the Tata Iron and Steel Company to do in order that the Government of India may help that company to build up, not necessarily a company which will yield large dividends to the shareholders, but what I am more concerned with, and what I am sincerely concerned with, to see a steel and iron industry in India which will enable us, within five, ten or fifteen years, to be independent of any imports from outside. May I ask the Commerce Member whether he has definitely told the company what he would like to be done, and whether he has definitely discussed it with representatives of the Tata Iron and Steel Company ? May I ask him whether he has inquired if any difference has cropped up between the Directors of the Tata Iron and Steel Company and the Government of India ? I am quite prepared, as far as my position is concerned, whether in my personal capacity or in my capacity as a director of that company, to agree to any vote that this House may pass in connection with what will be the fairest thing for the company to do by the tax-payer of this country. But, Sir, I strongly object, in an important matter like this, to take, without challenge, the opinion of the Executive of the Government of India when we have radical differences of opinion with them. Let this House go into a committee on this question ; let a strong, expert committee be appointed in order that the necessary terms may be laid down after hearing representatives of the Tata Iron and Steel Company. The shareholders have very material differences of opinion on this question with some of the views of the Government of India. I have been for the last year and more discussing these with very prominent shareholders of the Tata Iron and Steel Company. Many of these shareholders are men who are capable of looking at both sides of the question, namely, their personal interests as shareholders, and also how the company can be helped not only to live, but also to live in a manner which will make this country independent of having to import from outside. These shareholders, Sir, have advanced to me very strong reasons why some of the recommendations which have been put before the company till now by the Commerce Member cannot be and should not be accepted by the Directors of the Tata Iron and Steel Company. Sir, the position

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of the Government of India at times has been very peculiar. When the Tata Iron and Steel Company approached them for assistance, we were told at times that, after all, what matters to the country is that somebody should run the company, that the furnaces should continue to blow. With a mentality of that nature, and with a tendency in that direction, it would be very difficult for people, who have put up the money for this industry, years before the Government of India woke up to this industry, to accept as gospel truth whatever the Executive of the Government of India may choose to lay down. I say to-day, Sir, let the Honourable the Commerce Member move for a committee of this House to be appointed to consider the question. Let that committee discuss the question with the executive of the company and also hear the Honourable Members of the Governor General's Executive Council in this connection. I think that, after a full and fair discussion of this question, there should be no difference of opinion regarding what should be done in the best interests of the tax-payer and without hitting the company unduly and unfairly. But even leaving that aside, Sir, I feel the shareholders of the Tata Iron and Steel Company would have to, and I think they would be prepared to, accept the verdict of a committee of this House in this connection. Let us not grope in the dark ; it is no use making vague general appeals which lead nowhere. Put something on paper, discuss it, when there is a specific difference of opinion let a committee of this House decide what they think would be the minimum that we would be entitled to ask from the Government of India until this industry is substantially built up.

I do not wish, in the slightest degree, to minimise the assistance which the Commerce Member and the Finance Member have agreed to give to this company till now. I realise, Sir, that, placed as we are in this very peculiar position, under this present constitution, without their consent and without the sympathy that they have shown till now, even what we have got up till now could not have been available. I am not blind to the fact that, in spite of having the best of cases, if they simply say " No ", it is " No " for ever, and this House has frightfully restricted powers to force their opinion on the Executive, however strong the feeling in the House may be. I do not therefore say this or anything in a spirit of criticism or cavilling at the Government of India ; but when the Honourable the Commerce Member chooses to get up in this House and make an appeal to the shareholders, I do not want there to be any misunderstanding that, as far as the shareholders and directors of that company are concerned, we are prepared to meet and discuss. I *personally* feel that the directors and shareholders of the Tata Iron and Steel Company should be prepared to accept their verdict after an inquiry into the whole question by a committee appointed by this House, side by side with the Executive. I feel, Sir, that I am not asking anything too much. In fact I feel that, unless and until some method of this nature is adopted, the Honourable the Commerce Member will always continue to have a grievance against the company and against the shareholders, and the shareholders in their turn will always have a grievance against the Executive, who according to the ordinary shareholder of the Company is suspected of trying to shake the shareholder out of what is his just due.

The Commerce Member, Sir, in a previous debate referred to things being put before his departmental committee, that is, the departmental

committee of the Commerce Department. He particularly referred to those, I think on the suggestion made by my Honourable friend on my left Mr. Jinnah, that any proposals in connection with protection to an industry should hereafter be examined by a committee of this House. The Honourable the Commerce Member said, and he said that again in connection with the amendment of my Honourable friend Mr. Dumasia which eventually had to be ruled out of the Bill that we passed yesterday, that he would put the matter before his departmental committee. I do not remember very accurately, Sir, if I have the honour to be on this departmental committee, but I have an idea that I was one of those selected by him for the purpose. May I ask him how many meetings he has had either this year or last year of his departmental committee? One wonders if these committees are more or less ornamental, for I think last year we were called to only one meeting and so far as the six months of this year are concerned we have attended none because none was called, in order to assist that Department. Therefore the departmental committee or advisory committee of this Department, Sir, is not the channel through which anything useful can be done.

This question of protection is one which gives rise to a series of misapprehensions and misunderstandings because the Government of India have not yet decided to get the House to agree upon or to lay down the minimum conditions on which an industry is entitled to protection.

The Honourable Sir Basil Blackett : The Fiscal Commission.

Sir Purshotamdas Thakurdas : The Finance Member says the Fiscal Commission. Well, have you acted up to all the recommendations of the Fiscal Commission? What are the details? Does he contend that no details have to be worked out? If it is so and the Finance Member feels that the recommendations contained in the Fiscal Commission's Report are all that is required, why do the Government of India not get up and say in reply to what the Honourable Mr. Joshi has been moving consistently and repeatedly that the question of labour does not arise on the question at all, and why do the Government of India not take the opinion of the House whether these amendments have the slightest sympathy of the House? The Fiscal Commission laid down the broad principles. The details must be worked out. I cannot help feeling that if this is to be carried out in this manner, I mean the question of protection by the Government, we may have to criticise the policy as being carried out more in an amateurish way than in a thoroughgoing businesslike manner. Let this House lay down what they think are the minimum requirements which they expect from any industry which asks for protection. Having laid that down, we will know exactly where we stand ; and an industry applying for protection would have to work up to these minimum conditions. Then the question which will be a comparatively simple one to decide, will be—is the protection deserved or not on the minimum conditions we have laid down?

I feel, Sir, that I have spoken somewhat frankly. I felt that in order that this House may know exactly where the position stands I ought to do so to-day. The ordinary routine on these occasions, Sir, is for a person who is on the board of the company affected by the protection Bill to get up and say "I thank you very much ; we appreciate your action very much and we are most grateful to you." If I have not said that, it is

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not because I do not mean it. The Finance Member may laugh as much as he likes, but I sincerely say on behalf of the Tata Board and the shareholders of the Tata Iron and Steel Company we are all grateful to this House and to the Executive for whatever they have voted in the past and whatever they chose to vote to-day.

Pandit Shamlal Nehru : And in the future !

Sir Purshotamdas Thakurdas : That is not for me even to expect ! But, Sir, as a Member of this House I feel that I would not be doing my duty either by the company on whose board I sit or by my colleagues in this House if I did not tell them exactly how the matter stands. It is now up to the Commerce Member to accept my suggestion asking this House to appoint a committee to hear both sides, find out what they would like and then send it to the Tata Iron and Steel Company, in case no decision is arrived at between the directors or representatives of the shareholders and the committee of this House in connection with the main subject about which the Commerce Member has made an appeal here. I therefore, Sir, with these words thank the House for having heard me without interruption, as was the case last time, and having heard me so patiently. I have tried my best to put before the House the reason why the details should be gone into and laid down very clearly by a committee of this House with the assistance of the Executive of the Government of India.

Syed Majid Baksh (Burdwan and Presidency Divisions : Muhammadan Rural) : Sir, I rise to oppose this Resolution and I am going to give my reasons. It is time, Sir, that we put up an effective resistance to these bounties that go to fatten the capitalists, by taking money out of the poor tax-payer's meagre purse and putting it into the pockets of the capitalists. Sir, I am reminded of a story. In a certain grammar school there was a student who was rather a dunce and could not remember his lessons. Now the teacher one day came to him and looking at him pointedly asked him " Tell me what you know and what you do not know ? " The bewildered student answered " Sir, I know that your hogs are fat but I do not know whose corn has fattened them. " I think it is time we should know whether the corn of the poor tax-payer is to fatten these capitalists. It is most unfortunate that the exploded theories of Toryism are imported from England and introduced here not in order to benefit the poor, not to increase the wealth of the land, but to increase the wealth of the few capitalists. Sir, I should say that these bounties make these industries a prodigal's favourite. While millions of our people in this land are living as miser's pensioners in all that matters for them, we are giving bounties to these industries by the million. Sir, I am tempted to inquire why these bounties have become necessary and that year after year we must pay—I do not know where this process will end—and pay in a never-ending process. I think it is the highly paid European staff and the engineering staff in these industries that make them demand these bounties. These bounties, Sir, are mere presents camouflaged as bounties to the highly paid European staff paid out of the attenuated resources of India. And who is responsible for this, Sir ? I make no hesitation to say that it is the Government, the bureaucracy, that is responsible for this state of affairs, for the high salaries these European staff are paid out of necessity by these industries.

Mr. K. Ahmed : The Swarajists are supporting them.

Syed Majid Baksh : Well, you must make up your own mind and not speak of other's minds. Sir, why do not these gentlemen who form the Government of this country either establish metallurgical colleges or send students to foreign countries to learn metallurgical chemistry and engineering, to run these industries at a fraction of the cost that they are giving year after year as bounties ?

That would have minimised the cost very much and we should not have been put to this trouble of giving a bounty. But they will not do it because they want to maintain and pamper a costly European staff. I heard that some of these men that run the iron industries in the Tata Company and the Bengal Iron Company were as highly paid as many of our Government officials here and sometimes are paid even much higher salaries. Sir, I shall give one instance. It is about the State of Mysore. We all know how the Cauvery Falls were harnessed to produce electricity. I think it was Sir Seshadri Iyer, the then Dewan of Mysore, who, when he contracted for the machinery with American firms, stipulated that each year they must take students from Mysore and train them in the art of producing electricity from water-falls and send them back again to Mysore so that they may be employed there and so that the whole of the generating plant may be run by students who are inhabitants of Mysore. This at least the Government could have done here. The result there in Mysore is that the whole electric plant of the Cauvery Falls is run by Mysore men who have had their training in America and who run the plant at Mysore at a very small cost, much smaller than would have been possible with a European staff. But unfortunately, Sir, those people of Mysore were not the trustees for the people, they were the servants of the people there and they did it ; here we have got trustees and so we cannot do it.

Sir, I welcome the Honourable the Commerce Member in his new role of a plagiarist of German economic fallacies. Bounties are usually given so that they might undersell all other people in all other lands except their own. Unfortunately, Sir, if I may be allowed to use that expression he has borrowed an old and worm-eaten wig of German economists and Tory theorists in order to cover the premature baldness of capitalists in this country. We see bounties are offered in this country in a very different way. We know that in other countries bounties are given in order that the cost of production may be so lessened that they might undersell competitors in foreign lands; here we have bounties given to sell articles in our own land. It is a most peculiar application of bounties that we have ever come across. We see unmistakable evidences of bungling in the management of the whole affair, perhaps by uninitiated hands. This is a country of anomalies and the bureaucracy is guilty of strange anomalies due to its ignorance of economic science. Sir, I oppose this Resolution.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I have no desire to strike a discordant note on this occasion. Indeed, I stand by the policy of protection which this House deliberately adopted last year ; but, Sir, I think on the occasion of such an annual stock-taking of the situation, it is permissible to put the point of view of the consumer in so far as it does not conflict with the interests of the trade itself. Sir, I think it is the business and duty of this House to adjust the conflicting interests of the consumer to those of the trade which it seeks to protect. I am led to make these observations in view particularly of the new

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situation that has been created since we discussed the Steel Protection Act in May of last year. This Resolution itself is an evidence of the new situation that has been created.

In the first place, the protective duties which this House passed last year have proved ineffective for the purpose for which they were intended. That is the main reason why we have this Resolution before us to-day; and the second circumstance is that the Government have actually collected much more in the shape of extra duties than they ever anticipated. Otherwise there would not have been the wherewithal to pay the extra bounties. Sir, when the Tariff Board considered this matter in 1924, they imagined that the proceeds of the extra duties would be just enough to balance the bounties that would be necessary to be given under their recommendations. I would draw the attention of the House to paragraph 99 of their Report of 1924 on this point. This is what they stated:

"We fully recognise that the protection of basic industries by means of bounties has certain obvious advantages, but we fear that for financial reasons any scheme which proposed to accord protection to steel solely by this means must be dismissed as impracticable at present, and we need not dwell on the point further. We have, however, considered whether a scheme could be devised of a combination of tariff duties and bounties so as to restrict as far as possible the burden on the consumer."

Then they proceed to point out that, as their policy becomes effective, the higher duties will reduce the imports more and more, and therefore a time will be reached when there will be very little money with which to pay bounties; and that is the reason why they recommended a policy of combination of protective duties and bounties for a beginning.

Now, Sir, it has been admitted in reply to a question that Government have derived a net profit of about 30 lakhs of rupees after meeting the demands of the bounties so far; and the Tariff Board in their latest report in paragraph 34 state that the increase in revenue is likely to exceed the payments on account of the bounty by 24 lakhs in the three years during which the Steel Industry (Protection) Act remains in force. They arrive at that figure on the basis of the amounts which they recommended should be given in the shape of bounties. But it has been stated by the Honourable the Commerce Member, the Government have no intention to give effect to their recommendation in this behalf in its entirety. I therefore feel confident that the result of this will be that instead of leaving a surplus of 24 lakhs, in three years, the surplus in the hands of Government will come up to at least 70 lakhs, if not more. Sir, may I inquire if in these circumstances the consumer has got any claim to relief? I do not mean that the amount of the bounty should be cut down, what I mean is that this amount should not be allowed to be collared by the Honourable the Finance Member. Sir, I am perfectly aware of the fact that the Steel Protection Act will not come up for amendment till its full term of three years has been run. But what is there to prevent the granting of rebates in regard to certain items in the schedule of duties which, on consideration by the Government and by this House, may not justify the high duties that have been imposed on them? Sir, I would in this connection refer to the case of galvanised sheets as an illustration. The Honourable the Commerce Member will remember that I had a minute of dissent appended to the report of the Select Committee on the Steel Protection Bill in which I dealt with the case of galvanised sheets.

It is not my intention to disclose what passed in the meeting of the Select Committee, but I am sure that neither the Honourable the Finance Member nor the Commerce Member will deny that the case for galvanized sheets, so far as the duty was concerned, was a very weak one.

Mr. Devaki Prasad Sinha : Then why did you support it ?

Mr. K. C. Neogy : I shall give the explanation for it presently. Well, Sir, on the canons laid down by the Tariff Board itself, the high protective duty sought to be imposed on the galvanised sheets could not be supported when we came to consider that Bill. And what was the attitude taken up by Government in that connection ? They got me to drop my suggested amendment almost at the point of the bayonet as it were, because Government would have dropped the Bill, if I had insisted on my amendment. Well, Sir, I have no desire to go at length into what took place in the Select Committee, but I think it will not be denied that the only justification for putting up the rates on galvanised sheets was not that this was a fit case for protective duties, but that Government wanted money with which to pay out the bounties.

The Honourable Sir Charles Innes : Sir, I should like to explain that I do not admit the statement just made by the Honourable Member, nor do I admit that I got him to do anything.

Mr. K. C. Neogy : I would expect the Honourable Member to deal with these points when I have finished my speech. I find that the Honourable the Commerce Member challenges the position taken up by me. I would refer him to the first Report of 1924 of the Tariff Board. If we turn to the table which they append to their report at page 162, we find that this is the only item in which as much as two-thirds of the burden falls on the general consumer as distinct from the Railways, Government departments, public bodies and the principal industries.

Sir, I will now turn to another figure. What is the average quantity that India consumes in galvanized sheets ? The Tariff Board estimated our future requirements at 150,000 tons annually. But we find from their latest report that this estimate has been falsified, and that the quantity which they now calculate as representing our annual requirements is 210,000 tons, and the net increase in revenue which they expect from this head is 25 lakhs and odd in 1924-25, 34.2 lakhs in 1925-26, and 32.4 lakhs in 1926-27. That is to say, this furnishes the heaviest item of net increase in revenue from the protective duties. Now, Sir, how much of this quantity are the Tatas expected to manufacture ? In the report of 1924, the Tariff Board expected the Tatas to manufacture 8,000 tons in 1924-25, out of which they have not manufactured even half, that is to say, they have manufactured less than 4,000 tons. In 1925-26 the Tariff Board expected the Tatas to manufacture 15,000 tons, while as a matter of fact they have manufactured only 13,200 tons. In 1926-27, the Tatas are expected to manufacture 18,000 tons. When we reach that figure, which is the maximum laid down in the Tariff Board Report, that will represent about 1|12th of the total quantity consumed by India. Now, I ask the Honourable the Commerce Member, if he can justify the high protective duties on galvanised sheets in these circumstances ?

Sir, I have already shown that you are taxing the general consumer a little too much over this item. And I think that, when you have such a large amount in your hands as surplus after meeting the claims of

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bounties, this House should insist on the Government reconsidering their policy in regard not merely to galvanised sheets, but to such items generally as come into consumption in very large quantities by the ordinary people, and which the Tatas are not expected to manufacture in any large quantities in the near future.

Sir, In this connection I would remind the House, although I may be accused of raising a parochial point, that galvanised sheets are very largely in use, even among the poorer classes, in the province which I have the honour to represent in this House, and the high duty which the Government have fixed on this item is working very harshly so far as the large portion of the consumer in Bengal is concerned.....

The Honourable Sir Charles Innes : It is not borne out by imports.

Mr. K. C. Neogy : Well, the import duties have put up the prices. The Honourable Member cannot deny that. I think, Sir, that in these circumstances, a review of the whole matter is very necessary. I am not the man to dogmatise on these matters, but I would implore the Government either to ask the Tariff Board to go into this question very carefully and recommend as to whether, in view of the unexpectedly large increase of the import duties, the tariff schedules should be revised, or whether any other relief can be granted in the shape of rebate or in any other form which the Tariff Board may consider fit and proper. As I began by saying, I have no desire to oppose this motion, and I hope that the request which I make will be borne in mind by the Government and the matter will be investigated by the Tariff Board.

Mr. President : Since the general question has been sufficiently discussed, I will take the amendments now, unless Sir Basil Blackett wants to reply on any of the points which have been raised on the general question.

The Honourable Sir Basil Blackett (Finance Member) : Sir, there are one or two points which have been raised on the general discussion, which I propose to answer, but I should be quite willing to do so later.

I do not propose, Sir, to attempt to follow the Honourable Member who has just spoken and re-open the whole question of the Steel Protection Act. His speech will be very much to the point a year and a half hence when we are considering the renewal of that Act, and I have no doubt that he will very forcefully make the point that there are some duties in the Act as it stands which are high from the point of view of the consumer. It would hardly lie in his mouth to make that complaint now unless he confesses (which I rather began to think is the confession behind his speech)—unless he confesses that he has weakened in his support to the policy of the protection of steel. It is perfectly true that we have had rather more revenue from these protective duties thus far than we originally estimated and that galvanised sheets are responsible for a portion of the increase. But the main portion of the increase was due to the very large imports that took place just in the first few months or the early portion of the period during which the Act was enforced. To say that that shows that the policy has been unsuccessful is I think incorrect. The Honourable Member who just spoke said the policy was ineffective, but it is proving very effective as I know from the figures showing a considerable reduction

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in the receipts from the customs department, from receipts other than galvanised sheets. The estimate that the Tariff Board have produced is not one which we desire to challenge but it certainly does not leave a large margin and I myself should not be surprised if it is rather an over-estimate of our total receipts during the period. One of the main reasons why receipts have increased is that after the Tariff Board's first report was produced there was a general fall in the price of steel, both British specification and Continental,—a very considerable fall not only in the rupee price but also in the sterling price, and I think one reason for the considerable imports of galvanised sheets now is that, in spite of the increase in duty, the cost has come down so much that the consumer is willing to pay the price.

I will not attempt to follow the Honourable Member further. I rose mainly to deal with one or two points that were raised by Sir Purshotamdas Thakurdas. First of all, with regard to the question of exchange. The Honourable the Commerce Member said that, in the event of there being a serious and prolonged rise in exchange, a new situation would arise and it would be in such circumstances that we should have to reconsider the question of the amount of the bounty. It is not I think possible to go beyond that. It is not possible to make any reasonable arrangement in advance to deal with an emergency of that sort. The effect of a rise in exchange depends very much on the circumstances in which it occurs. It is not of course possible to say that, if you require X per cent. protection with exchange at 1*sh.*|6*d.* you require 20|18 of X per cent. protection, if exchange goes to 1*sh.*|8*d.* That is simply an impossible way of looking at the situation. But I hope that the question may not arise. Speaking in Bombay in July, I said on behalf of Government that the Government had no desire to see exchange rise above what would be the gold point at 1*sh.*|6*d.*, namely, 1*sh.*|6$\frac{5}{16}$*d.* in existing circumstances, especially in view of the fact that there was no tendency for prices to rise but, on the contrary a tendency for prices to fall. I repeat that statement on behalf of Government. We have no desire at present to see any rise in the exchange. We naturally cannot commit ourselves to any view as to what the final future of the exchange rate should be. For that we are waiting for the report of the Currency Commission. But pending the receipt of the views of the Currency Commission, we have no desire to see exchange raised above 1*sh.*|6$\frac{5}{16}$ *d.* and, though I have seen many statements in the Press questioning the capacity of the Government to make their desires effective, I can assure the House that in my opinion there is not the slightest doubt that we have full power to make our desire effective. I will say no more about exchange.

I will say one or two words about the question as to what it is that the Government desire to see the directors and shareholders of the Tata Iron and Steel Company do. Sir Purshotamdas Thakurdas spoke about differences of opinion between Government and the directors. I do not think my Honourable friend, the Commerce Member, had any such difference of opinion in mind nor do we feel that there is any such difference of opinion. Sir Purshotamdas Thakurdas knows the difference of opinion that there has been between the directors and the shareholders, and I think it is a matter for the directors and shareholders to settle for themselves.

Sir Purshotamdas Thakurdas : May I, Sir, say at this stage that the directors are trying to carry into effect what the Government of India want ? Now, whatever the directors did put forward practically reflects if not totally certainly in the major part, what the Government of India have indicated as desirable in their opinion. Therefore, it practically comes to a difference of opinion between those who are interested in these industries and the Government. I submit, Sir, that what I have said is borne out by what the Finance Member himself has said.

The Honourable Sir Basil Blackett : I do not desire to chop logic. The position of the Government of India is quite clear. They are desirous of making effective their policy of protecting the steel industry. They never have been concerned in protecting the Tata Iron and Steel Company as such. So far as this House is concerned, the desire of this House is to see a strong steel industry established in this country ; and, in view of the fact that the Tata Iron and Steel Company is the one company which is at the present time seriously engaged in producing steel, obviously the financial position of the Tata Iron and Steel Company is a matter of very considerable interest both to the Government and to this House and to the nation. The financial position of the Tata Iron and Steel Company is a somewhat difficult one owing to the fact that, as pointed out by the Tariff Board in their original report, there is a considerable amount of capital which cannot be expected to earn a return. The Government's view has been quite clearly stated to the Company, that this ought to be dealt with. It is not for the Government to lay down the exact terms on which it should be dealt with, still less is it for the Government and a committee of this House to consider what terms Tata's directors should suggest to their shareholders for dealing with this difficult situation. But I do think that it is right that the Government and this House should make it clear to the Tata Iron and Steel Company that their policy is to enable the company to earn a reasonable return on the capital which is really engaged in turning out steel and it is not the policy of the Government or of this House to put a company in a position out of bounties, voted at the expense of the tax-payer, to pay the arrears of dividends on second preference shares. I cannot say more than that. I do not think it is for me or the Government to enter into details. If I did so, I fear that, if Sir Charles Innes has been accused by Sir Purshotamdas Thakurdas of being vague, I should probably be accused by other people of being perhaps too precise. I have no further observations to add on the question as a whole except that I hope I may make an appeal to the House, in view of the shortness of time at our disposal, to get ahead with the business.

Mr. President : I now propose to take the amendments.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I beg to move the following amendment :

"(a) That in clause (2), for the word and figures 'Rs. 12' the word and figures 'Rs. 18' be substituted.

(b) That in clause (3), for the figures and word '18½ lakhs', the figures and word '28 lakhs' be substituted."

Sir, I listened very attentively to the speech of the Honourable the Commerce Member as I thought I would get some tangible explanation which

might persuade me not to move my amendment. But instead of explanations, the Honourable Member for Commerce spoke on the generosity of the Government. I find the generosity of the Government is at a discount to-day. Last week, on the question of the protection of the paper industry, while the Tariff Board recommended protection for five years, the Government went up by 40 per cent. and increased it to 7 years, and the generosity of the Honourable the Commerce Member having been exhausted there, there was nothing left, and so his generosity was at a discount to-day. I ask, why is the Honourable the Commerce Member going to treat the iron and steel industry to-day in this stepmotherly fashion ? I have gone through the speeches that he delivered while he moved the Steel Protection Bill. He did not want to be ungenerous nor to be overgenerous. All he wanted was to give adequate protection to the steel industry. I will just quote one line. (*Mr. N. M. Joshi* : "Protection to the shareholders.") Yes, I am mindful of the shareholders and the workers as well.

Mr. N. M. Joshi : Are you a shareholder ?

Mr. B. Das : Let me tell the House that I am not a shareholder. I have no interest in the steel industry. As I told the House the other day, I am the link between labour and capital. I have equal interest in both. My friend on my right (Mr. Chaman Lall) may say that he is a worker. He is living on the capital of his ancestors, yet he says he is a worker ! I am a worker and I live on my work.

Sir, the Honourable Sir Charles Innes, while moving the Steel Industry Protection Bill, said : (As the Honourable Member was searching for the quotation).

Mr. Devaki Prasad Sinha : May I suggest to the Honourable Member that the wheels of capitalism do not grind so slowly as this ?

Mr. B. Das : But the wheels of representatives of workers in this House do grind the more slowly.

The Honourable Sir Charles Innes said :

"All the mistakes, misfortunes and the difficulties of this Company have been brought into the pitiless glare of publicity."

Later on he said :

"But it would of course be futile for us to go in for this policy of protection unless we were satisfied that the measure of protection we are according was adequate."

It is the adequacy of the protection that I am going to deal with before this House. Sir Charles Innes went on and eulogised the Tariff Board, its expert valuation, and the expert members that it contained and still contains. He also remarked :

"I do not claim nor do the Tariff Board claim that these proposals will enable the Tata Iron and Steel Company at once to pay large dividends."

And my Honourable friend, Sir Basil Blackett, who is not very generous with money, as we all know, remarked :

"It surely cannot be pretended that a company of that sort is in absolute need of spoon-feeding from the Government."

I think at the moment his intention was to give this industry proper and adequate protection. Sir, in the last Delhi Session, when the Honourable

[Mr. B. Das.]

the Commerce Member wanted to protect the steel industry by a bounty of Rs. 50 lakhs, I had the misfortune to move that a bounty of Rs. 100 lakhs be given. Your predecessor in the Chair ruled my amendment out of order. Let me take the privilege of quoting from that ruling :

"I once more want to tell the Honourable Member that he is moving an amendment to increase the sum of Rs. 50 lakhs to Rs. 100 lakhs. After he has moved that amendment he has restricted the debate to the question whether the estimate made by the Government that Rs. 50 lakhs will be required in one year to pay at the rate of Rs. 20 per ton to the steel industry is correct or not. The sole question in issue, once his amendment is moved, is whether that estimate is right or not. The Honourable gentleman is now talking about generosities....."

—to-day I am not talking of generosities—

"It has nothing to do with generosities ; it is merely mathematical accuracies."

Sir, I bowed to the ruling of your predecessor in the Chair. Well, Sir, I ask the Honourable Member for Commerce not to talk of generosities but to talk of mathematical accuracies. Let us see what the Tariff Board have recommended. I ask Honourable Members to turn to paragraph 25, page 14, of the first part of the Tariff Board's report. They say :

"It is clear, we think, that the manufacturer's profits are not likely to be unreasonably high, and that a limitation of the bounty payments cannot be justified on that ground."

Later on, in paragraph 34, the Tariff Board recommend Rs. 18 per ton as the bounty. Everybody knows that Rs. 20 per ton was recommended during the January Session. The Tariff Board, after expert calculation, have reduced it by Rs. 2. But the Honourable Member for Commerce or the Government of India, by a stroke of the pen, have reduced it by another Rs. 6. Just now, my Honourable friend Mr. Neogy asked what the Finance Member is going to do with all this money. I know the Finance Member's bag is like the well-known witch's bag of the fable which can swallow all the cotton mills and the steel industry—crores and crores of rupees. In reply to a question which I asked, the Honourable Member for Commerce said that there was a surplus of Rs. 30 lakhs with the Government. If Government fix the protection at Rs. 12 per ton, there will be a surplus of another 40 lakhs. That will be 70 lakhs. And according to the surplus calculated by the Government and Tariff Board as well, there will be another Rs. 30 lakhs by March 1927. That means that a crore of rupees will be in the hands of the Government from the steel protective duties. My question is, what are the Government going to do with this one crore ? I know that there are other interests that can be served. Here is my friend Mr. Chaman Lall and my friend Mr. Joshi who want that the workers should not go unemployed. I may appeal on behalf of the workers that, if this industry is adequately protected, the workers should not go unemployed. Why should there be spoon-feeding ? If Rs. 18 per ton which the Tariff Board experts have recommended be allowed, in two years time the industry will be properly organised. It may be we may not have a second Steel Protection Bill in this House. If the Tariff Board were not expert two years ago, they have become expert by having had to consider a number of applications, and I think the opinion of an expert body like the Tariff Board is more valuable than that of experts which may be in the pigeon-holes of the

Honourable the Commerce Member. I asked a question as to the actual amount of iron and steel of Indian origin purchased by the Government of India. My Honourable friend, the Member for Industries—I am sorry he is not here—replied that 411 tons for 1923-24 and 1,483 tons for 1924-25 of iron were purchased by the Indian Stores Department and I was referred to the report of the Railway Board about the quantity of iron and steel of Indian origin purchased by the different railways. I do not find that the Indian railways have purchased any quantity of steel except rails. This they are compelled to purchase by their agreements with the Indian Iron and Steel companies. I therefore asked a question what were the negotiations that passed between the Honourable the Member for Commerce and the Chief Controller of Stores about the purchase of railway materials through the Indian Stores Department. Our intention is that the Railway Department and the different Government Departments must purchase iron and steel of Indian origin.....

The Honourable Sir Charles Innes : I rise to a point of order, Sir ? Is this relevant to the matter under discussion ?

Mr. President : The Honourable Member has now reached his time limit.

Mr. B. Das : Sir, we manufacture goods in India, but unfortunately there are no buyers for them. The Government do not take any interest in encouraging the purchase of indigenous articles. Though Government spend crores and crores of the tax-payers' money, yet Indian iron and steel are not purchased. In the railways crores and crores worth of iron and steel are purchased and whenever we ask any question either of the Honourable the Member for Industries or the Honourable Member for Commerce, they do not seem to agree either inside this House or outside that it should be the settled policy of Government to purchase articles and specially iron and steel of Indian origin.

Mr. President : That has nothing to do with the question raised by the Honourable Member in his amendment, and he has already exceeded his time limit.

Mr. B. Das : I have already moved my amendment. I commend it to the House and I hope that the House will not be carried away by the mellow persuasion of the Honourable the Commerce Member but that they will be guided by the expert opinion of the Tariff Board.

The Honourable Sir Charles Innes : I am sorry that the speech I made proposing this Resolution has not convinced my Honourable friend from Bihar and Orissa. In that speech I gave at the fullest possible length the reasons why Government had definitely decided that they should not accept the opinion of the Tariff Board in this matter. It was not a difference of opinion between an expert Tariff Board and the Government of India on a technical point. As I was careful to explain to the House, we gave full weight to the recommendations of the Tariff Board, but we differed from them on grounds which were outside the purview of the Tariff Board's consideration and that is the reason why we have modified these proposals. I hope the House will support me in this matter because, as I have said before, I am perfectly satisfied that our proposals are in the true interests of the iron and steel industry.

Mr. President : The question is :

"That in clause (2), for the word and figures 'Rs. 12', the word and figures 'Rs. 18' be substituted, and that in clause (3), for the figures and word '18½ lakhs' the figures and word '28 lakhs' be substituted."

The motion was negatived.

Mr. K. Rama Aiyangar : I do not propose to move my amendment.*

Mr. B. Das : In view of the adverse vote of the House on my previous amendment, I do not move my second amendment.†

Mr. N. M. Joshi (Nominated : Labour Interests) : (*Cries of* "Withdraw.") (*An Honourable Member* : "Don't waste time.") I propose to move the amendment which stands in my name, which runs as follows :

"That at the end of the Resolution the following be added :

'(4) That the amount of the bounty paid in accordance with the Resolution shall be reimbursed by the company receiving the bounty out of the balance which may remain out of profits after distributing a dividend of 8 per cent. to its shareholders in any following year or years.

(5) That the Government of India shall insist that the company receiving the bounty shall produce a certificate from any officer appointed by the Government of India for that purpose, that the labour conditions prevailing in the works of that company are satisfactory.

(6) That the Government of India shall have such representation on the board of directors of the companies receiving the bounty as the Government of India consider to be adequate'."

Sir, in view of the fact that only yesterday I had made a speech on the principles of my amendment I do not propose to make a long speech. (Hear, hear.) It is necessary for me to make only a few remarks. (*Cries of* "Oh!") Yesterday when the Honourable the Commerce Member spoke about my amendment he said that in the case of customs duties it is difficult to estimate how much money goes into the pockets of the industries which are protected. But to-day we are not dealing with customs duties. We are dealing with bounties. There is absolutely no difficulty in estimating what amount goes into the pockets of the industrialists in this case, and therefore there is absolutely no difficulty why the money should not be paid back. I again say that the principle of the money being returned is accepted by several Governments outside this country and by the Madras Government, and I want the Honourable the Commerce Member to tell me frankly why it is that the Government of India do not take that into consideration at all. He stated yesterday that the best method of protecting the interests of the tax-payer is to stop protection when you find that protection is not necessary. But what about the money which has already been paid to these capitalists? Now, several crores of rupees will be paid. I want those several crores to be reimbursed to the tax-payer. The Honourable the

* "That in clause (3), all the words after the figures and word '18½ lakhs' be deleted and the following be substituted therefor :

'The matter will be reported on again in February 1926, for giving adequate protection up to the end of March 1927'."

† "That in clause (3) :

(a) for the figures and word '41½ lakhs' the figures and word '62 lakhs' be substituted ;

(b) for the figures and word '60 lakhs' the figures and word '90 lakhs' be substituted."

Commerce Member has not answered that point. That point will not be covered by simply saying that the protection will be stopped after 3 or 4 years. I therefore want the Honourable the Commerce Member to tell me why the Government of India do not take that point into consideration. The same is the case as regards representation. Here there is only one company. Why does not the Government of India ask for representation on the Board of that Company? If the Government give them large sums of money they ought to have some control over that company. The Madras Government asked for control even in the case of loans. When you are giving gifts, presents to the companies, why should you not ask for some representation on the board of directors of this company? The same is the case as regards labour conditions. I want this House to take the principle of my amendment into consideration very seriously. The Honourable Member may not give a reply to-day. But I am quite sure that, if this policy of protection is to be followed, there will be one day, and that day will be earlier than many imagine, when the Honourable the Commerce Member will have to give a reply to the principle of my amendment. If the Honourable the Commerce Member is the protector of the interests of the tax-payer he will have to give serious consideration to this point, and I suggest to him, as the Honourable Member representing the Indian Merchants' Chamber has said, that a committee of the House be appointed to consider these points. Let a committee of the House decide that the tax-payer's money should not be returned as the money is returned in Madras. Let a committee of the House decide that, although we may give Rs. 3 crores to a company, there should be no control of Government over that company. Let also a committee of the House decide that we pay Rs. 3 crores to a company but we should not worry ourselves with the labour conditions existing in the works of that company. Sir, I move my amendment.

Mr. Devaki Prasad Sinha: May I ask a question? I want to ask Government whether they have any information if the Labour Union at Jamshedpur has been recognised by the employers or not?

The Honourable Sir Charles Innes: Sir, the question which Mr. Devaki Prasad Sinha has put ought to be addressed to the Honourable Director of the Company opposite.

I will follow Mr. Joshi's example and be as brief as possible in dealing with the points that he has raised. I will take the first clause of his amendment. He said he sees no reason at all why if we give these bounties to the Tata Iron and Steel Company we should not require that the bounties should be repaid by the company if the company pays a certain rate of dividend. Now, Sir, I would like to put the point to my Honourable friend in this way. These bounties amount to 2 crores of rupees. We will assume that the company has to repay that money. In order to enable the company to repay those two crores of rupees, obviously the company would have to repay it in instalments because no company would be able to pay two crores of rupees in one year. We would have to continue the protective duties, the burden of which amounts to 168 lakhs of rupees.

Mr. N. M. Joshi: Why?

The Honourable Sir Charles Innes: In order to enable the company to pay the bounties back in instalments. What I say is that when you are giving bounties especially to a company in the position of the Tata Iron and Steel Company, the right principle is to be generous.

Mr. N. M. Joshi : If they make 50 per cent. profits, why should we not get the money back ?

The Honourable Sir Charles Innes : We will then be in a position to reduce the burden on the tax-payer.

Mr. N. M. Joshi : Why not get the money back ?

The Honourable Sir Charles Innes : Let me refer to clause 2. The Honourable Mr. Joshi made the prophecy that some time I should have to deal with this question. I doubt it, because this time next year there will be another person in my place. But I should like the House just to confine itself to the actual proposal of Mr. Joshi as stated in clause 2 of his amendment. I said yesterday it is much too vague. He suggests that an officer appointed by the Government should report whether the labour conditions are satisfactory. I say that you cannot in fairness to the company or in fairness to the officer impose a condition of that kind. It is up to this Legislature, if it wants to satisfy itself as to the conditions of labour, to lay down the canons and to prescribe the standards on which the Officer has got to work.

Mr. N. M. Joshi : What does the Australian Government do ?

The Honourable Sir Charles Innes : I do not know about that and it is not relevant. I think that the proper way to deal with this question is to improve your Factories Act or the Workmen's Compensation Act and not to add a vague clause of this kind. As regards the question of representation of the board of directors Mr. Joshi referred to the analogy of Company Railways. That analogy fails. To begin with in the Company Railways we give them a monopoly. In the second place we own most of these Railways. In the third place our Government Director is a director with overriding powers. He can veto anything. It is not proposed here that this Government director should have any special powers. He would be merely one of ten or so directors. He would not be an expert in steel and I am at a loss to see in what way we should get control by having a Government director on the Board. Sir, I oppose this amendment.

Mr. President : The question is :

"That at the end of the Resolution the following be added :

'(4) That the amount of the bounty paid in accordance with the Resolution shall be reimbursed by the company receiving the bounty out of the balance which may remain out of profits after distributing a dividend of 8 per cent. to its shareholders in any following year or years.

(5) That the Government of India shall insist that the company receiving the bounty shall produce a certificate from any officer appointed by the Government of India for that purpose, that the labour conditions prevailing in the works of that company are satisfactory.

(6) That the Government of India shall have such representation on the board of directors of the companies receiving the bounty as the Government of India consider to be adequate'."

The motion was negatived.

Mr. President : I understand that the last amendment in the name of Mr. Majid Baksh is not going to be moved.

The question is :

"That the following Resolution be accepted :

'This Assembly recommends to the Governor General in Council that a bounty should be paid on steel manufactured in India between the 1st of October 1925 and the 31st of March 1927, subject to the following conditions :

(1) The bounty should be paid only to firms or companies manufacturing, mainly from pig-iron made in India from Indian ores, steel ingots suitable for rolling or forging into any of the kinds of steel articles specified in Part VII of Schedule II to the Indian Tariff Act, 1894.

(2) The bounty should be paid on steel ingots manufactured by such firms or companies, and the bounty should be paid at the rate of Rs. 12 a ton on 70 per cent. of the total weight of the ingots manufactured in each month.

(3) The total amount of the bounty payable under this Resolution in the 6 months ending the 31st of March 1926 should be 18½ lakhs and in the year commencing the 1st of April 1926 and ending the 31st of March 1927 should not exceed 41½ lakhs, making a maximum total in all of 60 lakhs'."

The motion was adopted.

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

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

GRANT ON ACCOUNT OF THE BOUNTY ON STEEL.

The Honourable Sir Charles Innes (Commerce Member) : Sir, I beg to move :

"That a sum not exceeding 18½ lakhs 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 of March 1926 on account of the bounty which has been recommended in the Resolution just passed that the Governor General in Council should pay on steel manufactured in India between the 1st of October 1925 and the 31st of March 1927."

Mr. Narain Dass (Agra Division : Non-Muhammadan Rural) : Sir, I should like to say a few words on what appears to me to be a very clear issue. The clear issue before the House is whether the duty on manufactures of steel in India should be continued on the same scale as was granted a year and a half ago. The question is not to pamper the manufacturers of steel in India. The question is not to pay anything in excess of the amount the industry actually deserves. The simple question before the House is whether to continue the protection to which the House already is committed, or to cut it down for no rhyme or reason. What I see is this, that against the very thorough and very conscientious and scientific inquiry of the Tariff Board, the superwisdom of the Commerce Department has pitted itself. There seems to be no reason why when the opinion of the Commerce Department and of the Government of India came in conflict with the recommendations of the Tariff Board, the Government did not attempt to communicate their views and to put their views before the Board as the general public did, so that the Tariff Board might have a chance to consider those views also. Sir, when the House committed itself to its present tariff policy and recognised it as a means of fostering some of the national industries, and when it came to give operation to that tariff policy, I think the main idea was to foster some of these industries and not to earn enhanced revenues for the Government. Yesterday by a stroke of the pen we gave an enhanced revenue to Government for giving indirect and inadequate

[Mr. Narain Dass.]

help to the paper industry in India. Instead of keeping a margin of 24 lakhs that the Tariff Board recommend—not that they actually say the Government deserve so much for giving help to a national industry in India ; but after a very careful inquiry they keep aside a margin of increased revenue of 24 lakhs of rupees—the Government are adding very heavily to the custom revenues. I find that Government by giving this generous help to steel manufactures are going to make about 50 lakhs of rupees or even more. Sir, whenever we commit the House or appeal to the House to extend help to a certain national industry by means of bounty or by the application of protective duties, I think the main issue before the House is not to earn enhanced revenues for Government. That pile, Sir, is already very high ; that burden is already very crushing. Sir, the Tariff Board have made a scientific and very careful analysis of the whole situation, and they have come to the conclusion that the Government during the 3 years in question at the very lowest computation will make about 3 crores in enhanced revenues on account of the imposition of those tariff duties ; and the maximum that they can think of, taking the output of steel at the highest, is that they will have to pay perhaps about 256 lakhs of rupees. So they have already kept aside a very great margin against the possible increase in the output of steel or against any miscalculation into which they might have slipped. But I find that the Tariff Board's report has been receiving the treatment which very generally is given to minority reports of certain inquiries, especially the report of the Reforms Inquiry Committee. I find that autocracy and bureaucracy not only come into play in matters of administration, but even in those financial matters and those fiscal measures which have been threshed out and which have been very carefully analysed by an expert body of gentlemen. And the most remarkable thing, Sir, is that the Government of India did not take care at all to express their views or to put their views before the Tariff Board. This scant courtesy shown to the Tariff Board is a very peculiar and autocratic thing ; and I wish that the recommendations had not been dismissed in that summary manner. It has not been alleged that Government want to make money out of this affair, and it has not been ascertained whether the captains of industry in this House have come to a sort of compromise. I cannot believe that, when a matter is placed before this Assembly for their consideration and for their decision, some sort of compromise might not have been arrived at ; and Government evidently do not say that they want to make revenue out of this affair. Then, what is the necessity of cutting down the recommendation of the Board to two-thirds of what they recommend. That really is a very singular thing. The Tariff Board have taken fully into account the decrease in the cost of production, they have very carefully gone into what the cost of steel manufacture will come to during the next year and a half, and they have made sufficient allowance for that. They have also taken into consideration the possible decrease in imported steel owing to the imposition of the tariff duty ; and it seems to me that they have not left a single loophole which could lead to any substantial error. With all that, they have laid aside an increased revenue of 24 lakhs as a possible margin in order that if there might have been some over-calculation or if there might have been some error, that margin would cover it. The speech of the Honourbale the Commerce Member did

not show at all what the particular reasons are, what are the particular grounds, which led him to cut down the bounty so substantially as to make it practically two-thirds of what has been recommended by the Board. With these words, Sir, I oppose this motion.

Mr. President : The question is :

"That the following motion be adopted :

'That a sum not exceeding 18½ lakhs 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 of March 1926 on account of the bounty which has been recommended in the Resolution just passed that the Governor General in Council should pay on steel manufactured in India between the 1st of October 1925 and the 31st of March 1927'."

The motion was adopted.

RESOLUTION *RE* SEPARATION OF RAILWAY ACCOUNTS AND AUDIT.

Mr. G. G. Sim (Financial Commissioner, Railways) : Sir, I beg to move :

"That this Assembly recommends to the Governor General in Council that with a view to improving the system of audit and accounting on railways, a reorganisation in the direction stated below be introduced forthwith as an experimental measure on the East Indian Railway :

(*a*) The Auditor General shall in future be responsible for audit alone. He should no longer be required to maintain the accounts of the railways or to control their accounts staff. Such control should pass, not to the Railway Board as such, but to the Financial Commissioner of Railways. On each railway system, for all ordinary purposes, the head of the accounting staff should be answerable to the Agent and should carry out his orders.

(*b*) The accounts staff under the Financial Commissioner of Railways shall perform duties practically identical with those hitherto undertaken on State-worked railways by the accounts and audit staff under the Auditor General. Where the latter exercised an audit properly so called, the new agency will conduct an 'internal check'; but the nature and extent of the scrutiny will be approximately the same in both cases.

(*c*) The Auditor General shall, in order to enable him to fulfil his statutory responsibilities, be provided with a sufficient staff to make a satisfactory audit of the work of the accounts offices."

I move this Resolution, Sir, at the request of the Standing Committee of this House on Railway Finance. The proposals contained in this Resolution are intended to make a commencement in giving effect to one of the few remaining recommendations of the Acworth Committee that have not yet been put into force. These proposals are the necessary sequel and the inevitable corollary to the Resolution adopted by this House for the separation of the railway from the general finances. The question, Sir, was referred to during the discussion on the Budget debate last February and a promise was then given that before any action was taken in the matter it would be referred to the Standing Finance Committee on Railways. This was duly done and the proposals received the unanimous support of that Committee. The Committee, however, in view of a statement made by the Honourable the Finance Member, thought that an opportunity should be given to this House to discuss the question contained in the Resolution and that in addition to the demand for a supplementary grant which I propose to move later, a formal Resolution

3 P.M.

[Mr. G. G. Sim.]

of this kind should also be put forward. A complete statement of the proposals and of the reasons for them will be found in the proceedings of the Standing Finance Committee for the 29th of June and for the 20th of July which have been in the hands of Honourable Members since the beginning of this Session. As these proposals are fully explained there and as the recommendation I am now making had the unanimous approval of the Committee I do not propose to enter into the matter at any great length as I assume that the House will endorse the recommendations of its Committee. The papers I have mentioned contain the relevant extracts from the report of the Acworth Committee, and I do not propose to weary the House by reading them in full. All that I need refer to is their final recommendation in the matter. They said :

"We recommend that the Railway Department should be responsible for its own accounts. We do not exclude, of course, such independent and separate audit as the Government of India may think it proper to make, on the same principle that obtains in any commercial company, where the shareholders appoint an outside firm of accountants to check and report on the books which are kept by the servants of the directors, the ordinary accounting staff."

The House is aware that under the present arrangements the accounting staff on the railways under the Auditor General are not only responsible for audit but are responsible for the actual compilation of our accounts. They have therefore to undertake numerous duties which have nothing whatever to do with audit proper. For example, they assist in the preparation of budget estimates, they maintain all the registers on which the grant of leave, increments of pay and pension are based ; they maintain all the detailed account registers both of receipts and of all classes of expenditure ; they compile themselves our final accounts of receipts and expenditure. The result is, therefore, that on the one hand the spending authorities do not compile their own accounts ; and on the other hand, so far as accounts are concerned, there is little or no true audit in the sense in which that word is used in ordinary commercial phraseology. What is called audit at present is merely an internal check, that is to say, it is merely an examination by the accounting staff of the accounts which they themselves have compiled. The proposal now made is that all the accounts work should be done by the railway authorities themselves and that we should have an independent audit made by the Auditor General and his staff of the accounts so compiled and maintained by the railway authorities, and of the transactions recorded therein.

I have said, Sir, that these proposals are a necessary sequel to the Resolution passed by this House for the separation of the railway from the general finance. Under that Resolution the railway authorities are required so to administer the railway property that the central revenues shall obtain a definite return on the capital invested in that property ; and under the arrangements made for the purpose of giving effect to that convention the demand for expenditure on railways is now divided up into numerous heads. This House, Sir, now votes the demand under every head and it is necessary that a definite responsibility should therefore be laid upon definite spending authorities to justify any excess over the grants voted by the Assembly. Under this convention, therefore, it is the primary duty of the Railway Board and of the Financial Commissioner for Railways working under the Finance Member

to see that the results required by that convention are obtained, to see that no financial irregularities occur and to justify the expenditure incurred year by year. The powers of expenditure vested in the Railway Board are delegated to Agents to a considerable extent and the Agents in turn delegate powers of expenditure to heads of departments and other responsible subordinate authorities. Now, Sir, if these authorities are to be made responsible to this House, to the Standing Finance Committee for Railways and to the Public Accounts Committee for the expenditure that they incur during the year, it is absolutely essential that they should be made responsible for maintaining the accounts. We cannot at present enforce that responsibility in the full degree in which it ought to be done. The spending authorities at present complain—and not without cause—that they are not kept in sufficient touch with the progress of their expenditure to enable them to assume responsibility for it; that the accounts are actually compiled for them by a staff which is in no way subordinate to them; and that they receive the accounts some months after the expenditure has actually been incurred.

It is hardly necessary for me to say anything regarding the improvement in audit that will be effected by the proposals now before the House. As I have said the work of audit and accounts at present is closely intermingled. What is known as the audit and accounts staff perform numerous functions for the railway authorities for the present which are purely executive functions. At every stage they exercise an internal check which in every commercial office would be done by a staff employed under the control of the person managing the concern. They make a complete check and are responsible for the arithmetical accuracy of the figures, they examine the adequacy of the vouchers to support particular bills and are responsible for the observance of all rules of sanction. So long as the audit staff actively participate in the actual administration of the railways you cannot have a completely independent audit. An audit officer is supposed to be a critic of the completed work of others and he should be able to take an absolutely unprejudiced view of all the papers placed before him.

Under the proposals now before the House—proposals which are necessary if this House is to run the railways as a commercial concern—you will get rid of most of the disadvantages of the present system. The Railway Board and the Agents controlling their own system of accounts and their own accounts agency will be able to ensure that their accounts are maintained and compiled in a manner suitable to a commercial department and at the same time in a manner which will enable them to satisfy this House that they have discharged their responsibility for the proper application of the funds voted by the Assembly; they will be able to watch closely and control thoroughly the progress of expenditure; they will be able to obtain the advice and assistance, which at present they claim from another department, from a staff under their own control.

It is not intended that the accounting officer in the railways should be a mere critic of the railway administration. As head of the accounting department of a railway he will be responsible that the accounts are properly compiled, and compiled in a manner that will enable the agent and the other officers to discharge their obligations. At the same time there will be certain functions that the accounting staff will have to

[Mr. G. G. Sim.]

perform that might bring them into conflict with the Agent. The accounts officers will be responsible to the Financial Commissioner for seeing that the orders issued from headquarters are properly observed. In some of those cases, there may be a difference of opinion between the Agent and the accounts officers as to what the intentions of the higher authorities are, and for such circumstances we have provided that, while the accounts officer has to take the orders of the Agent, he will take written orders which will explain why the Agent disagrees with the accounts officer and all the papers relating to any such disagreement will be immediately forwarded to the Financial Commissioner for Railways for decision. It is impossible for the Financial Commissioner for Railways to carry out his present responsibilities unless he has staff on every railway system responsible to him for seeing that the orders are carried out. There is a considerable amount of misapprehension regarding the functions at present performed by the accounts staff on railways. The great bulk of the work which they at present do is to see that the executive orders of the Railway Board itself are given effect to, and in particular, that the orders issued from the financial side of the office are observed. I would refer Honourable Members to paragraph 5 of the Memorandum which is given in the proceedings of the Standing Finance Committee for Railways on the 29th June. It is pointed out there that :

"The fundamental principles of audit are very few, and the minuteness of the present check over the transactions with the Railway Department, against which the Acworth Committee made complaints, is mainly due to the minuteness of the detailed rules propounded by the superior railway authorities. It is essential that the necessity and the fruitfulness of such rules should be tested and determined by the financial authorities with the Railway Board and the staff which are working under them. To enable the Financial Commissioner on the Railway Board to discharge his duties efficiently, he must have on each railway system a staff which will be responsible to him for seeing that orders from headquarters are obeyed, and for recommending changes in the rules and instructions, whenever these are found to be giving rise to unnecessary trouble or not to be producing the effect for which they are intended."

There are some minor matters, Sir, on which misapprehensions appear to exist in the minds of some Honourable Members judging from the nature of the amendments which have been put down in connection with this Resolution. Most of these amendments are for the purpose of securing that the accounting officers shall not in any way be prejudiced in carrying out their duty of enforcing orders issued by the Financial Commissioner by any unnecessary subservience to the Agent. I should like to explain clearly that it is the intention of the Government that the officers in the accounting department should have their prospects, promotions, reversions, etc., determined not by the Agent but by the Financial Commissioner.....

Diwan Bahadur T. Rangachariar : Their appointments ?

Mr. G. G. Sim : Appointments too, certainly.

Mr. A. Rangaswami Iyengar : What about the Financial Commissioner himself ?

Mr. G. G. Sim : The Financial Commissioner himself, Sir, would as usual reply to the queries put and the Resolutions moved in this Assembly, and I think that this Assembly have so far shown no reluctance to keep him in order. (Laughter.)

Sir, I consider that the proposals now put forward will secure the main objects which the Acworth Committee had in view ; that is to say, that the accounts of our railways shall be so maintained that the superior authorities should have complete information through their own staff as to what they are actually doing and how their expenditure is progressing, of judging whether that expenditure is advisable or not, and of enabling them to discharge their responsibility of showing that the money voted by this House has not been wasted. At the same time, it will secure what is equally essential, and what we have not had up to now, an independent audit of our railway receipts and railway expenditure.

As regards the expenditure required for this experiment, the House will observe that the proposals for the expenditure were put forward by the Auditor General, and that the Finance Committee agreed to these proposals after hearing what the Auditor General himself had to say on the subject. At the same time they asked that, before this system is extended to other railways, a report should be submitted to them to show whether economies could not be effected, whether in the accounting staff under the railways or in the audit staff maintained by the Auditor General.

I can only assure the House that it is my personal conviction that the expenditure of these 3 lakhs should pay for itself over and over again. It is very difficult, almost impossible in many cases under the present arrangements, to enforce responsibility for expenditure unless you compel the spending authorities to be responsible for the expenditure up to the time that the expenditure is actually embodied in the accounts. This proposal will also enable the Financial Commissioner for Railways to intervene more swiftly and more effectively than he can do at the present moment, when reports of the neglect of order reach him after some time and from a staff over which he has no control. At the same time, you will have an effective check, which you had not before, in the way of an independent audit for railway transactions. Sir, I move the Resolution that stands in my name.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadan) : Sir, I move the amendment that stands in my name, namely :

"That consideration of this Resolution be adjourned till the next Delhi Session of the Assembly."

I shall briefly state the reasons why I have moved this amendment. In the first place, I should like at once to assure my Honourable friend opposite that the object of my amendment is not to obstruct or delay in any way the object which the Honourable the Mover has in view. My only object in moving this amendment is to get some time to raise a discussion in the Assembly upon the merits of the new proposal so that all of us may be in a better position to give an intelligent vote. I am quite aware, Sir, that the Finance Committee, which is elected by ourselves, has in a way passed this proposal.....

Mr. G. G. Sim : In a way ? Certainly not. Unanimously.

Mr. N. C. Kelkar : The Finance Committee has passed the proposal. My qualification comes in here. As I understand it, certain members of the Finance Committee have passed the proposal with certain reservations.....

Mr. G. G. Sim : Who ?

Mr. N. C. Kelkar : I am coming to it presently. I may at once name one member of the Committee, Mr. Neogy. He was not present. I state the facts as I know them without keeping back any of the facts. Mr. Neogy was not present at the meeting at which this scheme was passed. I am not going to state what actually took place at the meeting of the Standing Finance Committee. I will merely state what was the general opinion of the members who were present in the Finance Committee, and therefore it is pertinent for me to take into account what my friend Mr. Neogy thinks about this matter. Now, with regard to Mr. Neogy, I will say this, that he had asked for certain papers in order to enable him to give an intelligent vote on the matter and to have a thorough discussion of the *pros* and *cons* of the scheme. And I regret to say that, for reasons best known to the Financial Commissioner, these particular papers were refused to him. Here is a statement which appeared in the public press about the demand made by Mr. Neogy and the refusal accorded to him and I will read it practically in Mr. Neogy's own words :

"It seems that this question of an alternative escaped the attention of the committee. I, therefore, requested the railway authorities to supply me with a copy of Mr. Jukes's note referred to in Mr. Mitra's report and in reply Mr. Sim has refused to supply me with this on the ground that it is not a practice to supply to the Members of the Assembly or of the Railway Finance Committee copies of 'notes recorded on Government files'. This description of the notes is wholly incorrect as you will find on reference to para. 5 of Mr. Mitra's report, that the Auditor General and Mr. Jukes submitted printed notes to the Railway Board. I feel that the attitude taken up by Mr. Sim in this matter raises a question of principle and that we will be quite within our rights if we insist on the production of the printed notes which are referred to in the Government scheme itself, and cannot conceivably be of a confidential character, before we proceed to discuss the Resolution on its merits."

Now, with regard to the production of this paper, I will at once say this, Sir. I have not seen the note nor has Mr. Neogy nor has any members of the Finance Committee. I do not know what it might contain. Perhaps it may be a dark horse altogether. But the very fact that a certain paper has been asked for and has been refused has naturally created a feeling of suspicion, and Mr. Sim has only himself to thank that that suspicion has been created. He has to take the consequences of his own action ; we are not to blame for it. There is another Member, Mr. Rama Aiyangar. He is here and of course he will speak for himself. But so far as I have been able to gather from a perusal of the report of the Standing Finance Committee for Railways, I see this, that he has got certain doubts as to the working of the scheme. Thus for instance, he wants to know what is to happen about periodical reports or occasional reports about irregularities discovered in the course of audit. To whom are irregularities to be submitted for scrutiny, to the Financial Commissioner or the Auditor General, etc. ? That I think does affect the success of the scheme, and therefore I take it that, though Mr. Rama Aiyangar has not dissented in so many words from the scheme, he has got some mental reservations, which make it necessary for us, whose vote is now called for, to go into the question and to get our minds clear as to what Mr. Rama Aiyangar's doubt about this is. With regard to the production of papers I will say this at once. Mr. Sim need not of course go out of his way to tell us exactly what papers we should read or call for. He is not our trainer or coach or teacher. But he is certainly the custodian of certain papers which we have the right to demand, and I think that is the principal question which can be raised here and we should be perfectly justified, in adjourning the final disposal

of the scheme, if this House holds, as I think it will hold, that we do possess a legitimate right to call for certain papers which are printed and are on Government files. I do not quite see the point of the paper being on a Government file being a reason for a refusal to produce it. It is certainly not a secret or confidential document pertaining to the affairs of dark and high chancelleries of nations. Certainly it is not a political document nor do I wish to import any political feeling—I at once assure my Honourable friend—into the discussion of the present matter. I am trying, as far as possible, to discuss the thing on its own merits, and I say we have a legitimate right to call for all papers to which our attention is called in order that we may be able to give an intelligent vote upon any new schemes that are put before us.

Then, again, Sir, I do not pretend that I am a person well versed in these accounts or audit matters. But I cannot help taking cognisance of public criticisms which appear to be well-informed criticisms. I cannot take the one-sided version of the Benches opposite in a case like this. I have got to take cognisance of public criticisms, and, as far as I have seen these criticisms, I have come to know that many well-informed persons regard this new scheme as a risky scheme and involving extravagance. And I think the other side will have completely to prove that it is not risky and does not involve extravagance.

Now, this experiment that is going to be made is only one experiment on two combined lines. It is going to cost three lakhs. And what about other lines that come on our hands gradually. I think that the total expenditure on this extended experiment would in all come to about 14 or 15 lakhs annually and certainly that is not such a small sum that we can totally disregard it. The real question is not what the proposed experiment, if sanctioned, would cost. The cost is a great factor, but it is not the only factor. The financial estimate of the experiment may be perfectly correct. We are not questioning that. We are not questioning the estimate that it will cost three lakhs to put on its feet the particular scheme that is now being proposed, but the real question is whether the experiment is really needed or whether the principle underlying the experiment is a sound one. The new proposal is to make the Railway Department self-contained and self-sufficient as far as possible with its own accounting and its own audit. Unfortunately, the statutory duty of an independent audit cannot be obviated by the desire of the Railway Department for independence.

Mr. President : Is the Honourable Member going into the merits of the Resolution or is he merely confining himself to the motion for adjournment ?

Mr. N. C. Kelkar : My doubts as to the merits is a reason for adjournment. Unfortunately, the statutory duty cannot be obviated. What the Department however says in effect is this : " We shall make our own arrangements or keep our own accounts. We do not want any body's interference in deciding in what form or fashion we may keep them. A kind of pre-audit may be necessary but we insist that it shall be done by the officers in the department itself and subordinate only to the head of the department. And the need of independent control will be satisfied by the existence of the general supervision of the Financial Commissioner, who will represent the Finance Member. If beyond this you want to discharge the statutory obligation of an independent audit, let that be in

[Mr. N. C. Kelkar.]

the nature of a test and percentage audit and under the control of the Chief Auditor. You propose the machinery you want for this purpose, and we shall pay the expenses." All this looks fair on the surface, but the fact remains that the Railway Department does object to pre-audit by an independent agency and that has got to be explained. It is said that railway accounts are very complicated and that the needs of the Auditor General do not coincide with the needs of the Railway Department. But I believe that the difficulty is overstated. Surely it should be possible for the Audit Department to sit down with the Railway Department and discuss and agree upon the most suitable forms required for keeping railway accounts. The requirements of this agreement cannot be got over even in view of the fact that the independent statutory audit will be a test and percentage audit only. On the other hand, it is not shown how the possible evils of only a departmental pre-audit will be removed and nobody can deny that these evils exist. We have only to bring before our mind's eye the conflict between the exalted officer, namely the Agent of the Railway, and the accountant-*cum*-auditor subordinate to him ; and we can at once imagine the result.

Do you in this world expect a sense of stern independence from men whose prospects are in the hollow of your hand ? The Railway Department is one in which, like the Military Department, huge sums of money come into operation and there is infinite scope for irregularities and wastefulness and worse.....

Mr. President : I am afraid the Honourable Member is going too much into the merits of the question. His motion is for adjourning the discussion of this Resolution and if he confines himself strictly to it, the business of the House will be greatly facilitated. Let us first put out of the way the adjournment motion and then we shall go into the merits.

Mr. N. C. Kelkar : I will restrict myself to it if I am allowed to put that motion for adjournment immediately.

Mr. President : The Honourable Member has put it already.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, there are many like my Honourable friend Mr. Kelkar in this House who do not completely understand the Resolution placed by my friend Mr. Sim before this House. Sir, one of the complaints that the non-official Members make of Company-managed Railways is that they are always mismanaged. My friend Mr. Sim, by his explanation, has proved to the House that there is a great deal of mismanagement.....

Mr. President : I do not want to interrupt the Honourable Member, but the motion before the House is that the discussion of this Resolution be adjourned till the Delhi Session and I want Honourable Members to confine themselves to that motion.

Mr. B. Das : All right, Sir. My contention is that if the East Indian Railway accounts remain under the Auditor General, although he is statutorily appointed by the Secretary of State, he will have control over the accounts by a pre-auditing system to the satisfaction of the House. In some of the Government Departments they have introduced pre-auditing of accounts. Here, Government propose to do away with

the pre-audit system of accounts in the Railway Department and want to transfer the control of the Audit Department from the Auditor General to the Honourable the Finance Member to whom the Financial Commissioner is subordinate. Sir, we do not find the Auditor General in this House to represent his views. The other day, my friend Mr. Burdon got hold of Colonel Needham to explain certain matters in regard to Dr. Lohokare's Resolution. So also, the House needs explanation in this matter. Many of us find difficulties in understanding how one system of audit and accounting, which is applicable to different Government Departments and has proved so successful, is not going to be applicable to the Railway Department where complete control of accounting and pre-auditing is going to pass over to the Agent of the Railway without any check whatsoever. We would like the whole Resolution adjourned till the Delhi Session so that we can take time to review the whole situation, and at the same time we hope that Government will ask the Auditor General to be present in this House to put forward his point of view.

(Sir Purshotamdas Thakurdas and one or two other Members rose to speak.)

Mr. President : This is a motion for adjournment. If the adjournment motion is not carried, Members will have ample opportunity of discussing the merits.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : I want to speak in order that the adjournment motion may not be carried.

Mr. President : Sir Purshotamdas Thakurdas.

Sir Purshotamdas Thakurdas : Sir, having been a member of the Committee and having been present at the meeting where this was discussed, I feel that I ought to put before the House the reasons which strike me why this motion should not be carried. The Railway Finance Committee, Sir, consists, if I mistake not, of about 11 or 12 members. At the meeting that was held in Bombay, excluding the Chairman Mr. Sim, 8 non-official members were present, and as Honourable Members will be able to see from the proceedings of the meeting—Vol. II, No. 1—the Resolution on this subject was carried there unanimously. There are a few minor details on record as to the directions in which members present wanted some more information or desired certain safeguards to be introduced. I feel, Sir, that if and when a report comes before the Assembly with such a unanimous vote of the Committee to which the work is in the first instance entrusted, it would be a great pity if such a report is to be delayed from Session to Session. The House is now, to-day, I think, in a position to discuss this question on its own merits and either accept it or turn it down or modify it. But, if it went on delaying, I feel that it would be a bad precedent. I am sorry to have to speak against my Honourable friend Mr. Kelkar's amendment in this connection, but, if I may say so, I have heard nothing in his speech till now which has made me feel in the slightest degree that he has made out a case for consideration of this matter being postponed to the Delhi Session. If my Honourable friend feels that he will have more leisure in Delhi than we have to-day or will have within the next two days, that is another matter. But the Railway Department have thought over the subject and presented a scheme, and I may say that

[Sir Purshotamdas Thakurdas.]

this is not the first time when this scheme was put before the Railway Finance Committee. It was put before them first and was turned down by them ; subsequently it has been modified and brought up again, and it is high time that we did not delay it any further. I wish, therefore, Sir, to recommend that this amendment of my friend should not be carried.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I feel that a word of personal explanation is due from me, because it has been pointed out by Mr. Kelkar that I was not present at the meeting of the Standing Finance Committee for Railways at which this question was discussed. When this House elects Members to any Committee, I think it has the right to demand an explanation from any Member if he does not discharge his duties properly.

Sir Purshotamdas Thakurdas : He was engaged elsewhere.

Mr. K. C. Neogy : Sir, when the Standing Finance Committee for Railways met at Bombay, I had already accepted an invitation from the Legislative Department to be present at a meeting of a very important Select Committee to be held in Simla. It was pointed out to me in a letter from the Legislative Department that, as there was nobody else who was authorised to take the Chair at that meeting, it was essential that I should be present. It was in these circumstances that, when I received the notice from the Railway Department informing me of the date of the meeting of the Standing Finance Committee, I had to write back and say that, as I had already accepted an engagement previous to the receipt of that notice, I could not be present at Bombay. However, Sir, I do not think that I have any right to expect either the Railway Department or my colleagues on that Committee to defer consideration of this matter because I was not present. But, Sir, I would refer to one small matter, and that is this. When this matter came up for discussion in the Assembly during the last winter Session at Delhi, I believe I was the solitary member of the Standing Finance Committee who raised his voice against the whole basic principle of the scheme. I think, therefore, that it would not altogether be unjust on my part if I were to expect the Railway Department to show a little courtesy towards me and to postpone the consideration of this question when for very good reasons I could not attend that meeting. However, Sir, I do not complain.

The Honourable Member from Bombay (Sir Purshotamdas Thakurdas) has just said that he has not heard anything said by Mr. Kelkar as to why this question should be postponed. The Honourable Member himself was a member of the Acworth Committee and I am perfectly aware of the recommendations made by that Committee in regard to this matter. But, Sir, what surprises me is this, that although I have gone through that report from cover to cover, including the voluminous evidence given before that Committee, I do not find any question put either by my Honourable friend Sir Purshotamdas Thakurdas, or any other member of that Committee, to the Auditor General, or the Accountant General of Railways or to any other audit officer connected with the State Railways, to explain the charges that are levelled against the present system.

Sir Purshotamdas Thakurdas : I thought we were going to deal with that on the merits of the proposition before us.

Mr. K. C. Neogy : My point is, that so far your case has been that the present system has failed, that is to say, either that the present rules are at fault or that there is something wrong with the people who are responsible for the working of the present system which is producing the evil results that the railways complain of. Now, Sir, I should have expected from a man with the sense of fairness of Sir Purshotamdas Thakurdas..... (*Mr. Devaki Prasad Sinha* : " Question.") I am not so uncharitable as my Honourable friend from Bihar. I have the fullest confidence in the sense of fairness of my Honourable friend Sir Purshotamdas Thakurdas and what surprises me is this that in the Acworth Committee they accepted a statement, an *ex parte* statement of the railway authorities in regard to the unsuitability of the present arrangements, without giving any opportunity to the Auditor General or to the Accountant General, Railways, to explain the charge that is levelled against them, and that is the reason why I am in favour of this postponement.

The Honourable Sir Basil Blackett (Finance Member) : The Auditor General agrees to this proposal.

An Honourable Member : He did not in the beginning.

The Honourable Sir Basil Blackett : That is quite true.

Mr. K. C. Neogy : I should not like to enter into that question just now because I may blurt out something which my Honourable friend may not like altogether. I have had an opportunity of consulting very many members of the Audit and Accounts Service from the highest to the lowest.....

The Honourable Sir Basil Blackett : I was speaking of the highest and not of disagreements of his juniors.

Mr. K. C. Neogy : I come to the highest. I and another friend of mine, who is not here just now, Mr. Rama Aiyangar, (*An Honourable Member* : " He is here.") in our capacity as Members of this Assembly had consulted the Auditor General in his capacity as the Auditor General of India in regard to these questions ; and his opinion as given to both of us was quite definite on the point. He thought that the present system could be so adjusted as to meet all the objections raised.....

Mr. President : The Honourable Member is going into the merits of this question. He should confine his remarks to the motion before the House.

Mr. K. C. Neogy : My point is that the Auditor General should be examined in this matter by either the Standing Finance Committee or the Public Accounts Committee or by any other Committee that this House may appoint before.....

Mr. President : The Honourable Member has not put down any motion for that purpose.

Mr. K. C. Neogy : What I say is this that we want to utilise the time that will be available, if Mr. Kelkar's motion is accepted, for the purpose of ascertaining opinion in this matter from the authorities I have mentioned, and I think, Sir, I am perfectly in order in making a reference to that point.

Now, Sir, I have not heard my Honourable friend Sir Purshotamdas say that this experiment, which I may remind him is described as an experiment in the motion itself, is so very urgent that the heavens will fall if we do not pass this motion to-day. Sir, I again revert to that

[Mr. K. C. Neogy.]

point which I was dealing with when I was interrupted by the Honourable the Finance Member, because I think it is very essential that you should not adopt any new-fangled scheme on the *ex parte* statement of the railway authorities, but that you should have the considered opinion of the Auditor General—the Acting Auditor General—and the Accountant General for Railways, as to whether it is not possible to bring about the necessary reforms without changing the whole basis of the present system. Sir Purshotamdas Thakurdas certainly is not in a position to assure me that he has considered the point of view of these authorities either in the Acworth Committee or in the Standing Finance Committee. He has merely accepted as gospel what Mr. Sim put before him in the note of Mr. Mitra and other papers. My difficulty is this. I am, I may confess, a little slow-witted as compared with my Honourable friend Sir Purshotamdas Thakurdas ; and I want a little more time, and certainly some more materials, before I can pledge my support to this proposition. My Honourable friend Mr. Kelkar has referred to the correspondence that I had with the Honourable the Financial Commissioner with regard to certain notes. Well, Sir, I never expected the high and mighty officials of Government to oblige a humble Member like myself with the papers that I wanted, but I very much suspect that the papers, if produced, would go against their case. And how can you expect me to support this proposition in such a frame of mind, until and unless you produce those papers and convince me that the papers contain nothing against your case ? Sir, I have no intention of taking up any more time of the House on this motion, but I think I have reserved to myself the right of dealing with the merits of the proposition if this motion fails.

Mr. G. G. Sim : Sir, I hope that the House will not for a moment consider the motion which has been put forward. This proposal is not a new proposal. It is a proposal which had been before this House for the last five years ; it is five years since it was put forward by the Acworth Committee. It is more than a year since this House agreed to carry into effect the main proposal of the Acworth Committee for the separation of the railway finance from the general finances of the country, and this is merely a consequential result of that Resolution. It is more than three months since all the papers were placed before the Standing Finance Committee and fully discussed with them, and they unanimously agreed to the proposals. The only argument that has been put forward to-day for the postponement of this discussion is that Mr. Neogy has asked for certain papers which are referred to in the note of an officer, Mr. Mitra, who was deputed to work out these proposals. That note, I may explain to Mr. Neogy, is a note on a Secretariat file.....

Mr. K. C. Neogy : It is a printed note submitted to the Railway Board.

Mr. G. G. Sim : It is a note on the Secretariat file.

Mr. K. C. Neogy : Every note is on the Secretariat file.

Mr. G. G. Sim : It is a note on a Secretariat file and such notes are never put forward as a public document. The papers which I have placed before the Standing Finance Committee contain a complete statement of the views of the railway authorities, the Finance Department

and the Auditor General, and there is no point on which either Mr. Kelkar or Mr. Neogy or any other Member of this House wishes to have information that my colleagues and I are not prepared to answer.

Khan Bahadur W. M. Hussanally (Sind : Muhammadan Rural) : May I inquire whether Mr. Jukes has reported against the scheme ?

Mr. G. G. Sim : No. He did not report against the scheme.

Mr. President : The question is :

"That the consideration of this Resolution be adjourned till the next Delhi Session of the Assembly."

The Assembly divided :

AYES—38.

Abhyankar, Mr. M. V.
Bhat, Mr. K. Sadasiva.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Datta, Dr. S. K.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Govind Das, Seth.
Hans Raj, Lala.
Hussanally, Khan Bahadur W. M.
Iyengar, Mr. A. Rangaswami.
Joshi, Mr. N. M.
Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.
Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Majid Baksh, Syed.
Malaviya, Pandit Madan Mohan.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi Sayad.
Mutalik, Sardar V. N.
Naidu, Mr. M. C.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Phookun, Mr. Tarun Ram.
Ramachandra Rao, Diwan Bahadur M.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Reddi, Mr. K. Venkataramana.
Sarfaraz Hussain Khan, Khan Bahadur.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Devaki Prasad.
Sinha, Kumar Ganganand.
Venkatapatiraju, Mr. B.
Yusuf Imam, Mr. M.

NOES—59.

Abdul Haye, Mr.
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, Khan Bahadur.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaswami.
Badi-uz-Zaman, Maulvi.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Carey, Sir Willoughby.
Chalmers, Mr. T. A.
Chartres, Mr. C. B.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Dumasia, Mr. N. M.
Fleming, Mr. E. G.
Ghazanfar Ali Khan, Raja.
Ghulam Bari, Khan Bahadur.
Gordon, Mr. E.
Gordon, Mr. R. G.
Graham, Mr. L.
Gurner, Mr. C. W.
Hira Singh Brar, Sardar Bahadur Captain.
Innes, The Honourable Sir Charles.
Kasturbhai Lalbhai, Mr.
Langley, Mr. A.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Mehta, Mr. Jamnadas M.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Panduranga Rao, Mr. V.
Purshotamdas Thakurdas, Sir.
Roy, Mr. G. P.
Sadiq Hasan, Mr. S.
Samiullah Khan, Mr. M.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vijayaraghavacharya, Diwan Bahadur T.
Webb, Mr. M.
Yakub, Maulvi Muhammad.

The motion was negatived.

Mr. President : The House will now proceed to the general discussion of the Resolution.

Mr. C. B. Chartres (Associated Chambers of Commerce : Nominated Non-Official) : Before I apply myself to the general Resolution I have first to ask myself if the present position is satisfactory. I think the Acworth Committee gave us to understand that it was not and I think that the organisation, as one knows it from a business point of view, is not such that we can expect the very best results from it when it is compared with up to date business organisations on a similar scale. There is one very important analogy which one can draw between the organisation of the railways in India and a large commercial undertaking. I refer to the United States Steel Corporation of America. That is a public company with a total capital including ordinary preference and debentures of a rather higher sum than the total capital of all the State Railways in India and it covers a vast amount of ground with huge works in different parts of the country in a way very similar to the railway system in India. Consequently the analogy is very apt. That organisation in America does not have a central account and audit system as prevails here. It delegates very large powers to all its works in different parts of America and not only is the audit separate from the accounts service but it has such a very correct costing system that by the tenth of each month they have in the central office of that organisation a complete record of the actual costs for the previous month of the whole of the works all over America. Now, Sir, if you compare that state of affairs with what happens in India to-day on the railways and their workshops you will find an enormous difference. So long ago as five years the Indian Stores Purchase Committee complained that they could not get an accurate figure of costs from any of the Government workshops and I believe that is still the position to-day. Can the people who oppose this Resolution say that this is a satisfactory state of affairs ? Personally it seems to me a very serious matter indeed and in my opinion the organisation now proposed in this Resolution will enable the local accountants to make very much better arrangements for the whole of the accounting work of the railway than is now the case and I hope that the experiment will so succeed on the East Indian Railway that it will be extended throughout India at a very early date. The question of the cost of this experiment, I am quite sure, is a very small one because the leakage and the faulty allocation of charges that must be going on at the present moment will probably amount to very much more than the small extra charge entailed by the system now proposed. I do not know what any commercial undertaking would consider if it had to wait as Mr. Sim has told us the railways wait for several months before they can find out the cost of any part of the work done by them. The whole tendency of modern commercial concerns is to perfect their accounting departments and ensure very accurate costing. Now, my experience has been that auditors are not the best agency for instituting an accurate costing system. The man who is in the best position to prepare commercial cost accounts is one with experience of the commercial side of the business, and then the auditor comes along to tell him if he has included everything in his costs that was necessary. The cost accountant is a specialist who will arrange the accounts of an undertaking and get them out to show to the best advantage what the undertaking is really costing and

from my own knowledge of the railway accounts as they stand at present I say definitely that this cannot be done in a satisfactory manner. I think that the organisation of audit and accounts now proposed will enable a vast improvement to be made in the direction of more accurate accounting and I therefore support the Resolution very strongly indeed.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I desire to point out only a few difficulties that are bound to arise by the acceptance of the Resolution now before the House. I subscribe readily to the proposition that in every administration, whether public or private, audit should be separated from accounts and I certainly would have subscribed to this Resolution except for the fact that the principle upon which it is based violates the fundamental position that we the Assembly and the Government of India occupy in regard to railway revenue and railway expenditure. I find, Sir, in the note on the question of the improvement of audit of railway expenditure, the later note as I take it, of Sir Frederick Gauntlett on this question,—first paragraph says this :

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"The primary function of audit in its application to the accounts of railway transactions is to safeguard, firstly, the responsibilities of the Secretary of State under the Government of India Act, and, secondly, the rights of the people of India to receive from the Railway Board the sums due to the Government of India under its convention with the Railway Board when it was agreed to separate railway finance."

The House will recollect, Sir, that when the separation of railway from general finance was effected this Assembly made it perfectly clear that it did not in any sense relinquish the fullest control which it possessed over the accounts as well as the audit of railway expenditure and the grants made to Railways by this House. Therefore, Sir, if the audit of the Auditor General is to be restricted only to the question as to the rights of the people of India to receive from the Railway Board the sums due to the Government of India under its convention with the Railway Board, the sole work of the Auditor is confined not to the regular audit of receipts and expenditure in the railways concerned, but only to the question as to whether the balance sheet of each of these railways is properly prepared, whether the profits are properly realised and whether the sleeping partner, as the Government is called, has secured its proper share of the profits. I say, Sir, however it may be in a contract between the railway companies and the Government, the position, so far as the State Railways are concerned, is perfectly clear,—that this House has the right and the duty to sanction every expenditure and has also the right to scrutinise the revenue received from the railways of this country. Therefore, Sir, in considering the question whether the Auditor General should exercise merely the powers of an outside auditor in respect of the balance-sheet on the revenue and expenditure of State Railways, we should not, merely because we have entered into a convention for the separation of railway from general finance, leave the railways free to carry on their own accounts and to have their own internal audit. What is the position in this respect is by no means clear from the Resolution now before us. On the other hand, clause (*b*) of the Resolution of the Honourable Mr. Sim says :

"The accounts staff under the Financial Commissioner of Railways shall perform duties practically identical with those hitherto undertaken on State-worked railways by the accounts and audit staff under the Auditor General."

[Mr. A. Rangaswami Iyengar.]

Therefore, Sir, it is not merely the keeping of the accounts of the railways but the inside audit, what is called the internal check, the work done by the chief auditors of these railways, that is left free in the hands of Railway Administrations. Sir, when the Public Accounts Committee was dealing with the accounts of the railways, a proposal was put before the Public Accounts Committee in regard to the necessity for making the chief auditors who maintain and pre-audit the accounts of the Company-worked Railways independent of the administrative heads of the Railways, so that they may not be in a difficulty in so far as scrutiny of the expenditure is concerned. As a matter of fact, Sir, the matter was taken up by the Public Accounts Committee in 1921-22 when the Auditor General drew the attention of the Committee to the fact that most of the irregularities are found on State Railways, from which he inferred that as the auditor was not independent of the agent in companies' lines, fewer irregularities were brought to light. After discussion the Committee, while not prepared to express a definite opinion in the matter, desired it to be stated that the question of the auditor being independent of the agent was one that deserved consideration. Therefore, Sir, the Railway Board as well as the Finance Department pursued this matter further and there was a memorandum placed before the Public Accounts Committee this year to the effect that, however desirable it might be to make the chief auditors independent of the Agent, we were not able to insist upon this being effected thoroughly satisfactorily so long as the existing contracts with the private companies continued. The result is that so far as the audit, internal check as it is called, in the company lines is concerned, we are still in a very unsatisfactory position.

Now, Sir, let us see what would be the position in regard to the State lines if the Resolution of the Honourable Mr. Sim was carried? Sir, we have been told that Mr. Sim occupies a dual position. In one sense he is supposed to be independent of the Railway Board; he is supposed to be the watch dog of the Finance Department, as he is often called. He is supposed to represent the Finance Member. At the same time, he is a Member of the Railway Board. He is the financial advisor of the Railway Board and therefore to that extent he participates in every act of the Railway Board. He answers questions relating to railway administration in this House. He defends the Railway Board here in every respect and he is identified with the programme and policy of the Railway Board in this House. Therefore, so far as Mr. Sim is concerned, he is not in that position of independence which we very much want the chief auditors in private company lines to be in. He does not possess that independence notwithstanding the fact that in certain matters he is under the Finance Member and he can always go to the Finance Member by way of protesting against the action of the Departments concerned, and probably he may find the Finance Department supporting him. But, Sir, however capable Mr. Sim may be to fill this dual position of Jekyll and Hyde, it may not be that Mr. Sim's successor will occupy the same position. He will then either revert to the position of being a thoroughly independent man, in which case we may gain, or he will be a thoroughly subservient man, a man who is the handmaid of the Railway Board. (Loud laughter.) Well, it does happen very often that a maidservant's duties are done by a man.

Therefore, Sir, we cannot, merely because of the fact that Mr. Sim is able to take on his broad shoulders all these functions, found any principle or any programme or policy thereupon.

Then, Sir, the other question is the question of internal audit. I say, Sir, that under the Statute, the Auditor General has the fullest powers of prescribing any form of accounts and any form of internal audit or check of accounts. Under the rules framed by the Secretary of State, the Auditor General has the power, if he chooses or if he thinks it necessary, to audit the whole of the accounts,—to pre-audit as well as to post-audit. That power cannot be circumscribed, and it would be most inadvisable to circumscribe the Auditor General's powers by any Resolution we may pass to-day. Therefore, Sir, I consider that in this matter, so far as the provision of this check is concerned, it is not merely the Railway Standing Finance Committee that has to be consulted ; it is also, I take it, the General Finance Committee, and also if possible, the Public Accounts Committee. I say so, Sir, because I think that the audit and the scrutiny of expenditure in the Railway Department is as much a matter of concern to the general tax-payer as the audit and scrutiny of expenditure in other civil departments under the Central Government. So far as that is concerned, Sir, I think the General Standing Finance Committee had a right to be consulted, and the Government had no business to base their proposals merely on the fact that the Standing Finance Committee on Railways has recommended this.

Then, Sir, the present state of the accounts of the Government of India and the manner in which they are presented to this House has been a matter of much investigation in the Finance Department. It is more than a year ago that the Auditor General was asked to frame proposals with a view to improve the system of accounts by which the accounts could be presented to this House in such a way that the scrutiny of this House might be more real and the report of the Auditor General more interesting and more useful to this House than it has been so far. Such a report has been made and in that connection certain proposals have been made in regard to the central revenues. I say, Sir, we must be in a position to examine also from this point of view railway expenditure as well as revenues ; and therefore it will not do for us to vote for this Resolution blindly. I am not, Sir, against making any experiment in regard to finding out which is the best system by which this audit of expenditure on railways could be scrutinised, internally as well as externally ; but I say, Sir, if the experiment has got to be made, it may be made and the matter may be reported to the committees duly ; but I object to the Government asking this House to accept the principles embodied in this Resolution altogether and then merely to wait for the results of the experiment that will be carried on in one railway after another. We know what will happen. This thing will go on and the expenditure will mount up and we will be asked to take it up in one railway after another. They have started it already on the East Indian Railway and there are proposals to extend it to the Great Indian Peninsula Railway. I say, Sir, that the whole question of the principles involved in this Resolution is a matter for this House as a whole when dealing with railway expenditure in the same way as it deals with general expenditure, and I submit, Sir, nothing will be lost by adjourning this and having this matter dealt with in the Delhi Session fully.....

Mr. President : Order, order ; the Honourable Member knows that the adjournment motion has been lost.

Mr. A. Rangaswami Iyengar: Sir, I know that that motion has been lost. I am making my observations with a view to induce the Government to wait for some time more—I know that the adjournment motion cannot again be reintroduced in this House. I am therefore appealing to the Government to see that they do not commit this House to the principle, although they may be permitted to carry out this experiment. I think I am making a perfectly reasonable proposal and I feel therefore that, having regard to the very large issues of finance, audit and accounts that are involved, the Government should readily assent to the proposal that I am now making.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I rise to lend my support to the Resolution proposed by the Honourable Mr. Sim. There cannot be two opinions that the present system of railway accounts is subject to serious objections. As a matter of fact, Sir, we find that on account of this present system of accounts huge frauds and misappropriation of public property was going on in the Stores Department of the Oudh and Rohilkhand Railway for, I think, about twelve or fifteen years; and although these accounts were audited every year by the Auditor General this misappropriation was never detected by him till at last only two years ago it was detected by some police agency and not by the Auditor General. A number of men were prosecuted; some of them were convicted and some of them were acquitted; but up to this time even the Railway Board have not been able to find out who was the real culprit and who was the really guilty man. A departmental inquiry was instituted subsequently and some people, without any charges being framed against them and without any explanations being taken from them,—very old servants of the railway—fell victims to suspicion. This was all on account of this present system of accounts. It has been said that the Auditor General wants to improve the system. I say, Sir, this system was in vogue for I do not know how many years, perhaps for the last 20 or 25 years. If they could not make any improvement during all this time, what is the hope that any improvement will be made if this system is carried on for some time more? All the Honourable Members who have spoken on the other side have in a certain manner admitted that the present system is a faulty system and that it is open to objections; but they say, "Wait." Now Sir, when you have found out the malady, it is high time that it must be remedied as soon as possible. This system of keeping separate accounts has been proposed and suggested as a remedy for the present malady. I say, "Why do you postpone it? Why should you not apply the remedy at once and give a trial to this system also?" If after a trial of ten or fifteen years you find that this system does not prove successful you can abolish it. But there is no reason why a system which, we all admit, is open to serious objections should be continued and why we should wait. In my opinion under the proposed system of separating the accounts and audit there will be somebody who will be responsible for it. Now, when this fraud on the Oudh and Rohilkhand Railway was found out, the P. W. D. said, "We are not responsible for it; the accounts were kept by the Auditor General and they audited it every year." The Auditor General's Department says, "We are not responsible for the stores; we are responsible only for putting the accounts on paper; the P. W. D. is responsible for the matter." This, Sir, is the special fault of the present system. I say,

separate the accounts and make somebody responsible for the accounts ; this will minimise the chances of misappropriation and if misappropriation does take place we will be in a better position to find out who are the really guilty men instead of dismissing people on mere suspicion. On these grounds, Sir, I support the Resolution.

The Honourable Sir Basil Blackett : Sir, I am very anxious to carry the House with me and with the Government in this improvement in our financial system. I am very anxious that the House should not feel in any way that it has been rushed or that this matter has been insufficiently examined. I agree with almost every word that was said by Mr. Rangaswami Iyengar in regard to the principles of the proposed Resolution ; but what I could not understand was why he drew exactly the opposite conclusions to those which I have tried to draw from the principles of the Resolution. The great merit of this change, if it can be successfully introduced—and remember we are still only experimenting with the introduction—the great merit to my mind is that it does give you an absolutely independent audit. It does not for a moment take away anything from the existing powers of the Auditor General or the powers given to him under the Statute. On the other hand it gives him very much better opportunities of exercising them effectively. That is the first principle on which this reform is founded.

The second principle is that you will get much better control over expenditure within the department if you have officers within that department who are themselves responsible up to a point for the accounts. We are not proposing to make the Railway Department responsible for their accounts ; we are proposing to make the Financial Commissioner with a staff under him—that staff being responsible ultimately to the Finance Department—responsible for the accounts of the railways. The result of that will, I think, almost necessarily be that you will have both your accounts kept better and your audit better carried out. Mr. Rangaswami Iyengar objected that it was not for the Finance Department but for the Auditor General to determine the form of accounts. I entirely agree and that is one of the proposals which is here involved ; the form of accounts will remain under the charge of the Auditor General. That is one of his statutory functions.

Mr. A. Rangaswami Iyengar : And the methods of audit.

The Honourable Sir Basil Blackett : The methods of audit will be entirely in the hands of the Auditor General ; he will not in any way be influenced by the difficulties which he sometimes finds at present of combining the work that he likes to do as Auditor General with the work that he has to do as Accountant General. In his capacity as Accountant General he is not entirely independent ; in his capacity as Auditor General he is absolutely independent, and the existence of those account functions has in my view to some extent detracted from the completeness of his independence. Under our new proposals that independence will be absolutely complete and he will be able to supplement the energetic action of this House in keeping my friend Mr. Sim in order.

Now I am very anxious that the House should not feel that it is being pushed in a direction in which it has not thoroughly explored the ground. I would like to point out that it is exactly for that reason that we have not to-day simply brought forward the supplementary estimate.

[Sir Basil Blackett.]

If the supplementary estimate had been brought forward, as it stood, I believe that we should probably have had a very short discussion and money would have been voted, and the House would not have been in a good position, as it is now, to know what we are doing. The reason why this Resolution is brought forward is because the Standing Finance Committee for Railways specifically asked that this course should be taken, they specifically requested that this should be done, and they did this, in view of the statement made by me in the March Session that before we finally committed ourselves to the policy of separation of accounts from audit, full opportunity would be given to this House to examine the whole situation. We are not finally committing ourselves at the present moment to separation of accounts from audit. I have been very anxious in this matter that we should proceed by experiment, because there is a great deal to be learnt by experiment, before we can arrive at definite conclusions. In this case, this is also an experimental measure, but the Resolution is brought forward, because it does certainly commit the Government to going ahead with experiments in this particular direction, and if successful, no doubt continuing in that direction.

Now, Sir, I have only one more thing to say, I do not want to intervene further in the debate or to discuss the whole question of separation of accounts from audit in its general bearing. All we are dealing with here is this special case. But I would like to say that the experiments that have been conducted in other directions during the course of the last year or 18 months have yielded remarkable results. They have, I may inform my Honourable friend Mr. Neogy, entirely dissipated the preliminary doubts of the Auditor General as well as of the Acting Auditor General. I have personally wished to reserve my final judgment until I have seen more of the experiments. But I have very little doubt that they are on the right lines. There is one rather unfortunate experience. We started an experiment at Bangalore in the separation of accounts from audit, and one of the first results discovered by the Auditor General, when he was free to do his own duty, was that about four lakhs a year had been paid by the Madras Government since 1921 for pensions, which ought to have been paid by the Central Government. I do not know whether from a narrow stand point that is for me a recommendation in favour of the change, but it does show that when the Auditor General is free to do his proper job, he very quickly gets on to mistakes that might continue quite indefinitely when the internal check and the external audit are in the same hands. I have intervened in this debate because I want to assure the House that this is an experiment in which we are all very much interested, and that we are not trying to rush the House to committing itself before the thing has been fully explored.

Mr. B. Venkatapatiraju (Gunjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, we are thankful to the Honourable Sir Basil Blackett for declaring that by passing this Resolution we will not be committing ourselves to the policy of the separation of accounts from audit. But I have to offer a few observations with reference to what fell from the Honourable Sir Basil Blackett that he is not depriving the Auditor General of his powers by this Resolution. I may invite his attention to the

fact that under the Government of India Act,—the rules framed thereunder were subsequently amended by No. 917, F. G., dated 11th May, 1922,—under the Government of India Act, the Auditor General is regarded not only as the administrative head of the Indian audit which he was before, but he is regarded as the head of the accounts service also.....

The Honourable Sir Basil Blackett : I did not say that we were not reducing the Auditor and Accountant General's functions. It is quite another matter. My point was that, as Auditor General, we were not only not taking anything away from him, but we were adding very much to his capacity for carrying on his function.

Mr. B. Venkatapatiraju : Under the present law the Auditor General is not only the administrative head of the audit department but also of the accounts department. When we refer to what was discussed in the Public Accounts Committee, we noticed some time back that the Government of India had an idea of taking a reverse course, because when they found that the accounts kept by the company-worked lines were not being properly checked, their suggestion was that the auditors employed by private companies should be independent of the directors. That was the view expressed by the Government of India, and they wanted to induce the company lines to have their own audit department independent of themselves. But on account of some technical objections raised as to whether the Government of India could interfere in the matter under the existing contracts, the proposal was not pursued further. But in the very document supplied by Mr. Sim, we find that in paragraph 37 of the Standing Finance Committee's proceedings for railways, this is what occurs :

"Two questions suggest themselves naturally at this stage—is it not possible for an outside and independent auditor, working in the Railways, to look at financial questions from the railway point of view also, and to co-operate with and assist the administration ? And if this is possible, why duplicate the work by a superimposed audit, which must mean extra cost, and which at best cannot be as effective in the prevention of irregularities and wasteful expenditure as the preliminary audit ? These points have been dealt with exhaustively by Mr. Jukes and the Auditor General in printed notes which have been submitted to the Railway Board."

Now this document the Government are not prepared to place before us for reasons best known to themselves.

The Honourable Sir Basil Blackett : I should be very glad to place that document before the House if it will interest them. It is a polemic answer, I understand, on a polemic issue, and such documents we do not care to place before the House. I had not heard of this matter until this morning, but I should be very glad to put it before the House. But if I may be allowed to do so, I should like to examine it in order to avoid putting before the House some needless polemics contained in it between two departments as regards particular points raised. But I can assure the House that the document is strongly in favour of the separation of accounts from audit.

Mr. B. Venkatapatiraju : But unfortunately I read quite a contrary statement to what is made here. What is stated is that :

"These points have been exhaustively dealt with by Mr. Jukes and the Auditor General"

—perhaps another officer—

"in the printed notes which have been submitted to the Railway Board. The answer to the first question has been held to be in the affirmative."

[Mr. B. Venkatapatiraju.]

That is, Mr. Jukes and also the Auditor General found that if they avoid pre-audit it would increase irregularities and wasteful expenditure.

The Honourable Sir Basil Blackett : No.

Mr. B. Venkatapatiraju : The answer to the first question has been held to be in the affirmative. Now what is the question :

"Is it not possible for an outside and independent auditor, working in the railways, to look at financial questions from the railway point of view also, and to co-operate with and assist the administration ?"

The Honourable Sir Basil Blackett : It is possible.

Mr. B. Venkatapatiraju : I am told that my Honourable friend is ready to place the document before us. We are only concerned with what Mr. Jukes and the Auditor General have stated. I may just tell Sir Purshotamdas Thakurdas, who is anxious to defend the Acworth Committee.... (*Sir Purshotamdas Thakurdas* : "I have not spoken on it at all yet, Sir.") Yes, Sir Purshotamdas has referred to it ; he said the Acworth Committee had recommended this and so we could accept it. And Mr. Sim also stated that he based his Resolution on the recommendation of the Acworth Committee. This question was not specifically dealt with. This is an *obiter dicta* of the Committee. (*A Voice* : "No, no.") Yes. The witnesses were not asked any questions about it. No reference was made to it in cross-examination of officers of the audit department. No witness was specifically asked nor did any person, not even Mr. Tomkins, Secretary of the Railway Board, who was examined, state anything. The only statement there is that they prefer that the Audit Department and the accounts should be separated and the accounts should not be under the Finance Department but under the Railway Department. That was what was recommended by the Acworth Committee. But the present proposal is quite contrary to what was recommended by the Acworth Committee. What the Acworth Committee said was :

"But the accounting staff controlling the Indian railways, from the Accountant-General (Railways) at Delhi down, in the case of the State-managed railway, to the latest joined clerk in a local office, are officials, not of the Railway Board, but of the Finance Department. No doubt these officials gradually get to see the railway point of view, but they must be guided by rules laid down by the Finance Department, framed largely in view of the requirements of the non-commercial departments of Government."

They want that it should not be placed under the Finance Department but under the Railway Department. That is the recommendation of the Acworth Committee. Now, I ask whether this proposal is at all in conformity with the recommendation by the Acworth Committee. On the other hand, just contrary to what was there recommended, you want to place it under the Finance Department. Subsequently also this was brought before the Inchcape Committee, of which Sir Purshotamdas Thakurdas was an honoured member. And there it is stated, on page 164 :

"The Auditor General informed us that an attempt had previously been made to separate audit and accounts, but that the experiment broke down as a result of the present system under which payments are audited before they are brought to account. In our opinion, in view of the constitutional difficulties arising under the Reforms Scheme from the fact that a Provincial Government can require the audit and accounts department to maintain an account for which the Central Government pay, it is desirable to re-open the question of the separation of the audit and accounts."

They want to say with reference to this that it should be considered and inquired into. Now, I can very well understand that all persons who have any administrative experience of public bodies know how we come under the criticism of auditors. I know as chairman of a municipality for a number of years, what objection there is to their supervision ; we feel it a nuisance to be corrected at every step. Similarly you want to get rid of these things. Now, I find that even in America the question has come up and they consider that it is absolutely necessary to have pre-audit to avoid waste. I will read just one sentence to show that even in America they thought it necessary to have what under the present Resolution you want to avoid—namely, pre-audit. Writing in "Form and Functions of American Government" Mr. T. H. Reed says :

"The California board, which may be taken as fairly typical, has established a system of pre-audit by which the requisitions of every institution and department must be approved by the board of control before supplies may be ordered or contracts made. Very notable economies have been secured as a result of this supervision."

Now, my simple point is this. Do you want or do you not want pre-audit ? Do you want expenditure made in conformity to rules or against the rules ? You want to avoid pre-audit. (*A Voice* : "No, no.") I say definitely you want to avoid pre-audit. If Sir Basil Blackett says that pre-audit by their own men is allowed, I say that is not pre-audit at all. I want pre-audit from a body independent of the spending department. It is suggested that it would increase wastage and expenditure. Now, we all know post-audit. The advantage of post-audit is that you go and find out whether they have committed any mistake. But only by pre-audit will all the proposals and details be placed before them and then they will know it thoroughly ; they can check it and carry out the functions of higher audit. If an officer like Mr. Sim makes a mistake, immediately the auditor will point out that it was not covered by the rules. Whatever his position may be, he must conform to the rules. If it is your own clerk, you say : "Keep quiet, I will pass the order." Now my friends are under the mistaken impression that there will be a pre-audit as before even after this is accepted. But I submit there is no such possibility. Mr. Sim or somebody might say : "Don't bother about that." And then their auditing clerks will not press it. Now, I submit this is an important matter ; this not only concerns the Railway Department but the expenditure under the Imperial Government as well as the Provincial Governments. We have got a pre-audit system. If you once abolish your pre-audit system by an independent body, you are creating a dangerous innovation. And I may also state that you have also begun another experiment in appointing one officer in the customs office. Now these experiments are only gradually to extend the principle of avoiding outside control. When you once spend the amount, generally we know how we condone irregularities. We may pass a reprimand but we will not recover the amount. In the municipalities of the Madras Presidency when any irregularity is committed the Government impose a surcharge. Are you prepared to impose a surcharge on Mr. Sim that, whenever he commits an irregularity, it must be recovered out of his own pocket ? I will only read one more extract—from an Indian paper like *Capital* which also condemns it. In April 1925, it said :

"This is not at all worthy to be pursued ", and so on.

That is a commercial paper, represents commercial interests and it condemns this proposal. And therefore I appeal to all Honourable Members

[Mr. B. Venkatapatiraju.]

that this is an important matter bringing in an innovation to avoid pre-audit by an independent body and I hope that none of them will commit himself to any such dangerous thing which in course of time will prove very harmful to the interests of the country.

Mr. Jamnadas M. Mehta (Bombay Northern Division : Non-Muhammadan Rural) : Sir, it is with very great hesitation (*Cries of* " Hear, hear ") that I rise to support this proposition—not because I am not convinced of the absolute wisdom of the step which is proposed in the Resolution but because I find my great leader, Mr. Kelkar, and the Honourable Mr. Neogy are not yet fully persuaded of its necessity. I really find myself unable to understand their pathetic faith and their touching confidence in the existing system. What is it at best ?—a mere brake. In all the literature that I have read about it I find that it is supposed to be a very efficient machinery for preventing waste and extravagance. That is about all.

Sir, I do not say that it has succeeded in doing so, but that is the greatest result that can be achieved by continuing it. I submit, Sir, that the railways as commercial bodies, are not concerned merely in preventing waste and extravagance, although that is one very important part of their activities. They have other functions besides, and it is these functions which the present system of accounts will not and cannot bring into existence. That has been conclusively established by the Acworth Committee in the paragraphs quoted in the Memorandum of the Railway Board. If you commercialise the railways, the Agents must be in a position closely to watch the expenditure from day to day, chase every rupee that has gone out of the railway treasury, to find out where it has gone and how it is working, and thus to evolve in course of time, by employing commercial as against budget methods, a system of accounting which exists in commercial bodies, but which it is impossible to have under the present rigid system (*An Honourable Member* : " Why ? ") which has to conform to the budget form of accounting and has little or nothing to do with the business side of the working of the railways. Prevention of waste is equally possible, and even more possible, in the proposed system. Let us see how the present system works. Supposing there is a lakh of rupees to be paid for buffers. A bill is presented. Under the present system they will find out whether delivery is given, then whether it is within the sanctioned amount, then whether it is to be debited either to capital or to revenue. All these tests are employed before payment. Very well. But once that is done it is not the business of the accounts and audit staff to see how the expenditure will affect the financial working of the railway concerned ; when the Department which keeps the accounts also audits them, the super-audit is bound to be less exact than it ought to be. The existing pre-audit makes the super-audit nominal ; the proposed system will make both the pre-audit and post-audit equally searching because each is done by separate organisations.

Mr. B. Das : You do not want pre-audit ?

Mr. Jamnadas M. Mehta : There will be pre-audit.

Mr. A. Rangaswami Iyengar : There are more irregularities in the State Railway Companies' accounts than in Company-managed Railways.

Mr. Jamnadas M. Mehta : Then support this proposition, because practically the same system prevails in the Company-managed Railways, as we are now proposing.

Mr. A. Rangaswami Iyengar : No.

Mr. Jamnadas M. Mehta : Yes, Sir. Well, let me proceed. The Press campaign against this proposition has been singularly ill-informed and unfair. I will not be far wrong if I say that my Honourable friend Mr. Neogy is both the mother and father of this Press campaign. Sir, it has been said that the Financial Commissioner under whom the new accounts staff will work is not an independent functionary but only a railway officer and that by having this experiment we will be giving up the control of the Assembly into the hands of the Agent in the matter of accounts. Each of these propositions is incorrect as I shall attempt to show hereafter. Any Honourable Member who opposed the separation of railway finance from general finance would be logical if he made this complaint. But it should not be possible for any man who supported that separation to run away from its implications.

Mr. N. M. Joshi : What has that got to do with this ?

Mr. Jamnadas M. Mehta : The implications of that separation are that the Railway Agent shall be primarily responsible for the accounts, because now we hold the Railway Agent responsible for the successful working of the Railway. He is responsible for making the Railways pay and we have laid it down that Railways shall earn a certain percentage over the capital invested in them. If you expect the Railway Agent to give you a certain return over the capital, then certainly he is entitled under the control of the Financial Commissioner to see from day to day how the accounts are being kept and whether they cannot be kept in a different manner. It does not affect the control of the Assembly in the least. The point was discussed in the Standing Finance Committee for Railways and it was unanimously agreed by that body that the Assembly's control would remain unaffected first through the Financial Commissioner and secondly through the Standing Finance Committee which is elected by this House.

My Honourable friend Mr. Raju referred to two questions raised in Mr. Mitra's note : (1) whether the same thing which we propose cannot be done under the existing system, and (2) whether the expenditure would be justified. The reply to the first question was that it could be done under the present system. But greater emphasis is laid on the reply to the second question. Sir, the observations of Mr. Mitra are entitled to the greatest weight in this matter. He says :

"The answer to the second question is that undoubtedly audit will be considerably improved in efficiency, both by being more independent....."

(*An Honourable Member* : "How ?") Because the man who audits is not the same as the man who keeps the accounts.

Mr. Chaman Lall : Yet he is under the Agent.

Mr. Jamnadas M. Mehta : No. To-day, the man who keeps the accounts is also the man who audits them. It is not so in the proposed system.

Mr. Chaman Lall : Is he not under the Agent ?

Mr. K. C. Neogy : In future, test audit will be of 15 per cent.

Mr. Jamnadas M. Mehta :

"....when it is absolutely uncontrolled by the executive, and by being enabled to devote more attention to its higher functions of preventing wasteful and extravagant expenditure, when it is relieved of the numerous mechanical processes of check which it has to exercise at present. An officer, whose primary and bounden duty is to criticise the work of others from the point of view of the tax-payer and to watch on behalf of the Secretary of State that the orders restricting the financial powers of authorities in India are duly observed in every case, loses much of his independence, even without owing allegiance to the Railway Department, when in addition to his duty as a critic he has to see and administer financial rules from a railway point of view, to act as the Financial Adviser of the Railway Agent, and to give precedence to administrative considerations over financial rules and regulations."

Mr. K. C. Neogy : What about Mr. Sim, then ?

Mr. Jamnadas M. Mehta : This is what is being done now, and Mr. Mitra says that if you once remove the audit from these trammels, audit will be more independent and more efficient.

Mr. Chaman Lall : Under the Agent.

Mr. Jamnadas M. Mehta : The further observations of Mr. Mitra will be found on page 6. He says :

"An officer, who has not to undergo the mechanical processes of calculating, posting, totalling, carrying forward, reconciling, comparing signatures and so forth, except to check a small percentage of these processes and to test that they are being done correctly and efficiently, can do far more effective and intelligent review of expenditure in the direction of preventing waste and extravagance, than he would otherwise be able to do. Such an officer will undoubtedly repay...."

—this is an answer to the charge of extravagance—

"....will undoubtedly repay more than the cost of himself and his staff, if he is given adequate facilities and assistance in his work."

Mr. Chaman Lall : How does he know ?

Mr. Jamnadas M. Mehta : The whole of Mr. Mitra's report is replete with observations that the audit which is now proposed will be more independent, more effective, and therefore more desirable, and that in the long run the cost of the internal check will be reduced and so even this added expenditure may not be felt. That is what Mr. Mitra says.

Then let me come to the question of the independence of the Financial Commissioner, my friend Mr. Sim. Some people who have referred to this matter appear to have foregotten that under the new system the control that we have got to-day remains absolutely untouched, and that since the separation of railway finance from general finance, whatever control there was has been greatly expanded. That cannot be questioned. Sir, people talk without remembering what was said last year when the separation of railway finance was under consideration. I have in my hand a note of my friend Mr. Parsons, dated the 28th August, 1924, which was available to Honourable Members. He says that the Financial Commissioner will have the same powers to-day that the Advisor had before, and that in essentials the Agent is not so free or untrammelled as some people imagine. Mr. Parsons points out that Mr. Sim, *i.e.*, the Financial Commissioner, will control under this system even the grant of an allowance to an employee, the addition of a clerk to an office and of course he will control large expenditure involving lakhs of rupees. In matters of difference of opinion with the Chief Commissioner of the Railway Department he has the right to refer

them to the Finance Member. He has also the right of free access to the Finance Member and all financial proposals are discussed before the initiative is taken, and whatever he taboos cannot be undertaken. All matters of major importance are discussed by him with the Finance Member in the initial stages. The independent control exercised is, therefore, much greater than before. Then the other advantage is that as Mr. Sim is associated with the Railway Board, he is in close touch with railway affairs and he knows at first hand what is being done and what is not being done. What is the use of our knowing months after the thing has been done, and when the horse has been stolen ? To-day in enforcing that control the Financial Commissioner is helped by the Standing Finance Committee.

Mr. K. C. Neogy : Helped by Mr. Jamnadas Mehta.

Mr. Jamnadas M. Mehta : Yes, Sir, as a member of the Committee I am glad to help him and he deserves every help of the Standing Finance Committee. We have the greatest confidence in Mr. Sim, and if all Government Committees were run as he is running the Standing Finance Committee very little cause for complaint would remain. Well, Sir, the whole thing at the bottom is suspicion. Suspicion is writ large on the opposition which Mr. Neogy has engineered against this proposition—engineered because there is no foundation or justification for the opposition which he has been leading with great ability. The real test is this : does the House believe in the commercialisation of railways? If it does not, I will not ask it to support this proposition. But, Sir, Members of the House who believe in commercialisation will, I trust, allow the Agent the fullest liberty to keep and to control his accounts from day to day ; he would be further controlled by the Financial Commissioner in consultation with the Standing Finance Committee, and the House's control at the top remains absolutely untouched. As I said before, not even an allowance can be granted to an employee by the Agent without Mr. Sim's consent, and therefore the argument of the so-called independence of the Agent from Mr. Sim, *i.e.*, from the Financial Commissioner, is absolutely unfounded.

One word more and I have done. It is unfortunate that the system of Government to-day is such as to arouse our suspicion in their *bona fides*. This is the greatest difficulty and it is because Government as constituted to-day excite our suspicion, that even when they do a good thing the suspicion continues. That is the real reason of the opposition to this motion ; but the proposed change in the system of accounts and audit exists in Belgium which is a self-governing country, where there is no bureaucratic system and where separation of railway finance has been carried out under a Statute and audit is being done exactly as is proposed in this Resolution. And what is being done in independent countries is certainly the right thing to do in this country ; why object to a good thing simply because it is being achieved through a machinery of which we are suspicious. (*An Honourable Member* : "We have not got self government.") Will you reject a good thing and be better off because we have not got self-government ?

Mr. K. C. Neogy : Mr. Jamnadas Mehta has got self-government !

Mr. Jamnadas M. Mehta : This irrelevant interruption will not prevent me from giving my whole-hearted support to this motion because I

[Mr. Jamnadas M. Mehta.]

feel that Mr. Neogy and those who have engineered this opposition are absolutely innocent of the great merit of this proposition, and I further say that they have not cared to understand this question from the railway point of view.

Mr. K. C. Neogy : From Mr. Jamnadas's point of view.

Mr. Jamnadas M. Mehta : You can go on interrupting me, but you will not deter me for a single moment from supporting this proposition.

Mr. President : The Honourable Member has exceeded his time.

Mr. Jamnadas M. Mehta : The fault, as you will have observed, Sir, is not mine, but if you will permit me, I will wind up with one sentence. If the House wants to accept the position that railway finance should remain separate from the general finances, that the railways should be commercialised and that the State management of railways must be a success and not a failure, then, Sir, they have got no alternative but to try this experiment and watch the results until we can pronounce a final judgment on the scheme which is before the House. I have great pleasure in supporting the Resolution.

Several Honourable Members : I move that the question be now put.

Mr. President : Order, order.

Some Honourable Members have an idea that because they have put down amendments on the paper they have cast a duty on the Chair to look at them and call upon them. That is a mistaken view. That has never been the practice of the House under my predecessor, and I warn those Honourable Members who have put down amendments on the paper to rise in their places and try to catch the eye of the Chair in order to get a chance to move the amendments standing in their names. Otherwise they will lose their chance, in case they do not do so before the closure is moved and carried.

Mr. K. C. Neogy : On a point of personal explanation, Sir. My Honourable friend Mr. Jamnadas Mehta referred to me as having been the parent of the Press agitation that has been carried on against this proposition. (*An Honourable Member* : "Engineered.") Sir, I did not know that an Honourable Member of this House would make such an observation, when particularly I was not in my seat. I addressed an open letter to the Members of this House, and I am certainly responsible for the publication of that letter. But apart from that, a good deal has appeared in the papers criticising this scheme adversely. It is of course an index of the suspicious character of my Honourable friend's mind that he thinks that I am responsible for carrying on that agitation. Sir, I am not going to follow my Honourable friend, and I will not say what is being stated outside as to the actual motive which has actuated him in supporting the Government's motion to-day so vehemently.

Mr. Jamnadas M. Mehta : May I say a word in regard to what has fallen from my Honourable friend ?

Mr. President : There should be no explanation to an explanation. Such procedure is highly undesirable. Dr. Lohokare.

Dr. K. G. Lohokare : The amendment that I have given notice of runs as follows :

"That in clause (a) for all the words beginning with the words 'On each railway system' to the end of the clause the following be substituted :

'On each railway system, the head of the accounting staff will be directly under the orders of the Financial Commissioner.....'"

Mr. President : Does the Honourable Member move the amendment as it stands ?

Dr. K. G. Lohokare : No. I am just coming to it.

Mr. President : I understand that Mr. Sim and the Honourable Member have agreed that the amendment should be in a modified form and the Government are prepared to accept it. If that is so, the Honourable Member may straight off move the amendment in that modified form agreed upon.

Dr. K. G. Lohokare : The amendment thus modified would run as follows :

'On each railway system the accounting staff will be under the orders of the Financial Commissioner of Railways for the purpose of appointment, transfer, promotion, etc.' "

That is the corrected amendment.

Mr. President : Promotions, transfers, etc. That is the wording.

Dr. K. G. Lohokare : Yes, Sir. That is the amendment in the modified form and agreed to by the Financial Commissioner of Railways. I need not explain these things in detail since my Honourable friend has already accepted the principle and all my Honourable friends know that this is desirable in the interests of the separation of the accounts and audit. I commend the amendment to the acceptance of the House.

Mr. President : Amendment moved :

"That in clause (a) for all the words beginning with the words 'On each railway system' to the end of the clause the following be substituted :

'On each railway system the accounting staff will be under the orders of the Financial Commissioner of Railways for the purpose of appointments, promotions, transfers, etc.' "

The question is that that amendment be made.

The motion was adopted.

Mr. M. K. Acharya : Sir, I beg also to move a small amendment :

"That at the end of clause (a) the following be inserted : "

—I will read the amendment as suggested to me by the Financial Commissioner of Railways ; it runs as follows—

"'reporting, however, to the Financial Commissioner any differences of opinion which may arise from time to time between himself and the Agent. Such differences of opinion shall, in due course, be made available for inspection by the Standing Finance Committee for Railways'."

I just wish to add a few words of explanation. The proposal here is that the accounting staff in each railway system should be answerable to the Agent and should carry out his orders. It is needless for me to say that in a general way I support the motion before the House, as an experimental measure.

5 P.M.

As you have already given your ruling that enough has been said about the general character of the Resolution to enable Members to come to a right decision I

[Mr. M. K. Acharya.]

shall not waste the time of the House on any general arguments, but will go straight to the point as to what will happen in case the chief accounting officer on the railway happens to differ from the Agent. This Resolution as worded says that he should be answerable to the Agent and should carry out the orders of the Agent, even if the chief accounting officer differs or holds a contrary view to what the Agent thinks is necessary. In such cases it is only right after all that we have heard from the Mover of the Resolution as to the way in which the accounting staff will be responsible to the Financial Commissioner for the work that they do, that the chief accounting officer shall report the fact of his disagreement between himself and the Agent to the Financial Commissioner and keep the Financial Commissioner fully informed. And in order that difficulties may not arise such as the one that was reported a little while ago as having arisen with respect to some papers which a member of the Standing Finance Committee wanted and which were supposed to be part of some official file and could not therefore be produced for the inspection of the Member in question, I wish to add this further proviso here that all such differences of opinion as arise between the chief accountant of the railway on the one hand and the Agent on the other and are reported to the Financial Commissioner ought to be made available to the representatives of this House. Therefore I say that such differences shall in due course be made available for the inspection of the members of the Standing Finance Committee for Railways. This will keep the House informed through the Standing Finance Committee of all such differences of opinion. I hope that we are all agreed that this House must get more and more control over the activities of the Railway Department, chiefly of the Agents. I am one of those who have always felt that the Agent is considered a kind of superior god whose actions are never questioned in practice. The Railway Board seems to exist only for upholding whatever the Agent does. The Commerce Member is there only for upholding what the Agent does. Indeed I do not believe that in practice there is anybody under the sun who thinks he can say that the Agent has done wrong and that he shall be pulled up. It is therefore very desirable that in this matter of accounts particularly the House should see that no wasteful expenditure is incurred, that no officers are employed simply because the Agents want them. We have already had one instance of that kind of capricious appointment of a Deputy Superintendent of Watch and Ward, and I give notice that I shall take the earliest opportunity to move for such reduction in expenditure as has been incurred by the Railway Board without the sanction of the Finance Committee when the time comes for the Railway Budget. And I say that this House through the Standing Finance Committee must be kept informed of all the questionable actions of these Agents.

I am glad that Mr. Sim, although I may have my quarrels with him in other respects, so far at least as the question of accounts on the railways is concerned, is keeping a careful eye. I am glad also that a very capable officer has been appointed to help him, the Director of Accounts, who possesses very large experience in the matter of accounting. With his large experiences as Chief Auditor and as chief accounting officer on more Railways than one we hope that nothing will escape the scrutiny of the special officer who has recently been appointed and who I am glad to find is an Indian. It is very necessary that this House through the

Director of Accounts, the Financial Commissioner and the Standing Finance Committee, should keep itself informed completely of all that takes place in the way of spending the railway moneys of the country. We must get control over the autocracy of the Railway Department, for I believe the amount of autocracy that is now exercised on Railways is colossal : and this amendment will be a means of getting some control. I therefore propose this additional amendment that the chief accounting officer should report to the Financial Commissioner any difference of opinion that might arise between him and the Agent, and these differences of opinion shall be made available for the inspection of the Standing Finance Committee. I am glad that the Honourable Mr. Sim is agreeable to this amendment.

Mr. Chaman Lall (West Punjab : Non-Muhammadan) : I rise to support this amendment. I admit every word that Mr. Jamnadas Mehta has said regarding the suspicion that we have on this side of the House in connection with this matter. It is because we are suspicious that I rise to support the amendment moved by my friend Mr. Acharya to the effect that the Standing Finance Committee shall be kept informed of all differences of opinion that may arise between the agent and the accounting authorities. We have been charged in this House with being an ignorant lot. I am afraid my friend Mr. Jamnadas is suffering from intellectual indigestion ! (Laughter). (*An Honourable Member* : "Swelled head".) He quoted a large number of blue-books which he does not understand and he got up on this occasion to quote from this blue-book which I hold in my hand a sentence which is utterly meaningless if he attempts to construe it in favour of his argument.

Mr. President : I will not allow the Honourable Member under the guise of supporting this amendment to go into other matters. If the Honourable Member wishes to say anything on the merits of the amendment he may do so but he should not use this opportunity for the purpose of answering the arguments of Mr. Jamnadas Mehta or otherwise criticising him on matters quite irrelevant to the subject matter of the amendment.

Mr. Chaman Lall : It is on the merits of the amendment that I bring this point in support of this amendment. My argument is that we are really very suspicious in regard to this particular matter and that we do not want to place the destiny of railway finance in the hands of the Agent. If you do not accept this amendment which has been moved by Mr. Acharya you will be placing your entire financial control in the hands of the Agent. There are gentlemen here who have great faith in the Agents and yet these are the very gentlemen who get up here and put numerous questions to my Honourable friend Mr. Sim about the mismanagement and the *zulum* that is evidenced under the aegis of the Agents' system. We have no faith in the Agents as they are constituted at present. They are irresponsible. They have no sense of public responsibility at all. By placing the finances of the railways in their hands without any sort of independent control, you will not be doing your duty by the tax-payer. For these reasons I would ask Honourable Members to support this amendment.

Sir Purshotamdas Thakurdas : I see that my Honourable friend's amendment says that they should be "made available to the Finance

[Sir Purshotamdas Thakurdas.]

Committee", *i.e.*, they should be reported to the Finance Committee from time to time.

Mr. President: They will be available for inspection.

Sir Purshotamdas Thakurdas: I asked my friend, the Mover of the amendment, and he says that he expects them to be placed before the Finance Committee.

Mr. President: The wording is that such difference shall be made available for inspection of the Standing Finance Committee for railways.

Mr. Jamnadas M. Mehta: Will they have the right of copy also?

Sir Purshotamdas Thakurdas: I expect my friend Mr. Sim will perhaps explain exactly what he proposes to do by accepting this amendment.

Mr. G. G. Sim (Financial Commissioner, Railways): I willingly accept this amendment because it carries out the intentions of the Standing Finance Committee. When Mr. Acharya showed me his amendment first, I pointed out to him that there are a very large number of cases where differences of opinion arise betwen an Agent and the financial authorities regarding small matters such as the amount of pension or leave a man is entitled to, the amount of gratuity that is payable to a man and cases of that kind. I do not consider that the Standing Finance Committee would care to be flooded with these petty cases. If Honourable Members will refer to the proceedings of the Standing Finance Committee they will find that, at the instance of Mr. Rama Aiyangar, I agreed that all general instructions circulated to all the chief accounting officers in our railways should be placed before the Standing Finance Committee.

Sir Purshotamdas Thakurdas: That is in regard to (*g*). What about (*h*) on page 7? You agreed to (*g*) and said that you will consider (*h*)?

Mr. G. G. Sim: That is rather a different matter. Mr. Rama Aiyangar raised the question of whether the Standing Finance Committee should not take the place of the Public Accounts Committee in regard to certain functions, a suggestion which cannot be immediately settled. But as regards this amendment the position is simply this. I do not want to flood the Standing Finance Committee with all these small cases. I do not think they want to see them. But I shall place, I have agreed to place, before them all these general questions—any case where an Agent and a Chief Auditor differ on an important principle would naturally be the subject of a general letter to all the different railways and that, Sir, will cover all big questions. But in order to cover any other cases which would not be covered by general letters, I suggest that we should pass the amendment in this form, that the papers should be made available for inspection by any member of the Standing Finance Committee. I am quite agreeable to placing before them any cases which the Finance Committee consider suitable; only I do not think they want their proceedings flooded out with these small cases.

Sir Purshotamdas Thakurdas: I understand from the Honourable Mr. Sim that he would be quite prepared to put such details before the Standing Finance Committee as they might desire.

Mr. G. G. Sim: Yes, it will be for the Standing Finance Committee to settle what cases they wish to look at.

Sir Purshotamdas Thakurdas : And you agree to abide by the decision of the Standing Finance Committee ?

Mr. G. G. Sim : Yes, Sir.

Mr. President : Amendment moved :

" That at the end of clause (*a*) the following be inserted :

' reporting, however, to the Financial Commissioner any differences of opinion that may arise from time to time between himself and the Agent. Such differences shall in due course be made available for inspection by the Standing Finance Committee for Railways '."

The question is that that amendment be made.

The motion was adopted.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, I should like to ask one small question of the Honourable Sir Basil Blackett and Mr. Sim. I should like to know whether, when this Resolution is carried, there will be any abrogation of any rules framed under section 96-B or whether Mr. Sim himself will be bound by any satisfactory rules framed under the Government of India Act ? Does it involve any statutory rules or will this be carried out by an executive order ?

The Honourable Sir Basil Blackett (Finance Member) : Entirely by executive order, I think, though I confess I am not an authority on the question of statutory rules.

Mr. President : The question is :

" That the Resolution,* as amended, be accepted."

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* " This Assembly recommends to the Governor General in Council that with a view to improving the system of audit and accounting on railways, a reorganisation in the direction stated below be introduced forthwith as an experimental measure on the East Indian Railway :

(*a*) The Auditor General shall in future be responsible for audit alone. He should no longer be required to maintain the accounts of the railways or to control their accounts staff. Such control should pass, not to the Railway Board as such, but to the Financial Commissioner of Railways. On each railway system the accounting staff will be under the orders of the Financial Commissioner of Railways for the purpose of appointments, promotions, transfers, etc., reporting, however, to the Financial Commissioner any differences that may arise from time to time between himself and the Agent. Such differences shall in due course be made available for inspection by the Standing Finance Committee for Railways.

(*b*) The accounts staff under the Financial Commissioner of Railways shall perform duties practically identical with those hitherto undertaken on State-worked railways by the accounts and audit staff under the Auditor General. Where the latter exercised an audit properly so called, the new agency will conduct an ' internal check ' ; but the nature and extent of the scrutiny will be approximately the same in both cases.

(*c*) The Auditor General shall, in order to enable him to fulfil his statutory responsibilities, be provided with a sufficient staff to make a satisfactory audit of the work of the accounts offices."

The Assembly divided :

AYES—67.

Abdul Munin, Khan Bahadur Muhammad.
Abul Kasem, Maulvi.
Acharya, Mr. M. K.
Ahmad Ali Khan, Mr.
Akram Hussain, Prince A. M. M.
Alimuzzaman Chowdhry, Khan Bahadur.
Aney, Mr. M. S.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaswami.
Bajpai, Mr. R. S.
Bhat, Mr. K. Sadasiva.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Carey, Sir Willoughby.
Chalmers, Mr. T. A.
Chartres, Mr. C. B.
Chetty, Mr. R. K. Shanmukham.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Dumasia, Mr. N. M.
Fleming, Mr. E. G.
Ghazanfar Ali Khan, Raja.
Ghulam Bari, Khan Bahadur.
Gordon, Mr. E.
Gordon, Mr. R. G.
Graham, Mr. L.
Gurner, Mr. C. W.
Hira Singh Brar, Sardar Bahadur Captain.
Innes, The Honourable Sir Charles.
Langley, Mr. A.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Lohokare, Dr. K. G.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Mahmood Schamnad Sahib Bahadur, Mr.
Makan, Mr. M. E.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Pandit Harkaran Nath.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Murtuza Sahib Bahadur, Maulvi Sayad.
Naidu, Mr. M. C.
Nehru, Pandit Shamlal.
Panduranga Rao, Mr. V.
Purshotamdas Thakurdas, Sir.
Reddi, Mr. K. Venkataramana.
Roy, Mr. G. P.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan Bahadur.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Devaki Prasad.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vijayaraghavacharya, Diwan Bahadur T.
Webb, Mr. M.
Yakub, Maulvi Muhammad.

NOES—14.

Abhyankar, Mr. M. V.
Chaman Lall, Mr.
Das, Mr. B.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Hans Raj, Lala.
Joshi, Mr. N. M.
Kelkar, Mr. N. C.
Majid Baksh, Syed.
Nehru, Dr. Kishenlal.
Neogy, Mr. K. C.
Ranga Iyer, Mr. C. S.
Venkatapatiraju, Mr. B.
Yusuf Imam, Mr. M.

The motion was adopted.

DEMANDS FOR SUPPLEMENTARY GRANTS IN RESPECT OF RAILWAYS.

AUDIT.

Mr. G. G. Sim (Financial Commissioner, Railways) : Sir, I move :

"That a supplementary sum not exceeding Rs. 1,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1926, in respect of 'Audit'."

This proposal is supplementary to the last and I am happy to say that on this particular occasion I have the support of my Honourable friend, Mr. Neogy.

Mr. K. C. Neogy : Mr. Jamnadas Mehta's support ought to be enough.

The motion was adopted.

COMPANIES' AND INDIAN STATES' SHARE OF SURPLUS PROFITS ON NET EARNINGS.

Mr. G. G. Sim : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 38,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1926, in respect of 'Companies' and Indian States' share of surplus profits on net earnings'."

This, Sir, as explained in the note attached and sent to Honourable Members, is a purely formal Resolution. Every year we work out the amount due to the companies and Indian States in respect of the profits of the last year and this is the figure that is due to them on last year's profits.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural): Sir, beg to move the following amendment :

"That the supplementary demand in respect of 'Companies' and Indian States' share of surplus profits on net earnings' be reduced by rupees one hundred with a view to draw the attention of the Railway Companies and States concerned to the desirability of reducing their third class fares."

(*Cries of* "Withdraw.") I am sure, Sir, that the cause I am pleading—no I am not going to withdraw unless you, Sir, command me to do it—I should be very glad if Honourable Members will stand up and say that the case of the poor passengers who travel in the third class does not deserve consideration at the hands of this House. I would like to have a division on it. I was quite prepared to accept the suggestion made by the Honourable Mr. Sim that he would himself be agreeable to take the necessary steps to see that as early as possible this subject is taken into consideration and something definite is done. That is something reasonable, but I am not going to be.....

Mr. President : But the Honourable Member does not seem to have been satisfied with that reasonable offer of Mr. Sim.

Mr. M. K. Acharya : I want to have an offer on the floor of this House, Sir ; I do not want to be satisfied with a private talk.....

Mr. President : Does the Honourable Member move his amendment formally ?

Mr. G. G. Sim : I am quite willing, Sir, to make the Honourable Member a definite promise, to repeat the promise which was given by the Honourable Sir Charles Innes during the budget debate, that this question will be definitely considered by the Standing Finance Committee within the next two or three months. The question is at present being thrashed out in every individual railway system and necessary information is being collected, and the whole question will be placed before the Standing Finance Committee.

Mr. M. K. Acharya : In view of the assurance given by the Financial Commissioner, I beg to withdraw this amendment.

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

Mr. President : The question is :

"That a supplementary sum not exceeding Rs. 38,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1926, in respect of 'Companies' and Indian States' share of surplus profits on net earnings'."

The motion was adopted.

DEMANDS FOR SUPPLEMENTARY GRANTS (EXCLUDING RAILWAYS).

OPIUM.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I am anxious to study the convenience of the House and I am in some doubt as to how far they would desire me to give an explanation of the various supplementary votes which follow. The motion that I have to make now is :

"That a supplementary sum not exceeding Rs. 50,96,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1926, in respect of 'Opium'."

This is a sum which we have to pay to the cultivators for opium actually delivered by them, and the reason for the supplementary demand is that God has been very bountiful and there has been a very much larger crop than we estimated when we introduced the original estimates. I am prepared to answer any questions if they are desired, but in order to study the time of the House I will leave the motion at that for the moment.

Mr. A. Rangaswami Iyengar : May I know, Sir, how it would affect the budget figures under the head of Opium for the next year if this Rs. 50 lakhs were granted ?

The Honourable Sir Basil Blackett : It will have no direct effect on next year's figures at all. As regards this year's figures it does mean that there is an addition to our expenditure of this amount. But it is to a large extent, I think counterbalanced by increases in our revenue. Of course we took a very conservative estimate of revenue.

Mr. A. Rangaswami Iyengar : Does that mean that the Government are not going to restrict the output and supply of opium ?

The Honourable Sir Basil Blackett : Government have already taken steps to restrict very severely the area to be cultivated next year. We cannot of course restrict the extent of the production in that area, especially if the weather is fortunate, as it was this year ; but we have reduced the area, I think, from 116,000 bighas to 72,000 bighas, to be cultivated next year.

Mr. A. Rangaswami Iyengar : May I know, Sir, if there is such a thing as intensive cultivation to make up for the reduction in the extent of cultivation ?

The Honourable Sir Basil Blackett : We have taken that into account, Sir.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : May I ask the Honourable the Finance Member whether he has examined if it is not possible to keep the accounts relating to Opium on a better basis than at present, so that Honourable Members may know exactly what the position of Opium is in respect of receipts and expenditure.

The Honourable Sir Basil Blackett : It is a subject to which I have given very careful attention. As the Honourable Member knows, it was raised in the Standing Finance Committee, and as soon as we can get to anything like a commercial account of our Opium Department, I think we shall be in a position to place the accounts on a better footing. But we shall not be able to avoid the necessity of coming in for supplementary estimates unless we get these payments made statutory.

Diwan Bahadur M. Ramachandra Rao (Godavary *cum* Kistna : Non-Muhammadan Rural) : May I ask the Honourable Member whether he will be prepared to tell us something about the financial position for 1925-26. I thought he might usefully make some statement on one of these supplementary grants. I once asked him for information on this matter, but he very skilfully avoided telling me.

The Honourable Sir Basil Blackett : The only reason why I avoided telling the Honourable Member is that I have no information. I can only say that the progress of both the revenue and expenditure this year appears to be following very closely the budget estimates. But I cannot guarantee the House against the risk of a surplus, nor yet can I say that we are safe from a possible deficit. I have really no better figures than those contained in the original estimates for the year. It is true that in one or two cases, for instance, in Customs, we are doing a little better, but in Income-tax we are doing a little worse, so that all I can say at the moment is that the estimated surplus, I think, of 24 lakhs that was originally in the budget estimate will be reduced by the 18½ lakhs that has been voted to-day for steel, and that the remainder of the surplus, I hope, we shall not fail to realise.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Will the Honourable Member be pleased to say something about the actuals of the last financial year ?

The Honourable Sir Basil Blackett : I have not got the exact figures.

Sir Purshotamdas Thakurdas : Approximate figures ?

The Honourable Sir Basil Blackett : I will try and bring them to-morrow.

Mr. President : The question is :

"That a supplementary sum not exceeding Rs. 50,96,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1926, in respect of 'Opium'."

The motion was adopted.

STAMPS.

The Honourable Sir Basil Blackett : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 17,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1926, in respect of 'Stamps'."

This sum is required for the continuance and completion of the new stamp factory at Nasik. The House will remember that by a small majority in the last Session, it reduced this vote by 17 lakhs with a view to the particular item in question being charged against capital instead of against revenue. The Government of India have carefully looked into the position. Without raising the general question, I would like to draw the attention of the House to the position in this particular case. This factory was actually started a year ago, and there was charged against revenue in the year 1924-25 a sum of, I think, 8 lakhs. The amount required to complete it was included in the budget estimates for this year. It does not seem a very suitable moment to change over from revenue to capital in the middle of the construction of the building, and as there is no particular reason why we should at this moment change over from revenue to capital, we are indisposed to find this sum out of capital, and we have decided to come back to the House and ask them to vote it as a charge against revenue. The position is that, if we have a surplus, it will be a surplus

[Sir Basil Blackett.]

of 17 lakhs more, if we charged this sum to capital than if we charged it to revenue. If there is a surplus of 17 lakhs or more, that sum will presumably go to reduction of debt, and so we shall be simply borrowing with one hand and producing debt with another. If there is a deficit, in any case this sum will be borrowed. So, in the middle of the year, I think it would probably be undesirable to make a change in this particular case. I do not wish to go into the general question of the desirability of charging this particular building or buildings in general to capital. I am willing to admit that this is one of those cases which is fairly near the border line, and it was on that basis that the House voted that it should be charged to capital, having the day before come to a contrary decision in regard to buildings included in the salt vote. But I am quite willing to admit that this is somewhat nearer the border line than other cases. It is however a building which is being put up for administrative purposes, and the rule that we have hitherto followed is that buildings for administrative purposes should be charged to revenue, and that we should borrow, only for purposes of what is really reproductive capital expenditure such as Irrigation, Railways, etc.

Sir Purshotamdas Thakurdas : I am afraid, Sir, I must oppose this motion, and I wish that the Honourable the Finance Member would not press this to a division. There is no reason adduced by him as to why the Assembly should change the opinion which it recorded after what I consider to be a very full discussion of this subject last March. The only ground advanced by the Honourable the Finance Member is that a sum of 8 lakhs and odd has already been debited to revenue in connection with this building, and therefore this second instalment of 17 lakhs should be allowed to be so debited. May I ask him, Sir, if the total cost of the buildings is not—I am speaking from memory—approximately 50 lakhs ?

The Honourable Sir Basil Blackett : These two sums, 17 lakhs and about 8 lakhs are the total.

Sir Purshotamdas Thakurdas : With the machinery it comes to about 50 lakhs.

(*An Honourable Member* : It is about 50 lakhs.)

Sir Purshotamdas Thakurdas : One Honourable friend on my right says it is about 50 lakhs. But whatever the amount may be, as far as we are concerned, it is certainly not going to end with these 17 lakhs.

The Honourable Sir Basil Blackett : Yes, it ends for this year.

Sir Purshotamdas Thakurdas : With the machinery included ?

The Honourable Sir Basil Blackett : I do not think that anybody has ever raised that question at all.

Sir Purshotamdas Thakurdas : Would you charge the machinery to capital and buildings to revenue ?

The Honourable Sir Basil Blackett : Machinery is always charged to revenue.

Sir Purshotamdas Thakurdas : What is the difference ? This, Sir, is not a building for administrative purposes. This is a building put up for a department which, we are told, is going to be run on a commercial basis. Why charge either the machinery or the building to revenue

account? I feel, Sir, that the Assembly would be making a great mistake in complying with the Honourable Member's suggestion at this stage even, and I suggest it to my Honourable friend that the right course would be to debit the 8 lakhs 53 thousand also to the capital account, so that we may know exactly how far the estimates on which this scheme has been based turn out to be correct. I do not think I need say anything more. No fresh reason has been adduced by the Finance Member as to why the Assembly should change its previous verdict and I am afraid the Finance Member's is a very wrong policy. The Finance Member said, Sir, that in March last the Assembly turned down this demand of 17 lakhs after having voted for some buildings, etc., in connection with salt works. I am sure that he will agree very readily that the two questions are very wide apart. In connection with the Salt Department, the works may not be good enough even for some years. They have to be renewed at short intervals and are liable to be washed out. In the case before us to-day we are putting up a substantial building and the whole thing was reported by the Standing Finance Committee to be an absolutely commercial proposition, and I think that if ever there was a case in which the Assembly should insist that the cost should be debited to capital, it is in this case. This demand of 17 lakhs may well be turned down and the Finance Member should debit the first 8 lakhs also to capital, so that we may have our capital account for this part of the Government's enterprise accurate. I oppose the motion.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I must say that I am surprised at the plea which the Finance Member has put forward for bringing forward a rejected grant again for the vote of the House. I know, Sir, that the rules of procedure have been changed by the exercise of those extraordinary powers which the Viceroy possesses enabling....

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, the rules were amended by no extraordinary powers of His Excellency the Viceroy. The amendments had nothing to do with the special powers of His Excellency the Viceroy.

Mr. A. Rangaswami Iyengar : I beg Mr. Tonkinson's pardon. It is by the Governor General in Council. They were made as an emergency measure last year, Sir, when we first rejected the votes, to enable the Government not merely here, but in the Provincial Councils, to bring forward rejected votes again and again before these Houses. And I say, Sir, that this is purely and simply an attempt to get the House back to vote against its own vote on a previous occasion—it is nothing else than that—and I say, Sir, that a supplementary grant is not the proper way of doing that. The proper way is for him frankly to tell us : You voted against this on the last occasion. We think you were wrong. At any rate, we are more sure of votes on this occasion than we were on the last occasion, and therefore we are trying to put it through at a time when we are sure of a better attendance on our side or a poorer attendance on your side. And that I say, Sir, would be a fair way of putting this to the House. I feel on that ground that these motions asking the House to retrace its own decisions arrived at in March last, should be opposed. The rest of the arguments of the Finance Member about this becoming capital expenditure eventually and as to the position that when a surplus is realised owing to the reduction it will go into capital account in reduction of debt and that

[Sir Basil Blackett.]

when a deficit comes, you will have to make up the deficit by means of capital borrowing—all this I say, Sir, is mere camouflage to get this House to go back on its decision.

The Honourable Sir Basil Blackett : Sir, I do not know what it is to which Mr. Rangaswami Iyengar objects, but he is very clever at finding objections. This vote was, as I said, rejected by the House last March. The Government of India had the option of restoration. They did not restore it. Does he object to that ?

Mr. A. Rangaswami Iyengar : Yes, they did not restore it, but they come to the House again to get it to reverse its own decision when the time seemed favourable to the Government.

The Honourable Sir Basil Blackett : That was the Honourable Member's first objection, that we did not use our powers to restore this grant, but that, instead, we come back to the House and give them an opportunity to discuss the thing again. The building is in course of construction. We had three alternatives. One was to restore the grant and to continue the building. The other was to accept the decision of the House and charge to capital. But even in that case we had no authority from the House because nothing had been voted. We should have had to come back to the House and bring forward a supplementary grant for the charge to capital. But in the meanwhile we should have had to go on with the building. What we have done is that, in view of the fact that the House did not want the building to stop, which was the net effect of its vote, we have given it a further opportunity of restoring the grant.

Sir Purshotamdas Thakurdas : I think the Government would not have correctly understood the speeches that were made then. We wanted the expenditure to be out of capital.

The Honourable Sir Basil Blackett : Certainly, but we were still without any formal authority from the House to spend the money. We have therefore come back to the House to ask them to reconsider their decision. I do not deny that. That is the one purpose of our coming back. I do not know why Mr. Rangaswami Iyengar should object to our giving the House an opportunity to reconsider their decision. He says that we are doing it at an opportunity which is favourable to us. This item on the agenda has been on the agenda since I think last Thursday. We are still dealing with last Thursday's agenda and I think it would have been very clever of the Government if they had managed to keep the House with a majority all the time to secure that when this particular item happened to come on for decision the Government should be able to carry it their way. We have come before the House perfectly plainly and put before them this proposal. I was careful, when I got up, to ask the House to take this decision on practical grounds, that whatever our view on its merits may be as regards the desirability of charging this to capital or not, we should in this case charge it to revenue, because it was started under revenue, and because the only effect of charging it to capital would be a purely book-keeping one, except that we should have to include next year a sum for amortisation of this charge. If the House wish me to discuss the whole question on its merits at this time I am perfectly willing to do so. I still hold the view, and I wish to give an opportunity to the House to hold the view, that this

building ought to be charged to revenue. I was rather interested to get put into my hands the other day a report by the Commissioner General of the League of Nations for Hungary who is representing the League of Nations in the business of reconstruction and I came across this passage :

"It is noticeable that the Post, Telegraphs, and Telephones have adopted the sound principle of including in their budget items for capital outlay. The management of the Posts, Telegraphs and Telephones is to be congratulated on having included in it all its capital expenditure and meeting the expenditure from its own receipts."

There is much to be said on both sides on the general question as to whether or not you should charge such an item to capital. I deliberately did not raise that question now. I asked the House to come to a decision on nothing else except that, for practical reasons, it is advisable that this charge should continue to be charged to revenue and I submit that they should, in view of the explanation, pass this vote and not raise the general issue.

***Mr. R. K. Shanmukham Chetty** : May I know what would be the possible difficulty if this is charged to capital account and not to revenue account ? Why should the Finance Member take the trouble to say to the House that on practical grounds this should be charged to revenue ? May I know what would be the difficulty in charging it to capital ?

The Honourable Sir Basil Blackett : If I was to carry out the suggestion of Sir Purshotamdas Thakurdas it would mean re-opening last year's account which is rather a difficult thing to do. If this is charged to capital it would be doing what has not hitherto been done and the only practical effect would be, if it has any practical effect at all, that the 1926-27 estimate would be increased by a sum of approximately two lakhs, representing amortisation on this charge.

***Mr. R. K. Shanmukham Chetty** : Sir, the fact that 8 lakhs which has already been spent on this has been charged to revenue is not a very serious objection to including this item now in the capital portion, for this reason that there is still 15 lakhs of rupees to be spent in the purchase of paper, etc., which I suppose might be spent either during the course of next year or the year following. Now, Sir Purshotamdas suggested that 8 lakhs out of this might be transferred to capital account. The whole of the money that is to be spent would then appear in the capital account and we would know exactly how things stand.

The Honourable Sir Basil Blackett : If the Government do make an adjustment I think they ought to do it in a straightforward manner and not arrive at it in a round-about way which would amount almost to misappropriation in form though not in intention. I said the Government asked the House for practical reasons not to press the charging of it to capital. I am quite prepared, if the House so desire, to defend the case on principle, but I do not now put the case on financial grounds of principle.

Mr. President : The question is :

"That a supplementary sum not exceeding Rs. 17,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1926, in respect of 'Stamps'."

* Interruptions not corrected by the Honourable Member.

The Assembly divided:

AYES—38.

Abdul Mumin, Khan Bahadur Muhammad.
Akram Hussain, Prince A. M. M.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaswami.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Chalmers, Mr. T. A.
Chartres, Mr. C. B.
Clow, Mr. A. G.
Cosgrave, Mr. W. A.
Dalal, Sardar B. A.
Fleming, Mr. E. G.
Ghulam Bari, Khan Bahadur.
Gordon, Mr. E.
Gordon, Mr. R. G.
Graham, Mr. L.
Gurner, Mr. C. W.
Hira Singh Brar, Sardar Bahadur Captain.
Innes, The Honourable Sir Charles.
Langley, Mr. A.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Naidu, Mr. M. C.
Panduranga Rao, Mr. V.
Reddi, Mr. K. Venkataramana.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Tonkinson, Mr. H.
Vijayaraghavacharya, Diwan Bahadur T.
Webb, Mr. M.

NOES—42.

Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Aney, Mr. M. S.
Carey, Sir Willoughby.
Chaman Lall, Mr.
Chetty, Mr. R. K. Shanmukham.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Das, Mr. B.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Govind Das, Seth.
Hans Raj, Lala.
Iyengar, Mr. A. Rangaswami.
Joshi, Mr. N. M.
Kasturbhai Lalbhai, Mr.
Kelkar, Mr. N. C.
Lindsay, Sir Darcy.
Lohokare, Dr. K. G.
Mahmood Schamnad Sahib Bahadur, Mr.
Majid Baksh, Syed.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi Sayad.
Mutalik, Sardar V. N.
Nehru, Dr. Kishenlal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Phookun, Mr. Tarun Ram.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan Bahadur.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Devaki Prasad.
Sinha, Kumar Ganganand.
Stanyon, Colonel Sir Henry.
Syamacharan, Mr.
Sykes, Mr. E. F.
Yusuf Imam, Mr. M.

The motion was negatived.

AGRICULTURE.

Mr. J. W. Bhore (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 2,44,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1926, in respect of 'Agriculture'."

This demand, Sir, consists of three items which have been explained in the note which has already been circulated to Honourable Members. The only point that I would like to emphasise is that the receipts in all these cases are anticipated to more than cover the expenditure. If there are any further points upon which Honourable Members would like to have information I shall be happy to give it. I beg to move the motion.

The motion was adopted.

CAPITAL OUTLAY ON VIZAGAPATAM PORT.

The Honourable Sir Charles Innes : I beg to move :

"That a supplementary sum not exceeding Rs. 90,47,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1926, in respect of 'Capital outlay on Vizagapatam Port'."

The House will remember that in the last Session they approved, on the recommendation of the Railway Finance Committee, of the construction of a railway from Raipur to Vizianagram. They agreed to this railway on the assumption that the Vizagapatam Harbour would be constructed, and that is why I move this motion.

6 P.M.

The motion was adopted.

THE OUDH COURTS (SUPPLEMENTARY) BILL.

Mr. H. Tonkinson (Home Department : Nominated Official): Sir, I move that the Bill to supplement the Oudh Courts Act, 1925, as passed by the Council of State, be taken into consideration.

The Act, Sir, which this Bill proposes to supplement is an Act which was passed by the United Provinces Legislative Council. Section 49 of that Act provides for the amendment of certain Acts of the Governor General in Council which are specified in Part I of the First Schedule to that Act. Briefly those amendments propose as a general rule to confer upon the Chief Court which is established by the Oudh Courts Act powers which are now exerciseable by High Courts of Judicature established by Letters Patent. In the Bill before us the Schedule is identical with Part I of the First Schedule to the Oudh Courts Act as passed by the local Council. In some respects these amendments can, so far as the United Provinces is concerned, be made by the local Council, but even as regards those amendments it would be impossible for us, because of an Act passed by a local Legislature, to make amendments in our editions of Acts of general application. In other cases, for example, in the case of the Indian Divorce Act, 1869, the amendments made by the local Council may take away jurisdiction from the High Court of Judicature in Allahabad, and are thus beyond the competence of the local Legislature. In another case, the first amendment to the Code of Criminal Procedure, the approval of the Secretary of State in Council is required under the provisions of the Government of India Act and that approval which has been obtained only extends and could only extend to legislation by the Indian Legislature. Sir, until the Bill which has been passed by the Council of State is passed by the Indian Legislature we shall be unable to make the improvement in the judicial administration of Oudh which is expected from the constitution of the proposed Chief Court. Sir, I move.

Mr. R. K. Shanmukham Chetty : I move that the motion be adjourned till Thursday next.

The Honourable Sir Alexander Muddiman : Sir, I dislike very much bringing forward legislation at the end of a day like this. But this Bill is one of great importance. We must establish this Court at once and I beg the House to pass this Bill. I will not take any other Government business to-night.

Mr. R. K. Shanmukham Chetty : I beg to withdraw my motion.

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

Mr. President : The question is :

"That the Bill to supplement the Oudh Courts Act, 1925, as passed by the Council of State, 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. H. Tonkinson : Sir, I move that the Bill to supplement the Oudh Courts Act, 1925, as passed by the Council of State, be passed.

The motion was adopted.

The Honourable Sir Alexander Muddiman : I have already informed the House that we will not take any further Government business to-night.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 16th September 1925.

LEGISLATIVE ASSEMBLY.

Wednesday, 16th September, 1925.

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

QUESTIONS AND ANSWERS.

CONTRACT WITH MESSRS. SPEDDING AND COMPANY FOR THE SUPPLY OF SLEEPERS.

979. ***Lala Duni Chand** : With reference to the reply of the Honourable Sir Charles Innes on the 3rd September 1925 to question No. 666 put by Lala Hans Raj, will the Government be pleased to state:

(1) (*a*) If the requirements of the various Railways in the North Western Railway Group were intimated to the Chief Engineer, North Western Railway, at the time when the tenders in September 1922 for coniferous sleepers were called for ?

(*b*) If the reply to (*a*) be in the affirmative, will the Government be pleased to lay a statement on the table showing the number of Deodar, Chir and Fir Sleepers required by each of the Railways in the North Western Group for 5 years for which the tenders were called for, and whether these Railways are taking them as indented ? If not, why ?

(2) (*a*) Will the Government be pleased to state if any tenders were called for when the contract in advance for any future supply to Messrs. Spedding & Co., during the period of their monopoly contract was given in February 1923 for supply of 1 to 1½ lakhs of Deodar Sleepers on the same conditions and at the same price, *viz.*, 7|15|- per Deodar B. G. and other concessions amounting to |5|- per sleeper as admitted by the Government ? If not, why ?

(*b*) Will the Government be pleased to state if they are aware that in February 1923, there was a strong feeling amongst the public over the monopoly contract given in November 1922 to Messrs. Spedding & Co., by the North Western Railway and that the contract is calculated to bring Spedding & Co., over forty lakhs as middleman's profit ?

(3) Will the Government be pleased to state the reasons why this additional contract was made with Spedding & Co., privately in advance for future supply which may not have been required and without calling for tenders ?

(4) Will the Government be pleased to state when they intend to take the Deodar B. G. Sleepers from Spedding & Co., which they had agreed to buy in February 1923 ?

Mr. G. G. Sim : 1. (*a*) The Honourable Member is referred to the reply given in this Assembly to his question No. 347 (3) on 27th January 1925.

(*b*) The railways originally estimated their annual requirements of coniferous sleepers from the North-Western Railway group as follows :

	Lakhs.
North-Western Railway	8.00
Bombay, Baroda and Central India Railway ..	1.75
Oudh and Rohilkhand Railway	1.70
East Indian Railway	0.50
Great Indian Peninsula Railway	0.25
Total ..	12.20

The numbers actually taken or to be taken by each railway concerned in each year, up to 1925-26, have already been stated in reply to part 2 of the Honourable Member's question No. 347 on 27th January 1925. The reason, why railways did not take the full number of sleepers in accordance with their estimated annual requirements, is that their actual requirements fell short of their estimated requirements.

2. (*a*) No tenders were called for when the contract in question was given to Messrs. Spedding and Company and Bawa Dinga Singh because it was not considered that there would be any advantage in inviting fresh tenders in February 1923, as the market had been tested by a previous call for tenders as recently as October 1922.

(*b*) The Government are aware that the unsuccessful contractors were not pleased. As regards the latter portion of the question, Government do not consider that the North-Western Railway Administration can be held responsible if the contract results in Spedding and Company making a large middleman's profit, as public tenders were called for in the first instance and the lowest satisfactory tender was accepted in accordance with the usual procedure in such cases.

3. The additional contract was made because it was anticipated that supplies under the contracts already entered into would fall short of the requirements of all the railways concerned. When those railways cancelled part of their demands, the additional contract in question was deferred, as stated in reply to part 2 of question No. 666 by Lala Hans Raj on 3rd September 1925. The reason for not calling for tenders has already been stated in reply to part 2 (*a*) of this question.

4. If and when the supplies under the other existing contracts fall short of requirements, sleepers will be taken from Spedding and Company under the contract of February 1923, in accordance with the arrangement under which that contract was held in abeyance.

Lala Duni Chand : With reference to paragraph 2 (*a*), granting that the market had been already tested, and there was no necessity for calling for tenders, why is it that the choice again fell on Messrs. Spedding and Company and upon no other ?

Mr. G. G. Sim : I have replied to that in part 2 (*a*) of the question already.

Lala Duni Chand : With reference to 2 (*b*) the Honourable Member has stated that the lowest tender was accepted. In the reply to question No. 317 in 1925, the quotations of tenders as given by the Honourable Member then were 7-8-0, 7-12-0, 7-14-0, that is lower than 7-15-0. How does the Honourable Member reconcile the statement made now with the statement made in reply to question No. 347 in 1923 ?

Mr. G. G. Sim : I said that the lowest satisfactory tender was accepted.

CONTRACT WITH MESSRS. SPEDDING AND COMPANY FOR THE SUPPLY OF SLEEPERS.

980. ***Lala Duni Chand** : With reference to the statement by the Government in their reply to question No. 666 of Lala Hans Raj, that the present market rate for Deodar B. G. Sleepers was between 6|8|- and 7|-, will the Government be pleased to state the reasons for their making a gift of over a lakh of rupees of the public money to Messrs. Spedding & Co., by making a contract privately in advance when there was no immediate demand ?

Mr. G. G. Sim : The Honourable Member is referred to the reply given to part 3 of his previous question. Government do not admit that the execution of a forward contract, when prices were expected to rise, as in this case, can be considered as making a gift of public money to a contractor because prices eventually happened to fall instead of rising, any more than the previous long-term contract with Spedding and Company, which resulted in a great saving to the railways and a loss to the contractor owing to a rise in the price of sleepers, can be considered as a gift of lakhs of rupees by the contractor to the railways.

Lala Duni Chand : Will the Honourable Member be pleased to state in what year the North-Western Railway made a profit while Messrs. Spedding and Company suffered a loss and, if so, will the Honourable Member be pleased to give the amount of profit made by the North-Western Railway and the amount of loss suffered by Messrs. Spedding and Company ?

Mr. G. G. Sim : I have already informed the Honourable Member that the saving occurred in connection with the long-term contract but if he wishes information to be collected I would ask him to put down a question.

CONTRACT WITH MESSRS. SPEDDING AND COMPANY FOR THE SUPPLY OF SLEEPERS.

981. ***Lala Duni Chand** : (1) Will the Government be pleased to state if it is a fact that Spedding & Co. could not make a full supply from their resources to complete the monopoly contract orders that had been placed with them in November 1922, and consequently they had entered into a contract with the Punjab Government and others for the supply at lower rates than those at which the North Western Railway had contracted to buy from Spedding & Co., as admitted by Government in their reply to question No. 350 of Mr. Samarth ?

(2) If the reply to the above be in the affirmative, will the Government be pleased to state the reasons for placing this additional contract

with the firm which had not sufficient resources of its own to make a supply under the monopoly contract of November 1922 ?

(3) Will the Government be pleased to state if it is not a fact that this additional contract in February 1923 was given to Spedding & Co., to keep the Indian firms at the mercy of Spedding & Co., during the period of the monopoly contract and help indirectly Spedding & Co., in the completion of the monopoly contract of November 1922 ?

(4) Will the Government be pleased to state what steps they propose to take in regard to the findings of the Central Advisory Committee about the monopoly contract, and the giving of the 1923 contract privately ? Are Government prepared to appoint a committee of inquiry of the Members of this House to go into this matter ?

Mr. G. G. Sim : (1) and (2). The Honourable Member is referred to the replies given to question No. 296 of Mr. K. C. Neogy on the 23rd July 1923 and to question No. 350 of Mr. N. M. Samarth on the same date.

(3) No.

(4) The Honourable Member is referred to the statement made by me in this Assembly on the 22nd January 1925, when I laid on the table a copy of the minutes of the meeting of the Central Advisory Council held on the 4th September 1924, and a copy of the Railway Board's letter to the Agent, North Western Railway, on this matter. Government do not intend to appoint any fresh committee of inquiry.

IMPERIAL CADET CORPS.

982. ***Mr. Gaya Prasad Singh** : (*a*) Will the Government be pleased to say when was the Imperial Cadet Corps formed ? What were the rules for admission ? Whether it still exists ? And if not when did it cease to exist ?

(*b*) What was the total amount of expenditure (if any) which it entailed on the Government ?

Sir Denys Bray : (*a*) The Imperial Cadet Corps was formed in 1901 and ceased to exist in 1915. A copy of the rules which regulated admission to the defunct Corps is placed on the table.

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

Extract from the Rules for the Imperial Cadet Corps.

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Admission to the Corps.

VII.—Selected youths between the ages of 17 and 20 will be admitted to the Corps as Imperial Cadets. Education at one of the Chiefs' Colleges of Rajkot, Ajmer, Indore, and Lahore will, with rare exceptions, be made the basis of selection. At the start, the age limit may be somewhat relaxed, but it will be strictly adhered to in future :

(*a*) Ruling Chiefs will not be excluded.

Medical Examination.

(*b*) Cadets will be required, before joining, to pass a medical examination.

Selection of Candidates.

VIII.—The selection will be made personally by His Excellency the Viceroy, in consultation with the Principals of the Colleges, with the Local Governments, and with the authorities of the States to which the Cadets may belong.

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ESCAPE FROM INDIA OF TWO AMERICANS SENTENCED TO IMPRISONMENT IN THE MURREE ASSAULT CASE.

983. ***Mr. Gaya Prasad Singh**: (*a*) Have the Government of India received any report from the Local Government that the two Americans, who were lately convicted and sentenced to imprisonment in what is known as the Murree assault case, have escaped, and have left this country?

(*b*) If so, will the Government be pleased to lay a copy of the report on the table?

The Honourable Sir Alexander Muddiman: The Government of India have received a report. The matter is still the subject of correspondence with the Local Government and I am unable at the present stage to lay any papers on the table.

Mr. Gaya Prasad Singh: Have any steps been taken by the Government to arrest these two Americans who have escaped out of this country?

The Honourable Sir Alexander Muddiman: Every possible step is being taken to secure the return of these men.

Mr. Chaman Lall: Who were the police officers who were responsible for allowing these people to get out of this country without their knowledge.

The Honourable Sir Alexander Muddiman: If the Honourable Member desires information as to the police officers concerned in the case he should put down a question. I do not know the names of the officers.

Mr. Chaman Lall: Will the Honourable Member see that suitable and adequate action is taken against these persons.

The Honourable Sir Alexander Muddiman: As I have said, I am now in correspondence with the Punjab Government. When the Government of India are in possession of the facts, we shall be able to arrive at a conclusion on the matter and I shall be able to answer the question.

CONSTRUCTION OF A RAILWAY BRIDGE OVER THE GANGES AT MOKAMEH GHAT.

984. ***Mr. Gaya Prasad Singh**: Will the Government be pleased to say what progress, if any, has been made in the project of building a railway bridge over the Ganges at Mokameh Ghat, since the statement made by the Railway Member in this House in the course of the discussion on the last Railway Budget Demands?

Mr. G. G. Sim: It is not considered that further consideration of this project is required at present.

GRANT OF PENSIONS TO NON-OFFICIALS.

985. ***Khan Bahadur Sarfaraz Hussain Khan** : Will Government be pleased to state :

(*a*) Whether under any Resolution of the Government of India, the Government of India and the Provincial Government have full powers to sanction the grant of pension to non-officials for exceptional services ?

(*b*) If so, will Government please state what kinds of exceptional services are contemplated by the Resolution referred to, or to what description of public services the Resolution may be properly applied ?

The Honourable Sir Basil Blackett : At present there are no restrictions at all on the powers of the Government of India or Provincial Governments to sanction pensions to non-officials. The question of defining the word "exceptional" does not therefore arise. Each case has obviously to be decided on merits.

RATES OF PAY IN CURRENCY OFFICES.

986. ***Mr. B. Das** : (*a*) Will Government be pleased to state whether they are aware that several former Controllers of the Currency (Messrs. Cook, Gubbay, McWatters and others), have expressed the opinion that the work in a currency office is not wholly of a routine nature and the work in accounts, claims and other branches compares favourably with that in an account office ?

(*b*) If the reply be in the affirmative are Government prepared to bring the scale of pay in Currency Offices into line with that of the Account offices ?

The Honourable Sir Basil Blackett : The work in a Currency Office is not wholly of a routine nature but it is not similar to that in an Accounts Office, and comparisons between the two are impossible. The Government are not prepared to lay down that the rates of pay in Currency Offices and in Accounts Offices should be the same.

PROVIDENT FUND AND GUARANTEE CONTRIBUTIONS BY THE CURRENCY OFFICE STAFF.

987. ***Mr. B. Das** : (*a*) In reference to the reply of the Honourable the Finance Member to starred questions Nos. 731-737 of Mr. N. M. Joshi, during last Delhi session, will Government be pleased to state if they have reached their decision on the question of Provident Fund and guarantee contributions by the Currency Office staff ?

(*b*) Are Government aware that the present system of contribution by the Currency staff is materially different from those in practice in the Railways, and Port Trusts, not to speak of commercial houses in Bombay or Calcutta ?

(*c*) Are Government aware that much discontent is felt amongst employees of the Currency staff :

(1) for their not being credited Government contribution simultaneously every month,

(2) for their losing the accrued interest on such Government contributions ?

(*d*) Will the Government state whether the present practice that only after a full period of 30 years' service can an employee receive Government contributions applies in the case of those who accidentally die or leave service beforehand ?

(*e*) Are Government prepared to do away with these unusual hardships to the Currency office staff and introduce systems of contribution in vogue in Railways, Port Trusts, etc. ?

The Honourable Sir Basil Blackett : The question is still under consideration.

CONSTITUTION OF A LOCAL ADVISORY COMMITTEE ON THE BENGAL NAGPUR RAILWAY.

988. ***Mr. B. Das :** (*a*) In reference to the reply of unstarred question No. 7 of 25th August 1925, will Government be pleased to state the reasons why the Bengal Nagpur Railway has not so far constituted a Local Advisory Board for itself ?

(*b*) What pressure did the Railway Board apply to the Bengal Nagpur Railway on this matter ?

(*c*) Was this subject discussed in the Central Advisory Board and if so, will Government be pleased to inform the House of the result of such deliberations ?

(*d*) Will Government be pleased to lay on the table of the House all correspondence between the Railway Board and the Bengal Nagpur Railway on the formation of a Local Advisory Board ?

Mr. G. G. Sim : (*a*) and (*b*). The matter is under correspondence with the Railway Administration whose reply is expected shortly.

(*c*) The subject was not discussed with the Central Advisory Council.

(*d*) No.

Mr. B. Das : Will the Government be pleased to state the reason for this inordinate delay in this matter ?

Mr. G. G. Sim : I have said that we are in correspondence with the company.

LOCAL ADVISORY COMMITTEES ON RAILWAYS.

989. ***Mr. B. Das :** (*a*) Will Government be pleased to state which of the major railways besides the Bengal Nagpur Railway have not so far had their Local Advisory Board ?

(*b*) Will Government be pleased to state if this subject was raised in the discussions of the Central Advisory Board ? If so, with what results ?

(*c*) Will Government be pleased to lay on the table the correspondence of the Railway Board with these railways on the subject ?

(*d*) Will Government be pleased to state what unavoidable reasons led these railways to avoid formation of their Local Advisory Boards ?

Mr. G. G. Sim : (*a*) All the principal railways except the Bengal Nagpur Railway have formed their Local Advisory Committees.

(*b*), (*c*) and (*d*). Do not arise.

Mr. K. C. Neogy : Is the Honourable Member answering these questions in his independent capacity as the Financial Commissioner of Railways or as an apologist for the Railway Board ?

Mr. G. G. Sim : The Honourable Member can draw his own conclusion.

AMENDMENT OF THE GRATUITY RULES ON RAILWAYS.

990. ***Khan Bahadur W. M. Hussanally** : (*a*) Are Government aware that railway men desire that as soon as a railway man has put in 15 years of faithful service he should be given the gratuity he has earned ; and that a fresh period should commence again for further gratuity ; so that the chance of his forfeiting the same later on, on flimsy grounds be eliminated ?

(*b*) Do Government propose to take action to amend the gratuity rules as suggested ?

Mr. G. G. Sim : Gratuities are not forfeited on flimsy grounds and Government do not propose to amend the gratuity rules in the manner suggested.

PRESENT POSITION OF THE INDIAN MATCH INDUSTRY.

991. ***Mr. B. Das** : (*a*) Have Government received a representation from the Indian match manufacturers regarding some of the hardships that the match industry is passing through ?

(*b*). Have Government taken any action on the same ?

(*c*) Is it a fact that match woods in logs when imported from abroad pay nominal duties and not the same duties as are levied on splints, match boxes, etc., imported ?

(*d*) Will Government be pleased to state if they contemplate raising duties on logs to the same rate as on splints, etc., to enable the indigenous industry to have adequate protection ?

Mr. G. G. Sim : (*a*) Yes.

(*b*) and (*d*). The Government are watching developments.

(*c*) It is a fact that the duties on splints and match boxes are higher than the duty on logs.

Mr. B. Das : Are the Government going to put a heavier duty on logs imported for the purpose of manufacturing match sticks ?

Mr. G. G. Sim : I cannot tell the Honourable Member. I am not replying either in my capacity as Financial Commissioner or as member of the Railway Board, but in the place of the Honourable Member for Commerce, and I should advise the Honourable Member to put his question when the Honourable the Commerce Member is here.

MANUFACTURE OF MATCHES IN INDIA BY FOREIGN COMBINES.

992. *Mr. B. Das.: (a) Is it not a fact that a Swedish combine have already taken advantage of low duties on match wood and have opened various factories all over the country ?

(b) Have Government seen press comments regarding another American syndicate that intend to start match manufacture in India taking advantage of low duties on timber imported from foreign land at low rates ?

(c) Do Government intend to take adequate steps to allow the development of the indigenous match industry ?

Mr. G. G. Sim: (a) and (b). The Government have seen reports in the Press, but are only aware of two large factories having so far been started by the Swedish Company, namely, one near Bombay and one near Calcutta.

(c) The Honourable Member is referred to the reply given to Mr. Jeelani on 7th September last by the Honourable Sir Charles Innes.

RECRUITMENT OF LASCARS AS STRIKE BREAKERS.

993. *Mr. B. Das: (a) Has Government's attention been drawn to the strike of seamen in South Africa and the invitation extended to Indian lascars to join steamers stranded in South African Ports ?

(b) Do Government propose to take measures to stop the despatch of Indian seamen to that Dominion, to replace the strikers ?

(c) Are Government aware that public opinion in India is against India's or Indians' rendering any assistance to the Dominion of South Africa in her troubles or distress owing to her policy of discrimination against Asiatic races ?

Mr. G. G. Sim: I would refer the Honourable Member to the answers given to short notice questions on the same subject asked by Mr. A. Rangaswami Iyengar and Mr. N. M. Joshi on the 10th September 1925.

BANNING OF GOODS PRODUCED ABROAD UNDER SWEATED LABOUR CONDITIONS.

994. *Mr. Kasturbhai Lalbhai: Have the Government seen the report of the Joint Committee of the Parliamentary Labour Party and International Executive Committee of the Labour Party recommending the banning of all imported articles produced abroad under sweated labour conditions ?

The Honourable Sir Bhupendra Nath Mitra: No.

Mr. Kasturbhai Lalbhai: Do the Government recognize that tariff manipulation is of little use against a country which utilises sweated labour ? The only method by which they can face competition from the country which uses sweated labour is the banning of imports from such country ?

The Honourable Sir Bhupendra Nath Mitra: That is a matter of opinion, Sir.

Mr. N. M. Joshi: May I ask the Honourable Member whether piece-goods produced in India are produced under sweated conditions or not ?

The Honourable Sir Bhupendra Nath Mitra : That again, Sir, is a matter of opinion.

Mr. Devaki Prasad Sinha : What, according to the Government of India, Sir, is sweated labour ?

The Honourable Sir Bhupendra Nath Mitra : I shall require notice of that question, Sir.

Mr. Chaman Lall : May I ask whether in giving his reply to this question the Honourable Member's attention had been drawn to this Resolution passed by the International Executive Committee of the Labour Party.

The Honourable Sir Bhupendra Nath Mitra : The Honourable Member can read any meaning he wants to into the answer I have already given to Mr. Kasturbhai Lalbhai.

ACTION AGAINST COUNTRIES PRODUCING GOODS UNDER SWEATED LABOUR CONDITONS.

995. ***Mr. Kasturbhai Lalbhai :** (*a*) Is it a fact that the Peace Treaty of Versailles provides the machinery for international action against the country where sweating conditions of labour exists ?

(*b*) Do Government propose to utilize that machinery ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No.

(*b*) Does not arise.

Mr. Chaman Lall : Is it a fact that the Executive Committee of the Labour Party have announced their intention of utilizing the machinery set up by the Versailles Treaty, namely, the International Labour Office, for the stoppage of imports of sweated goods into a particular country ?

The Honourable Sir Bhupendra Nath Mitra : I have no information on that point, Sir.

Mr. Chaman Lall : Will the Honourable Member, whenever the occasion arises, make a similar proposition with regard to sweated goods, namely, in connection with the mills in this country ?

The Honourable Sir Bhupendra Nath Mitra : That, Sir, does not arise out of this question. If the Honourable Member will give me notice of the question, I shall certainly look into it.

Mr. N. M. Joshi : May I ask whether Government will be ready to inquire into this matter ?

The Honourable Sir Bhupendra Nath Mitra : Government are always ready to make inquiries into matters in regard to which a reasonable case for investigation is placed before them.

RAILWAY FREIGHTS.

996. ***Mr. Kasturbhai Lalbhai :** Will Government be pleased to state the method whereby they determine that a particular rate for a particular traffic is paying or non-paying commercially ?

RAILWAY FREIGHTS ON COAL.

997. ***Mr. Kasturbhai Lalbhai** : Will Government be pleased to state on what data they arrived at the conclusion that " the policy of the Railway Board always has been that coal should be carried at the lowest rates which are *commercially possible* ?

Mr. G. G. Sim : I propose to answer this and the preceding question together.

The Honourable Member is referred to the remarks of the Honourable Sir Charles Innes during the debate on the Railway Budget in this House on the 26th February 1925, as printed on pages 1589, 1590, 1595 and 1596 of the Legislative Assembly Debates, Volume V, No. 24.

RAILWAY FREIGHTS ON COAL IN SOUTH AFRICA AND JAPAN.

998. ***Mr. Kasturbhai Lalbhai** : (*a*) Are the Government in a position to state at what rate coal is transported in South Africa and Japan and what relation it bears to the freight on other commodities ?

(*b*) If the Government have not this information in their possession are they prepared to inquire into the matter ?

Mr. G. G. Sim : The reply to both parts of the question is in the negative.

INDIAN CONTRIBUTIONS TO FOREIGN COUNTRIES.

999. ***Mr. B. Das** : (*a*) Will Government be pleased to state the names of countries to which India contributes money by arrangement besides the Government of Nepal ?

(*b*) If the answer be in the affirmative, will Government be pleased to give the amounts of contributions in each case ?

Sir Denys Bray : As the countries in question are either Foreign States or territories of Princes and Chiefs under the suzerainty of His Majesty, I am not quite sure how far I can give a detailed answer. But the Honourable Member will find the information he requires in Aitchison's Treaties.

Mr. B. Das : Is it not a fact that the Government of India pay a subsidy of Rs. 10 lakhs to.....

Mr. President : The Honourable Member for Government has already answered the question. The Honourable Member might get the information he wants from the published records.

DAMAGE TO THE RAILWAY LINE BY THE RECENT FLOODS IN THE SHAHABAD DISTRICT OF BIHAR AND ORISSA.

Mr. Devaki Prasad Sinha : 1. (*a*) Will the Government be pleased to state what portion of the railway line has been damaged by the recent floods in the Shahabad District of Bihar and Orissa.

(*b*) Will the Government state for how many days train service on the main line of the East Indian Railway was stopped on account of the floods ?

(*c*) Will the Government be pleased to make a statement regarding the present arrangement for train service along the main line of the East Indian Railway ?

Mr. G. G. Sim : (*a*) At Bihta between Dinapore and Arrah.

(*b*) and (*c*). The breach took place on the 9th September 1925 and temporary arrangements were made to run the Punjab Mails and 5 Up

and 6 Down Express trains *via* the Grand Chord. 11 Up, 29 Up and 17 Up ran up to Dinapore and returned as 12 Down, 30 Down and 18 Down from there. 18 Down and 30 Down ran up to Arrah and returned as 17 Up and 29 Up from there.

Single line working between Bihta and Koilwar was introduced on 14th and with effect from the same date through running was resumed.

I have just received a telegram announcing that through communication was restored on both lines to-day.

Mr. Devaki Prasad Sinha : Do the Government realize that the Railway Board is partly responsible for the recurrence of flood in the district of Shahabad ?

Mr. G. G. Sim : No, Sir.

Mr. Devaki Prasad Sinha : Has the attention of the Government of India been drawn to a report submitted through the Government of Bihar and Orissa by an engineer who was specially deputed to inquire into this question complaining that the existing condition of the railway lines is responsible for the recurrence of flood in Shahabad ?

Mr. G. G. Sim : I am afraid I have no information, Sir.

Mr. B. Das : Do Government realize, Sir, that the breach on this railway is due to the insufficiency of waterway provided on the railway line in that area ?

Mr. G. G. Sim : I am not aware of that, Sir.

UNSTARRED QUESTIONS AND ANSWERS.

EMPLOYMENT OF MUHAMMADANS IN THE OFFICE OF THE DIRECTOR OF THE BUREAU OF PUBLIC INFORMATION, HOME DEPARTMENT.

191. **Haji Wajihuddin** : (1) Will Government be pleased to state if it is a fact that in the Office of the Director of the Bureau of Public Information, Home Department, there are in all 13 ministerial posts including that of the office superintendent and the photographer and that not one of these 13 posts is held by a Mussalman ?

(2) If so, why and what steps do Government propose to take to facilitate the employment of Mussalmans ?

The Honourable Sir Alexander Muddiman : (1) Yes.

(2) I am informed that Muhammadan candidates with the required qualifications have hitherto not been forthcoming. I have issued orders which will secure that in future the claims of Muhammadan candidates will receive the most careful consideration.

PROVINCIALIZATION OF SALT IN BURMA.

Mr. E. G. Fleming : Will the Government of India be pleased to state whether final orders have been passed on proposals for the provincialization of the subject of " Salt " in Burma submitted by the Government of that Province (as stated by the Honourable the Finance Member in the Burma Legislative Council in his reply to question No. 258 given on the 11th March, 1924) ? If so, what are the orders passed ?

The Honourable Sir Basil Blackett: In September 1924 the Government of Burma submitted detailed proposals for the provincialization of the subject of "Salt", both imported and locally made, in Burma, basing their case upon a recommendation of the Burma Reforms Committee. The Government of India examined these proposals carefully; they recognised that the scheme put forward by the Burma Government was so designed as to protect fully the immediate fiscal interests of the Government of India, but they came to the conclusion that the proposal must be resisted on general principles. It ran directly counter to the policy that has been deliberately pursued by the Government of India, since the reforms, of disengaging central finance and the functions of the Central Government from provincial finance and the functions of the Provicial Governments. The proposal involved differential treatment of one of the Provinces, and the Government of India could not agree with the view that the position of Burma was so different from that of other provinces that it would be permissible to grant Burma differential treatment that would be denied to other provinces. If, therefore, the proposal was accepted, it would establish a precedent that might prove exceedingly embarrassing, particularly as it impinged upon the subject of Customs, a subject which affects the external relations of the Government of India. The Government of India did not underrate the economic and political advantages of giving encouragement to the salt industry in Burma which the Burma Government proposed to give by differentiating between the duties on imported and locally made salt, but held that the objections to putting the Local Government in the position to apply that particular expedient were insuperable and that other expedients should be sought. The Government of India forwarded the Burma Government's letter to the Secretary of State with their observations. The Secretary of State in Council has replied that he accepts the views of the Government of India.

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 at a meeting of the Council of State held on the 15th September, 1925, the Council rejected a motion that the Bill to provide that, when fire-arms are used for the purpose of dispersing an assembly, preliminary warning shall, in certain circumstances, be given, as passed by the Legislative Assembly, be taken into consideration."

(*Cries of* "Shame.")

THE CONTEMPT OF COURTS BILL.

PRESENTATION OF THE REPORT OF SELECT COMMITTEE.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I present the Report of the Select Committee on the Bill to define and limit the powers of certain courts in punishing contempts of courts accompanied by numerous minutes of dissent. (Laughter.)

RESOLUTION *RE* AMENDMENT OF THE RULES FOR ELECTION TO THE INDIAN AND PROVINCIAL LEGISLATURES.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural) (The Honourable Member was greeted with applause on rising to address the House): Sir, the question of disqualification.....

Mr. President : The Honourable Member must begin by reading his Resolution.

Pandit Shamlal Nehru : I thought, Sir, that I had moved the Resolution formally the other day, but I will do it again to-day. The Resolution, which I have already moved, Sir, runs as follows :

"This Assembly recommends to the Governor General in Council that the rules made under the Government of India Act, 1919, for election to the Indian and provincial Legislatures be so amended as to remove all the disqualifications which are at present imposed upon any person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than one year is subsisting."

Sir, the notice of this Resolution was given early last year. After the notice was given, this question was referred by the Government of India to the Parliamentary Joint Committee. (*Mr. K. Ahmed* : "How do you know ?") I know that because I have read their report. (Laughter.) I do not know whether it was on account of this Resolution that the Government of India referred the subject to the Parlimentary Joint Committee. Perhaps it was that, or perhaps (I would like to give the Government credit for it) it was due to their thinking that an offence should not carry more than one penalty. This question was taken up by the Parliamentary Joint Committee, and it was discussed at several meetings for over a month. It was resolved by the Committee to invite the Secretary of State for India to give them the reasons for the amendment proposed by the Government of India. At the second meeting at which the Secretary of State was present he made a statement as to the necessity for the proposed amendments. After deliberation it was moved by the Earl of Middleton :

"That the Committee do *not* recommend the Secretary of State to make the proposed amendments to the qualifications for candidature for Indian Legislative bodies."

The same was objected to and votes were taken. Votes for the Resolution were 4 and against the Resolution of not recommending were 11.

The proposed motion was disagreed to. Then another motion was made by Mr. Wardlaw Milne:

"That the Committee accept the view of the Government of India as to the necessity for the amendment, but suggest that, if the Government fear the continuance of persistent demands on the part of persons convicted, the period of disqualification should be reduced from five to two years."

This also was objected to. The contents were 5 and the non-contents were 10. 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 a period of more than six months is subsisting."

This was also objected to.

On the votes being taken the contents were 10 and the non-contents were 5. You will see, Sir, that the Secretary of State was advised to remove these disqualifications altogether *as suggested by the Government of India*. According to English law there is only one penalty for one offence, and even a murderer there is qualified to stand for the Legislature. I do not think any criminals, real criminals I mean, were allowed by the public to get any votes at all in England and the same thing, I

am sure, will happen in India if a real dacoit or a real thief stands for election here. (*An Honourable Member* : " Why are you here ? ") I am here because Government failed and could not help my getting in. Now, Sir, in England where they have got a representative Government people who go to jail deserve the punishment. In India thousands and thousands of people who, if they had their own Government would have been honoured for their patriotism, have been sent to jail and declared convicts and declared unfit for any work for the good of their country through the Legislature. In England, Sir, if an offence is punishable with a 10-shilling fine, in India the same offence means six months' rigorous imprisonment or perhaps a year. In India, Sir, people go to jail for offences for patriotism and sometimes for displeasing some powerful people. In 1920-21 Sir, as we all know, about 30,000 people went to jail voluntarily. By voluntarily I do not mean to say that they went and locked themselves up in the jail, but they took no objection to their being sent to jail. There were about 30,000 of them, of whom Mr. Gandhi was one. Of these people, Sir, nearly every one was no offender against any law, real law, not a lawless law. Cases were tried in courts, punishments were given right up to 5 years rigorous imprisonment, for " offences " which in a self-governing country will be considered patriotism and rewarded accordingly. In 1921, Sir, many people, high and low, the favourites of the people of the country were sent to jail on manufactured evidence. Take the case of my Honourable Leader who happens to be my uncle also (Laughter) or my Honourable uncle who happens to be my leader, whichever way you like to have it. (Applause.) He was arrested at 5 o'clock, taken to jail and the next morning tried by the Magistrate. He refused to answer questions. His signature, or his so-called signature, on a paper had to be proved before a conviction could be obtained. The paper was there all right, but somebody had to prove the signature because he had refused to answer questions. A person was forthcoming immediately who said that he had served Pandit Motilal Nehru for a large number of years as his servant and who knew his signature in Hindi well. Now, Sir, Pandit Motilal Nehru had never seen that man's face before, nor had I for the matter of that. (*An Honourable Member* : " Why did you not disprove it ? ") I do not think he has ever signed his name in Hindi. But all the same he got six months' simple imprisonment and Rs. 500 fine. This is how convictions are manœuvred in India. There is another case of my cousin Pandit Jawahirlal Nehru. He heard of the firing in Jaito. He went there. No objection was taken to it. He went to the city and met the Superintendent of Police on the roadside. The Superintendent of Police seeing there was a foreigner asked his name. His name was well known to the Superintendent. He asked him as a special favour to wait where he was, until he went and saw the Administrator. My cousin obliged him and waited. He came back with the Administrator's orders that my cousin should leave the State immediately. Pandit Jawahirlal Nehru informed the police that he was going by the first train which was leaving Jaito that evening. The police said " My orders are that you should leave immediately." Pandit Jawahirlal Nehru said " That is the only train by which I can leave and that is the earliest. I cannot evaporate in the air." He got 2½ years' rigorous imprisonment for refusing to evaporate in the air. Is that an offence, Sir ? Mr. Gandhi's case is well known and I need not therefore say anything about it. (*Mr. S. Sadiq Hasan* : " What about your own case ? ") My friend wants to know my own case. My own case, Sir, is this. I was arrested 10 minutes after my Honourable uncle. I was taken to jail the

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same evening. The next morning I was tried in jail. The Magistrate asked me questions, I refused to answer them. My case was a warrant case. I was arrested on a warrant. The charge was changed to another section, which was a summons case. But although the charge was a summons case, I was locked up by the orders of the Magistrate forthwith for 9 days, because I would not answer questions. I thought it was useless being locked up for ever and ever. So I decided to have a definite term of imprisonment. After 9 days I said that I had committed the offence and I was proud to do it and would do it again. I got six months for that. (Laughter.) This is how convictions are manœuvred in India. This is how respectable people of India, people who are loved by Indians, are treated. I dare say it serves administrative purposes. But it shows to the country that you are nonentities and you dare not put up your head. But, Sir, if you look at it from the real administrative point of view and not from the vindictive point of view, it is undermining the foundations of that very administration which is behaving in that way. Sir, I do not want to prolong my speech. I just want to warn the Government as a very loyal subject of His Majesty the King and as a very loyal subject of the bureaucracy in this country. (Hear, hear.) I say it is a bad thing. It is not a sensible thing to treat a large number of people in that offhand and callous manner. It is dangerous for their own administration and it is dangerous for their own Government. They want co-operation. Can they expect co-operation from a man who is given 2½ years' rigorous imprisonment for the offence of not evaporating in the air on the orders of the Administrator of Nabha State. The same man, Sir, my cousin, was given six months in another case. He did not appeal. A special judge was appointed to revise the judgment. He was let off without any defence by that judge. The third time he was given 18 months. Altogether, Sir, he has received 4½ years' imprisonment. He cannot come to this Assembly. Why? Because he is a patriot and because he refused to evaporate in the air. There are many other cases into which I need not go.

There is one more case which I should like to mention. That case was from Benares. A Muhammadan gentleman, a doctor by profession, was given a year's rigorous imprisonment. I do not exactly remember under what section, but it was either under theft or some such other offence. When the orders were issued by the Government for the better treatment of the political prisoners, that man who was convicted under that disgraceful section was put on political prisoners' rations. The Government acknowledged, Sir, that he was a political prisoner although he had committed theft. But can you, Sir, send a political prisoner to jail under the charge of theft? That very thing shows that the Government acknowledged that they were doing things which no honest man can think of ever doing. I am sorry, Sir, to have used strong words because I do not believe in using strong words. But, if what I have said is considered to be strong, I am sorry for having done it. But I have only stated the facts.

Sir, the Honourable the Home Member must know what the Maharaja Sahib of Mahmudabad said in his evidence before the Reforms Inquiry Committee. I am sorry I have forgotten the page of the report and therefore cannot refer to his statement.

Mr. K. Ahmed : He sent a written statement to the Reforms Inquiry Committee which was drafted by you!

Pandit Shamlal Nehru : It was not supplied by me, but I do not know whether he asked my friend Mr. K. Ahmed for it. However, the Maharaja Sahib is absolutely of the same opinion as we, the convicted and non-convicted Swarajists.

Sir, I will not say anything more at the present moment but if any Honourable Member says anything which requires a reply I will deal with it fully in my reply. (Applause.)

The Honourable Sir Alexander Muddiman (Home Member) : Sir, if I rise at this early stage of the debate it is for the purpose, if I can, of bringing Honourable Members back more closely to the Resolution actually before the House. My Honourable friend will pardon me if I say that many of his remarks seem to me rather to deal with criticism of the courts than to refer to the actual terms of his Resolution. If I have not misunderstood him, I gather that he at any rate pleaded guilty to the charge against him.

Sir, the Resolution as framed by my Honourable friend involves two things, I think. Not only does it involve there being no disqualification at all in the case of a person convicted for any offence whatever by a criminal court but it would also permit a person actually in prison to stand as a candidate. Now, the existing disqualifications on this matter are as follows.

As the rules were originally framed, they prevented a person convicted by a criminal court who had received a sentence in excess of six months' imprisonment from standing as a candidate. The only way in which this disqualification could be removed was by a pardon, a difficult thing to obtain and a difficult thing occasionally to grant. Well, Sir, this question of disqualification has been raised, as my Honourable friend pointed out, on several occasions. It was, in fact, as he says, considered by the Standing Joint Committee on Indian Affairs in the session of 1924. My Honourable friend read the motion moved by Lord Clwyd, but I think he appeared to gather from it that the Joint Committee recommended the abolition of all restrictions in this matter. That is not the case. What the Joint Committee recommended was that the proposal of the Government of India should be adopted and that proposal has, in fact, been adopted by the Government of India. The matter was again considered by the Reforms Inquiry Committee last year. I will read to the House a passage dealing with their recommendations on that point.

Pandit Shamlal Nehru : May I interrupt the Honourable Member, Sir ? The motion made in the Standing Joint Committee was :

"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, etc.*"

The Honourable Sir Alexander Muddiman : Sir, the Honourable Member has been misled by the wording of the motion, but the Government of India made no such proposal.

Mr. A. Rangaswami Iyengar : It is certainly the recommendation of the Joint Committee.

The Honourable Sir Alexander Muddiman : It is not the recommendation of the Joint Committee. 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 following a sentence of transportation or imprisonment for a period of more than six months is subsisting'."

The recommendation of the Government of India did not propose the abolition of all disqualifications as seems to be thought. There was no such proposal of the Government of India. I think the House will accept that when I tell them that that is so.

Pandit Shamlal Nehru : Will the Honourable Member read the recommendation sent to the Committee ?

The Honourable Sir Alexander Muddiman : I have not got that, Sir. It was based on our letter no doubt.

When I was interrupted I was saying that this matter was considered by a Committee that met last year, the Reforms Inquiry Committee, and their recommendations are to be found both in the majority and minority reports. I think I am justified in saying that though the minority were not very warm in support of any of our recommendations, they did support this or at any rate said they had no objection to the change. This was a recommendation that was discussed at considerable length in the majority report and was a unanimous recommendation. The majority report said :

"At present any conviction which involves a sentence of more than six months constitutes a bar to election, unless the offence has been pardoned, for a period of five years from the date of the expiration of the sentence."

They went on to say :

"We are not prepared to recommend the introduction of any provisions in the rule which would differentiate between offences involving, and offences not involving moral turpitude. We consider that the attempt to provide such a distinction is unsound in theory and almost impossible in practice. We however consider that it is inadvisable to require that the offence should be pardoned before the disqualification is removed. The disqualifications under other provisions of the rule can be removed by order of the Local Government in this behalf and provided arrangements are made to secure that there shall be uniformity of action in regard to particular persons in different provinces we consider that similar provisions should suffice in regard to this disqualification also. We also consider that the period of six months is too short, and that it should be increased to one year. This period has a precedent in the similar provision in the South African constitution."

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trinchinopoly : Non-Muhammadan Urban) : May I know whether the proceedings of the Joint Parliamentary Committee were placed before the Muddiman Committee ?

The Honourable Sir Alexander Muddiman : No, Sir, I do not think we had it at the time, nor would it have influenced the Reforms Inquiry Committee if it had been placed before them.

My friend behind me (Mr. Tonkinson) informs me that the Joint Committee finished their business in July and the Government of India did not receive their proceedings till last February.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Will the Honourable Member read what the minority say ?

The Honourable Sir Alexander Muddiman : The minority say :

"It is recommended that a sentence of six months which constitutes a bar to election should be increased to one year. We have no objection."

Mr. M. A. Jinnah : May I just say a word on the point. The minority took this view that it was certainly better than what it was before. We therefore had no objection to any improvement being made.

The Honourable Sir Alexander Muddiman : If Mr. Jinnah feels that that was his view in the Committee it is not for me to contest it. I do not desire to take the minority a bit further than the report takes it. If the Honourable Member thinks that I have overstated the case, I regret it. I would say that I have no desire to take his recommendation one inch further than it goes.

Mr. M. A. Jinnah : I think it is no recommendation at all. They simply say, "We have no objection" because they think that they had something better.

The Honourable Sir Alexander Muddiman : On that report we approached the Government at Home and in the Home Department Notification, dated the 23rd July 1925.....

Mr. A. Rangaswami Iyengar : The new Government, the Conservative Government ?

The Honourable Sir Alexander Muddiman : Our Notification was dated the 23rd July, 1925. The Honourable Member can judge from that. The effect of the amendment was to provide that the period of sentence which constitutes this disqualification should be one year, and we also provided that pardon would not be necessary, that the disqualification could be removed by order of the Local Government with the previous sanction of the Governor General. We have provided two things, we have enlarged the period of imprisonment to one year and also enabled some discretion to be exercised by the Local Government in regard to that imprisonment. It is open to the Local Government to say that in its judgment the offence committed was not such as to require disqualification. I am not personally greatly enamoured of an arrangement by which power in this matter is given to a Local Government. I would much prefer some entirely automatic arrangement, but for reasons I will give, unless you attempt to apply some such test as moral turpitude—and I agree entirely with what the Reforms Inquiry Committee say that it is an impossible test to apply, since moral turpitude is a matter for divines rather than administrators..... (*Several Honourable Members* : "Leave it to the constituencies.") In that connection I would like to read an observation made by a very distinguished Law Member many years ago. He was pressed to insert in a statutory regulation or law some definition referring to offences involving "moral turpitude". He said on that :

"Is there any precedent for the phrase 'moral turpitude'? I know of none. Is it 'moral turpitude' to put arsenic in a Viceroy's tea for political purposes? Is it 'moral turpitude' to murder all the English in a mufassal settlement in order to provoke a mutiny? Is it 'moral turpitude' to publish articles in newspapers calling on Indians to do either of these things or to rise and assassinate their rulers? These seem nice conundrums for divines, but as a mere lawyer I give them up. The amendment would provide employment for the honourable and deserving profession to

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which I belong, but from any other point of view it seems, at any rate at first sight, to be difficult to defend."

That was the opinion of a very distinguished lawyer, and the reason I quoted it was to show that the provision, which I myself consider rather objectionable that Local Governments should have this power of distinguishing different kinds of offences, is in fact a way out of inserting some phrase such as "moral turpitude" in the statutory rules. If you did put in moral turpitude, then the question arises, who is to define what is "moral turpitude"? We hold very different views on that. Many Members on the other side of this House think things which I might regard as perfectly legitimate to involve tremendous "moral turpitude". On the other hand, it is possible that I consider certain things to come under that definition, though my friends on the other side may not agree.

I go back to the main question. We have done a good deal in the way of advancing in the direction the House wishes. We have extended the term of imprisonment and have provided a way round this difficulty which you would meet whatever phrase you inserted.

Then the question remains, is it justifiable to impose any restrictions at all. That is the question which I will now deal with. I think you will agree with me that something in that nature is essential. (*Honourable Members* : "No.") It is perfectly true that in England a man who has served his term is purged. It is also true that the House of Commons has power to expel a Member ; this House has no power to expel. There is an amendment on the paper which proposes to confer that power on this House but when that power is conferred I hope I shall not be Leader of the House. It is an amendment I am perfectly certain will take some years to get through, therefore I feel comparatively safe. It is not a fact that in other countries no restriction of this kind exists. In many countries the matter is dealt with in rather a different way, that is to say, instead of having what I may call an automatic disqualification of this kind, it is left to the discretion of the judge trying the case. Certainly in some continental countries the court in addition to the imprisonment, whatever the term may be, may impose loss of civil rights which may be for life or for a considerable period according to the gravity of the offence. There are those two ways of dealing with the question. I do not think it has ever been dealt with in the way I have just referred to in any English-speaking country, or in any country which draws its institutions from the law of England. Therefore I do not suppose the House would consider we should move in this direction in revising our system. That a criminal offence should operate in certain circumstances as a disqualification for election to a legislature seems to me fairly easy to defend. Now the latest constitution which has been evolved by the British Parliament is the South African Constitution (*An Honourable Member* : "Oh!") and that provides for this matter in this manner. The South African Constitution was not evolved in South Africa entirely ; it is based on the best constitutional opinion of the time. It has often been quoted against me in connection with our own constitution in this country, so Honourable Members must not be prejudiced against the Act because the words "Africa" occurs in it.

Mr. A. Rangaswami Iyengar : Leave it to us.

The Honourable Sir Alexander Muddiman : Section 53 of the South Africa Act of 1909 runs as follows :

"No person shall be capable of being chosen or of sitting as a senator or as a member of the House of Assembly who,

(a) has been at any time convicted of any crime or offence for which he shall have been sentenced to imprisonment without the option of a fine for a term of not less than 12 months unless he shall have received a grant of amnesty or a free pardon, or unless such imprisonment shall have expired at least five years before the date of his election."

That is in fact our rule here ; I do not think there is any substantial difference between them. Our rule is a little more favourable because it has, as I say, left power to the Local Government to take into consideration the nature of the offence committed. I think it is of some importance to consider this particular provision because, as I say, that was the last constitution brought forward by the experts in these matters. They might have left it as it exists in England, but they deliberately took the other course. Now as far as India is concerned, as far as I am aware, some qualification of this sort has existed from the time of the old Councils, and the main opposition to it is undoubtedly based on, and the object of this Resolution and the reason why the House is taking the matter up is entirely connected with, events in recent years. It has been thought that it is the deliberate intention, quite wrongly I may say, to use this power for the purpose of excluding political opponents who have had the misfortune to fall within this claws of the law.

Mr. M. A. Jinnah : Clutches of the criminal law.

The Honourable Sir Alexander Muddiman : Clutches of the criminal law. On the other hand, however reasonable, or I should say rather, however natural that feeling may be, I trust the House, in approaching this matter, will not be led away by circumstances of that nature from considering that they are dealing with a proposition for the protection of their own Legislature. It has been said that those who break the laws should decide whether the laws they have broken are valid or not. I have never been able to assent to that proposition. It seems to me a very dangerous proposition, and as I have said the rule as it stands does provide a door by which the quality of the offence may be looked at. If you have no restrictions at all you will be taking away what I think the House ought to consider to be a proper safeguard. If you have the restrictions as they stand now you will not be shutting the door to any person whose claims could be put forward legitimately.

Mr. A. Rangaswami Iyengar : Of course.

The Honourable Sir Alexander Muddiman : The Honourable Member says "of course."

Mr. A. Rangaswami Iyengar : Because it would be in the hands of a Government which have behaved in the past in a way which does not deserve our confidence.

The Honourable Sir Alexander Muddiman : Well that may be the Honourable Member's view. It is not mine. As I say if you are going to have any restrictions at all, the restrictions that now exist are reasonable ; they deal with the matter in the only way it can be dealt with. I trust the House will accept the fact that we have made a step forward

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in response to the demands of this House and that we have arrived at a position which is not unreasonable. I trust the House will support this view.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I desire to move a very small amendment which runs as follows :

"That after the words 'recommends to the Governor General in Council', the following be inserted :

'with special reference to the repressive policy adopted by Government against non-co-operators during the past five years'."

In a word, Sir, I desire that this Resolution should be considered on two grounds, (1) general, relating to what may be called the general ethics of punishment, and (2) special, relating to anomalies that have been brought into existence by the policy of repression that has been pursued by the Government of India during the past five years. The Honourable the Home Member has just admitted practically that the latter special consideration is probably the consideration weighing most in the minds of the Members of this House ; and that would be in my humble judgment a very good reason for adding the words that I have proposed.

Sir, referring to this part of the Resolution, I am sure it requires very little detailed explanation from me to remind this House of what every Member of this House ought to be familiar with, namely the very hard, terrible events of the past few years. The Honourable the Home Member, Sir, the other day, in making in his own way an appeal to this House calling upon this House to follow the advice given by the Viceroy and Governor General of India, said that that Viceroy was none other than Lord Reading, "than whom probably in the British Empire there is none more wise and more skilled in arriving at a correct appreciation of the political position." And when he spoke those words, Sir, I was almost tempted—the words were almost on my lips—to interrupt and ask "in what was none more wise and none more skilled ?" Surely not in furthering the legitimate aspirations of the people of India towards full responsible government. None perhaps has been more wise, none more skilled in preserving the powers and the privileges of the bureaucracy undiminished by any one jot or tittle.....

The Honourable Sir Basil Blackett : Order, order.

Mr. M. K. Acharya : None perhaps has been more wise, none more skilled than he who has been the Governor General in office for nearly five years, in denying to the citizens of this country what they regard as their birthrights in the British Empire. None perhaps has been more wise and none more skilled than he who has been presiding over the Government of India during the past five years in speaking sweet words and in striking hard blows....

The Honourable Sir Basil Blackett : Sir, is this in order ?

Mr. President : Order, order, the Honourable Member is not entitled to criticise His Excellency the Governor General.

Mr. M. K. Acharya : I am not criticising him personally.

Mr. President : Order, order.

Mr. M. K. Acharya : I submit to your ruling, Sir, but I simply said that I was reminded of all this by the eulogy that was uttered in this House the other day. However,

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I am not concerned with the person ; I am concerned only with the policy of repression which was pursued during the past five years by the Government of India, and that, Sir, has formed the subject of debate more than once in this House. From the reported proceedings of this House for 1922 I find that this question of the reversal of the policy of repression formed the subject of a very huge debate in this House on the 18th January, 1922 ; and anybody reading through the proceedings of that day would hardly doubt that there was a policy of repression that was inaugurated by Government and put through in all its rigour. The Government made no apology for it and did not deny it. They rather justified it and said that that was thought to be necessary in the circumstances of the country then prevailing. But all the same the results are there—that the best men, the noblest men in the country, have been brought under the rigorous operation of that policy. It is within the knowledge of every body in this House as well as within the knowledge of every man who has been following the trend of events during the past five years, that the best and the greatest in the land have been made to suffer for their patriotism during that period. Sir, it is no exaggeration to say that probably, among those who suffered thus, and who are still outside this Assembly, there are men for whom the people of this country, and indeed the people of the whole world at large, have the greatest reverence. We are aware of how a Roman Governor of Palestine nineteen hundred and odd years ago immortalised his name by directing the Son of Man to be hung on the cross. Very similarly it has happened to a British Governor General by whom the greatest man living of the age, the most non-violent man of the world was visited with an imprisonment of two years. And why ? Because, of his sin that he was thoroughly non-violent, that he had so killed every lower impulse within his heart as to be able to love his enemies verily to bless those that cursed him and love those that hated him ! In return for such love he was sent to jail ; and not only he, but many an another. The Government put the best men of the country into jail. When my friend Pandit Shamlal Nehru was talking and referring to the unfortunate circumstances of those days, it was a pity that many laughed where they should have wept. It is a matter of great grief, it must be a matter of lasting grief to one and all who have any desire for serving the country that such noble patriots have been dealt with in the manner in which they were dealt with. Theirs are names we could conjure the country with—Lala Lajpat Rai, Arabinda Ghose, though he was perhaps a very old victim, Pandit Jawahirlal Nehru, Varadarajulu Naidu in my own province, and many an another, who would be an honour to any Assembly or Council whatsoever under the Sun. The question now is this :—because the Magistrates in their madness in those days chose to inflict terms of imprisonment exceeding six months, is this House to set a brand eternally upon their foreheads and say that they should not come into any respectable House ? Sir, the Honourable the Home Member has admitted that in England a man who undergoes imprisonment and comes back is purged of his sin. I should consider that that is a very very sound rule. Who dare say, who can say, that a man should be eternally branded ? Who dare say that a man, even a murderer for that matter, once he has served his term of imprisonment, once he comes out, is not purged of his sin ? The object of all punishment is to purge the man of his evil. The object of all punishment is to make the man better. After the man has undergone his punishment, he comes back and enjoys his property ; he pays his

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taxes ; and so long as he pays his taxes he becomes a respectable citizen. Whose is the power on earth to say that he ought not to exercise the full rights and enjoy the full privileges of citizenship, such as being a voter to an Assembly or a Council ? The matter seems to be so simple. It is unfortunate that the Honourable the Leader of the House should rely upon the example of South Africa rather than of England. He has admitted that South Africa cannot really carry much weight with this House. The iniquities of South Africa with respect to India are indeed too well-known. It seems to be somehow the curse of nature that the white man who goes there gets a black heart. However, we are not concerned with the example of South Africa. There are better examples. There is the example of England which has been called the mother of freedom. I therefore do not believe, Sir, that it is worth while to quote the example of a country where people are still unable to concede that India is also a part of the British Empire and deserves to be treated as a part of the British Empire. That is quite beside the question. My whole point is this, that as a result of the repressive policy pursued by Government which nobody can deny, several very respectable men, who will be an ornament to any Assembly, have been imprisoned. One of them is Mahatma Gandhi. He is venerated to this day as an incarnation by thousands of people and is worshipped as almost a second Christ by thousands of people. According to your rules, according to these man-made rules, he is unable to enter into this House. Any rule that brands Mahatma Gandhi as unable to come to this House is a rule that ought to be got rid of. Sir Alexander said that he might get through the back door. He might ask the Bombay Government or some other Government to forgive him. Forgive him for what ? For having served his country ? For having been a patriot ? For having declined to subordinate himself to man-made laws which he considered iniquitous ? Sir, it is adding insult to injury. It is bad enough to say that Mahatma Gandhi should not come into this House. It is bad enough to say that Jawahirlal Nehru should not come into this House. It is worse, it is adding insult to injury, to say that he must go, fall on his knees before the Governor of the United Provinces and say, "Pardon me for the offences I have committed and permit me to go into the Council." The suggestion seems to me to be preposterous. It cannot carry any weight with any reasonable Member of this House. And now, Sir, should anybody at all be kept out, or be deprived of the franchise ? Sir, I myself wanted to move an amendment—it is on the agenda ; but I do not propose to move it with your permission—I myself thought of adding a few words—"not involving moral turpitude". But, very rightly it has been pointed out, who is to judge what is moral turpitude and what is not ? Can anybody say who the sinner is ? In our prayers we are taught to confess our sins and not sit in judgment on others. All religions teach man not to usurp to himself the functions of the Almighty, and to say "This man is a sinner : he shall be branded for eternity". Even God in His infinite Grace does not brand man eternally. Through God's grace, man is purified of all evil. It is unfortunate that people who are supposed to belong to a religion hallowed by the name of Christianity, in which religion the doctrine of Grace is the most cardinal creed—it is unfortunate that they should come and say that any man who is convicted should be branded for eternity and should be deprived of his civic rights. The law in England seems to be very much wiser. Their view seems to be that a

man suffering punishment is purged of his sin when he comes back and that he must have all the rights which any other man could have. It should be left entirely to the electorate to decide whether they will elect that man as their leader or representative or not. Surely the electorate can always be expected to know whom to send as their representative. It cannot be decided for them by any other body. For these reasons, I do think it is wrong to say that any condition should be placed upon the man who should be elected, whether it is one year or two years or 30 years for that matter. If the man has gone through the punishment, he comes back purified. Who can say that his heart is not purified, is not repenting ? Who dare say he does not repent ? Indeed when he comes back purified of his sin, he must be given an honourable place in the community. I am reminded of a very old stanza of prayer that I am used to repeat from my childhood :

> *" Aparadhasahasrabhajanam*
> *Patitam bhimâmaharnavodare,*
> *Agatim sharanagatam, Hare !*
> *Kripaya kevalam—atmasat-kuru."*

which I would perhaps translate in these feeble lines :

> " A thousand sins in hell-floods huge
> Engulf me helpless ; yet in Thee
> I seek, Oh Lord ! my sole refuge ;
> For thro' Thy grace forgiven shall be
> All sins of mine ; Thy grace alone
> Can truly help me to atone."

In other words, he that has gone through punishment, that has suffered for the crimes that he has done, he that has atoned for his sins stands pure in the sight of God. How dare any man say that he is for ever to be denied the rights of citizenship ? Therefore, I appeal to this House to pass this Resolution with the few additional words I propose, namely, " with special reference to the policy of repression adopted by Government during the past five years." I repeat, Heaven alone knows who is really moral and who is not ; and none of us can presume to sit in judgment on others. Remember the words of the poet :

> " We all do pray for mercy, and that prayer
> Doth teach us all to render the deeds of mercy."

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : I agree with much that my Honourable friend, Pandit Shamlal Nehru has said. In his speech he has referred to very distinguished gentlemen, gentlemen whose hearts were burning with intense patriotism, but he has not referred to men who have been convicted of very heinous offences. So, although I do not oppose his Resolution and I wish it to be passed, as it is, I wish to make some observations before the House. It seems to me that the Resolution is a bit incomplete and a little bit vague, because men who have been guilty of offences such as dacoity, rioting, etc., have not been separated from the object of the Resolution. I think even Mahatma Gandhi would not have allowed such men to come in. His cult was non-violent non-co-operation and he would not allow violence. Therefore I hope that my Honourable friend will think over the matter and approve of my suggestion that men who have been guilty of violence or men whose guilt involves moral turpitude, should not have those disqualifications removed.

Pandit Shamlal Nehru : How will you define moral turpitude ?

Khan Bahadur Sarfaraz Hussain Khan : Everybody knows that. But with all that I support your Resolution. I am not against it. I am simply expressing my views before the House. If you agree with me, well and good. If you do not, I support your Resolution.

Pandit Shamlal Nehru : Then support me.

Khan Bahadur Sarfaraz Hussain Khan : I do support the Resolution. I say that even Mahatma Gandhi, who was the apostle of the movement and who was the teacher, and who is respected not only in India but throughout the world—he himself would not tolerate men who were guilty of rioting at Chauri Chaura. You may have read his observations. He never tolerated violence. He never tolerated the men who were guilty of rioting at Chauri Chaura and he also did not sympathise with the men who rose in the Moplah rebellion. If he did not sympathise with such men, why should I sympathise with them ? Simply because you have moved the Resolution it does not mean that I should necessarily agree with you in every thing you say. I must express my own views. I have placed my views before the House and if they do not agree with me, I support the Resolution.

Mr. A. Rangaswami Iyengar : I desire to move an amendment which would remove the first objection which the Honourable the Home Member had to the Resolution as orginally framed. As a matter of fact, the words of the Resolution are identical with the words used by the Joint Committee of Parliament in regard to this matter. However, to remove the doubt which he has raised as to whether a man who is actually serving his term of imprisonment could be elected or not—that question, I say, can be settled by the acceptance of the amendment which I have the honour to move, namely :

"That at the end of the Resolution the following be added :

'after he has endured the punishment to which he was adjudged or been pardoned for the offence concerned'."

This, I submit, is exactly the state of the law in England and the words, in fact, are actually taken from the statute law. So long as a man who has been sentenced to imprisonment by a court has endured that punishment or so long as he has been pardoned by Government, the law in England, and the law I take it in all really civilised countries, imposes no bar whatever—I do not include the South African Government among civilised Governments—the law imposes no bar whatever on the choice of the electorate. The punishment that is imposed, as my Honourable friend, Mr. Acharya has well pointed out, is intended to reform the man and when that man is reformed, it must be perfectly open to him to seek to do public service by the suffrages of his countrymen. Whether he has been reformed or not, it is not for those sitting in the seat of authority in India, much less for those who represent the bureaucracy in this country to sit in judgment over him and say "This is not a reformed man, this is an unregenerate man and therefore I shall not allow him to stand for the Councils or to represent his countrymen, however much his own countrymen may think fit to elect him without opposition and by a unanimous vote." That this should be the unfettered right of the constituencies is the proposition which has been the accepted law in England from the earliest days of freedom and my Honourable friend has no ground whatever to say that the law should be different in this country. So far as we are concerned, I do not think that we in this

country are more criminal than the criminals in England. We are as good or as bad as the people in England and I do not want to draw comparisons to-day. But I do say that there is absolutely no justification shown why we should be deprived of our elementary political rights in this respect. My Honourable friend Sir Alexander Muddiman has referred to the proceedings of the Joint Committee. He tried to explain that what the Joint Committee really did was what the majority of the Muddiman Committee did. I join issue with him at once on that matter. I say that if it was true that the Joint Committee did think so at the time, there is no reason why they should have worded the Resolution which they passed in the terms they did. I accept my Honourable friend's statement that the decision of the Joint Committee was not in the hands of the Government of India, but I certainly do not admit that the Joint Committee did not, when they passed this Resolution, mean more than what the Government of India meant. I would again refer him to the actual words of the Resolution. Whether the Joint Committee thought that they were dealing with a recommendation of the Government of India or not, their own specific recommendation was to remove all the disqualifications that were involved in the rule as it existed before.....

The Honourable Sir Alexander Muddiman : I am sorry to interrupt the Honourable Member. Will he read the words " to adopt the proposal of the Government of India to.....

Mr. A. Rangaswami Iyengar : The recommendation is there described in words, not merely by reference.

The Honourable Sir Alexander Muddiman : There was no such proposal as he suggests.

Mr. A. Rangaswami Iyengar : We want to know exactly what the proposal then was. I asked by means of a question the Honourable the Home Member to place the whole correspondence on the table, but he declined to do so. He is again asserting it, Sir, and we want to know what the Government of India said before we can accept this statement. The proposal is referred to as under consideration and they continue to give their recommendation in words which are quite clear and specific and do not require any reference to the proposal to be understood and would indeed become unmeaning if they are correlated what the Government of India purport now to have proposed. I submit that the fact that it emanated from the Government of India or did not emanate from the Government of India, is absolutely irrelevant to know whether the Joint Committee did not mean what they said. I therefore say that so far as the Joint Committee which has been set up as the authority in this matter is concerned, they have definitely given an opinion to the Government of India that this disqualification should be wholly removed. Since then, it may be under a more favourable atmosphere to themselves, the Government of India managed to get the sanction of the Secretary of State for the new rule that they have now framed. I submit, Sir, that the report of the Joint Committee stands and it ought to be accepted by this House and by the Government. Then, Sir, the Government in this country published the notification on this matter on the 25th July last in the Gazette of India just on the eve of the meeting of this Assembly for carrying out what they say is the recommendations of the majority as well as the minority of the Muddiman Committee. So far as the opinion of the minority is concerned, my Honourable friend Mr. Jinnah has made it plain that what

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they meant was that they had no objection to the little improvement that was made. He made it perfectly clear that he was not a party to the recommendation at all. Therefore I say, Sir, that the Government cannot claim the unanimous support of all the members of the Muddiman Committee to this. But, Sir, the Government had the opportunity to place the whole of this matter before this House. The great Lord Birkenhead stated in the House of Lords that he was going to consult on the Muddiman Committee's recommendations the very "representative body" of the Indian Legislative Assembly before he took decisions thereon. Why was the Government in a hurry to take this matter up and deal with it piecemeal just on the eve of the meeting of this Assembly? Then, Sir, my friend referred to this notification and pointed out that the notification left it quite open to those who would still be affected by this rule to apply to the Local Governments and that the Government of India, as I should say in effect, constituted the Local Governments the moral censors of those patriots whom the people may want to elect to represent them in these legislatures.

Now, Sir, my Honourable friend in the majority report was perfectly clear on the question as to what amounts to moral turpitude and what does not amount to moral turpitude—that it was very difficult of definition. If it was so difficult for the Muddiman Committee, if it was so difficult for the distinguished lawyer who was Law Member of the Government of India, to know what is and what is not moral turpitude, I ask, Sir, whether the Local Governments could be proper judges of what would or would not constitute moral turpitude in the case of those whom the people may desire to elect to represent them in this Legislature. I say, Sir, not only that the task set before the Local Governments is admittedly an impossible task, but that it is expressly put in their hands for the purpose, until the Government show to the contrary, of repressing the people. It is one of the series of acts of repression which this Government have been steadily maintaining in this country with a view to rob us of our liberties. Sir, if it is true that what amounts to moral turpitude and what does not amount to moral turpitude is a question very difficult of definition, I want to know whether any imprisonment which has been given of more than one year would necessarily brand a man with moral turpitude. Reference has been made by my friend Mr. Shamlal Nehru to the case of a distinguished and noble patriot of this country, the son of our distinguished and worthy leader—Pandit Jawahirlal Nehru. That great patriot, Sir, was honoured in all with imprisonment of over four years. In no case did the magistrate or the court in question consider him to be guilty of any offence of moral turpitude and yet he is disqualified under the rules. Now, Sir, what is his offence?

The Honourable Sir Alexander Muddiman: What is the section?

Mr. A. Rangaswami Iyengar: He was charged with the offence of abetment of intimidation and of abetment of conspiracy to extort. Now, the facts of this case were merely these. First I will read from the judgment of the magistrate himself:

"First came the Resolution in the minute-book of the Town Congress Committee passed at a meeting at which Jawahirlal Nehru was presiding. Then came the speech of Jawahirlal Nehru in which he announced that they had tried persuation until he was tired of it and would now compel the cloth dealers to carry out their so-called pledges."

Then, Sir, the magistrate himself admits in the very next passage :

"It is true that in his speech of the 25th April, Jawahirlal Nehru does not explicitly threaten extortion but it is extremely improbable that he was ignorant of the threat made by the Secretary of the Town Congress Committee in his letter of the 26th April 1921. In any case, in the circumstances of the case it was clearly a probable consequence of this instigation."

Now, Sir, this is the only evidence against him and he was sentenced to six months' imprisonment at this time. Sir, that is not the real offence with which my friend Pandit Jawahirlal Nehru was charged. The real offence for which he was sent to jail, once, twice and thrice, was stated by Pandit Jawahirlal Nehru himself in the memorable statement which he made before the magistrate on that occasion. He said :

"I stand here charged with criminal intimidation and abetment of an attempt to extort. The warrant of my arrest bears also the familiar section 124A, although I am not being tried for it to-day. I propose however to make a comprehensive statement. I cannot divide myself into various compartments, one for picketing, another for sedition and yet another perhaps for volunteering....."

The Honourable Sir Alexander Muddiman : May I ask what book you are reading from ?

Mr. A. Rangaswami Iyengar : I am reading from a cutting relating to the judgment. I will present it to the Honourable the Home Member when I have done with it.

"All my activities have but one end in view and that end I have striven to attain with all the strength and energy that is in me. Less than ten years ago I returned from England after a lengthy stay there. I had passed through the usual course of public school and university. I had imbibed most of the prejudices of Harrow and Cambridge and in my likes and dislikes I was perhaps more an Englishman than an Indian. I looked upon the world almost from an Englishman's standpoint. And so I returned to India as much prejudiced in favour of England and the English as it was possible for an Indian to be. To-day, ten years later, I stand here in the dock charged with two offences and with a third hovering in the background—an ex-convict who has been to jail once already for a political offence and rebel against the present system of government in India. That is the change which the years have wrought in me. It is not necessary for me to recite the reasons for this change. Every Indian knows them. Every Indian has felt them and has hung his head in shame for them and if he has retained a spark of the old fire in him he has taken a solemn pledge to strive unceasingly for India's freedom, so that his countrymen may never again be subjected to the miseries and humiliations that are the lot of a subject race. To-day, sedition against the present Government in India has become the creed of the Indian people, to preach and practise disaffection against the evil which it represents has become their chief occupation,' *and so on.*

That is really the position and those who now demand their elementary rights should at least be respected in this year of grace 1925. I say, Sir, that the real reason why this disability is maintained, why this disqualification is put on the Statute-book, is to give power not only to the Government of India but all Local Governments to exclude whomever they think to be politically undesirable from being elected to the Legislatures in the land. Unless that be the case, I do not see why any discretion should be given to the Local Governments. After all, it is not really a question of judging what is and what is not moral turpitude. If it is a question as to whether a particular man should or should not become a Member of the Legislatures, the best judges are the constituencies. They know who is a patriot and who is a vagabond. They know who is a toady and who is a fighter for the people's liberty and therefore I say it is a deprivation of the rights of the constituency so

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far as the patriots are concerned to impose this kind of disqualification. They are not going to beg of you for these little liberties. They will not come to you on their knees and say that they want the honour of sitting in glory in this Assembly. They will not ask you anything of that kind ; but I say, Sir, the tax-payers, the voters in this country, in their thousands, in their millions, have a right to demand that their liberty of choice should not be fettered. I do not therefore base my case upon the proceedings of the Joint Committee or upon the correspondence which the Government of India decline to place at our disposal. The sacred rights of mankind are not to be rummaged for in old parchments or musty records. They are to be gathered from the very nature of man ; as Alexander Hamilton put it, they are written as with a sunbeam upon the whole volume of mankind, and we, Sir, cannot be deprived of it except by the most wanton and aggravated acts of oppression on the part of the bureaucracy in India. Sir, I move the amendment.

Mr. President : Colonel Crawford.

Pandit Shamlal Nehru : I have only one word to say, Sir. I accept the amendment moved by Mr. Rangaswami Iyengar.

***Colonel J. D. Crawford** (Bengal : European) : Sir, I do not desire to take up the time of the House at any great length, but I rise to make the position of myself and my non-official European colleagues in this House clear with regard to the present Resolution under discussion. As the Resolution stands, Sir, we are not able to accept it, because the feeling amongst ourselves is that an actual criminal as such is not a suitable representative of the people. On that point I do not think, Sir, that there is any difference of opinion between the Indian Members and ourselves.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : There is.....

Colonel J. D. Crawford : In due course, Sir, no doubt we shall be able to adopt the practice which exists in England, but I think this House are of the opinion that such a step would be premature. (*Honourable Members* : " No, no.") When I look at some of the amendments, Sir, we find ourselves in very considerable sympathy with the intention underlying those amendments ; that is, that persons who have been convicted of offences not involving moral turpitude or violence should be eligible for election to the provincial Councils and to this Assembly. Our difficulty, Sir, is to find some practical method of making some automatic provisions of this sort. Is it possible to frame any electoral rules which would place the position beyond doubt ? Moral turpitude is a very difficult thing to define, and political offence is also a very difficult thing to define. If, for instance, somebody attacks me because I happen to be a European and then calls that a political offence, is he guilty of assualt, or is he not ? If he attacks me, he becomes guilty of a crime ; so it is rather difficult to understand how you can frame any practical, automatic provision of this nature. I have no doubt Government will consider what is possible in this matter. Personally, we are only too

* Speech not corrected by the Honourable Member.

ready to forget the past, and we hope that those who in the enthusiasm of their political convictions overstepped or offended against the law will join with us in endeavouring to further the political progress of India. But we do not find ourselves in a position at the moment to support either the original Resolution or any of the amendments as framed. But we do desire to say that we are entirely in sympathy with the intention of this House that any disqualification against these persons shall be removed, and we hope that Local Governments will make special endeavours to remove any disqualifications that exist of this nature. With these words, Sir, I oppose the Resolution.

Mr. Abdul Haye (East Punjab : Muhammadan) : Sir, I rise to give my whole-hearted support to the Resolution of my Honourable friend, Pandit Shamlal Nehru. In doing so I want to strike a personal note.

" Dástán meri suno qissai majnun na sano,

Woh bhi kiya qissa ke jis qissa ki bunyad na ho."

Sir, I hope my Honourable friend, the Home Member, will translate this. (Laughter.) If he expresses his inability to translate it, I make bold to say, Sir, " You are here not to understand us, not be translate our feelings but to govern us and to lord it over us. "

Sir, the main reason that has actuated me in supporting this Resolution is that I am firmly convinced that in almost all political cases the evidence brought forward is false ; either it has been manufactured or it is highly exaggerated. I have never been in prison, Sir. (Laughter.) Perhaps it is due to the fact that I have no uncle in this world, for the practice in this country is that a person is arrested ten minutes after his uncle is arrested. But, Sir, although I have never actually been convicted yet theoretically I have been convicted twice. What I mean to say is that during the last six or seven years I have been twice in trouble. In the days of the Rowlatt agitation, Sir, after having served my King Emperor for five years as the Secretary of the District Recruiting Committee and after having won the title of M. B. E. from Government, I chose to preside over a public meeting to protest against that legislation. A conspiracy was engineered by a person who was an *ex*-councillor, and I have no hesitation in mentioning his name. The conspiracy, Sir, was to.....

The Honourable Sir Alexander Muddiman : I know nothing about this, Sir, but I do think it a pity that names should be introduced into this House—the name of a man who has no power of defending himself against a very serious charge. I merely call attention to this.

Mr. President : It is not possible for the Chair to bring in these people here to defend themselves, but it is permissible for a Member to criticise any person he likes, provided he keeps himself within the rules.

Mr. Abdul Haye : I have no desire, Sir, to mention names, but whatever I say, Sir, I say with the fullest sense of responsibility—the then District Magistrate of Ludhiana is now-a-days the District Magistrate of Simla, and if any gentleman has got any doubt about what I have said he has got the option to go and ask him quietly—he lives somewhere near Chaura Maidan. Sir, it was represented to the District Magistrate that there was a conspiracy for the murder of the Christian population, and it was said that I was at the head of that conspiracy.

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Two approvers were produced before the District Magistrate. Approver No. 1 gave damaging evidence against me and my friends, and approver No. 2 when he came stood absolutely dumbfounded. When he was questioned, he was unable to reply when the statement of approver No. 1 was read out to him, and he was asked to nod his approval. He said, 'yes'. This is the sort of statement we are required to make for implicating innocent persons. Sir, if it had not been for that approver No. 2, God knows what would have happened to this gentleman that stands here. (Laughter.) He would have been in jail for some years and he would not have been here to-day to entertain you. (Laughter.) On the second occasion, Sir, there was a similar conspiracy and one of the members of that conspiracy summoned me through his real brother to his house at mid-night and he disclosed the conspiracy to me and confessed before me that he was a party to it. He is a member of the local Bar at Ludhiana. When I questioned him as to why, being a member of the conspiracy, he took me into his confidence. He said : "I would have certainly seen you in jail and would have been glad, but my chief who is responsible for this conspiracy is now secretly trying to implicate my brother along with you." It was under these circumstances, Sir, that I escaped my second conviction. Sir, you ought to approve of our conduct in this Assembly. We are not selfish. We do not want to stick to our seats here. (Applause.) If this Resolution is carried, there are persons in this country for whose sake I would gladly go out of this Chamber. I would like to see my friend Maulana Muhammad Ali sitting here where I am. I do not know whether the then President will allot him a seat in the back Benches or there where Pandit Motilal Nehru sits. Sir, when we desire to sacrifice this privilege, you ought to realise that we are out not for mischief, but we are actuated by the highest motives and we are as partriotic as you would have been if you had been in our place. Sir, with these few remarks, I support the motion.

Shaikh-e-Chatgam Maulvi Muhammad Kazim Ali (Chittagong Division : Muhammadan Rural) : Sir, I should like to say a few words in support of the Resolution, but I am afraid I will not be able to deal with the subject at length, for I have been suffering from asthma. Sir, I shall try to say a few words on the subject. I have the good fortune to have been convicted and sentenced to 4 months' imprisonment in Chittagong. (Loud Applause.) My fault was that I always took a prominent part in the Khilafat and Congress movements, being the President of the Khilafat Committee and the Vice-President of the Congress Committee. The police always tried to prevent me from attending these meetings, but they could not do so. They always tried to bring me into trouble. Afterwards when Mr. Sen Gupta and his companions were being brought to Alipore jail, a procession was formed of some 30,000 to 50,000 people. I was charged with being in the procession and having beat 82 armed Gurkhas with a *lathi*, though I went to the station some two hours before the procession started fearing that I might be pressed on the way by the crowd. There were some 50 gentlemen with me in the station. Still I was prosecuted for being in the procession and beating the Gurkhas. On my way home I heard that many people were beaten by the Gurkhas and being afraid of being prosecuted by the people whom they had beaten, the police manœuvred to bring this case against me,

However, I was prosecuted. Though the case was continued for 4 months, I never engaged a pleader, nor made any statement before the court nor did I cross-examine the witnesses. Still I was convicted and sentenced to 4 months' simple imprisonment. I do not know why 20 days after I entered the jail I was released. Up to this day I do not know why I was released. One day the then Superintendent and the Jailor came to me and asked "Will you go home if you are released ?" Then I asked "What is the meaning of this ? I do not understand. There is no meaning in it. This is not my home and I have not come here to take shelter in the jail. If I am released without any condition, I will go home." I thought that they would make a report and some days after I might be released. But on the following morning the warder came to me and said that a *gharry* was ready and that I was ordered to go. When I came I saw the *gharry* there and the matter was not allowed to be known to anybody else. When I was released, I went home. You may imagine, Sir, how a man 82 years old can beat 82 persons with a *lathi*. Such was the case and I was in this way convicted and I had the good fortune to suffer. Up to this day I do not know why I was released, though no exertion was made on my behalf. I support the motion with these remarks.

Colonel Sir Henry Stanyon (United Provinces : European) : Sir, I am in entire sympathy with the spirit underlying the Resolution. (Laughter.) I believe that the true object of the Honourable the Mover is to ensure that no one who has been incarcerated for over-stepping the boundaries of the law by an overzealous prosecution of his political views should be disqualified from election to the Legislature ; and that it was never the purpose of the Resolution to make eligible persons found guilty of dishonest or immoral offences. Such persons are excluded, not because of their convictions but, because such convictions reveal them to be by character unfitted to be trusted with the duties of a Legislature. Representation by such a person would be as disgraceful to the constituency concerned as it would be derogatory to the status of this House. But, as originally framed, the Resolution would make every convicted murderer (if alive), dacoit, thief, receiver, forger, coiner and adulterer eligible to sit in this House and to be called "my Honourable friend." (*An Honourable Member* : "Provided he is elected.") (*Another Honourable Member* : "Read the Resolution as amended.") I am coming to that. As amended by Khan Bahadur Sarfaraz Hussain Khan, the Resolution reads more in accordance with what I have stated to be my belief as to its real idea and object.

Now, Sir, it has been argued that no man should be subjected to more than one penalty for one offence ; and no one can contest the soundness of that proposition from a purely penological point of view. But there are consequences which are beyond legislative control. The argument was strongly used before a bench of Honourable Judges in England some centuries ago in connection with the question whether a solicitor who had been branded for forgery and undergone his sentence should be struck off the rolls. It was strongly contended that to strike him off the rolls would be to inflict a second punishment for the same offence. The Judges exploded the fallacy of that argument. They pointed out that the striking off was not a punishment for forgery but an inevitable consequence of the conviction which had revealed that the Solicitor had

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a character which disqualified him from being allowed to remain on the rolls of an honourable profession. And so here I would disqualify a criminal, in the proper sense of that term, not because he had been convicted but because I had found out his bad character. A confessed dacoit may become an approver and be pardoned. But he would be as unfit to sit in this House as if he had been convicted.

Pandit Motilal Nehru : He will not be disqualified.

Colonel Sir Henry Stanyon : That shows the fallibility of rules. But the holding of particular political views is neither an offence nor dishonesty. Where a zealous enforcement of those views brings a politician up against the barriers of criminal law, and he goes to jail for breaking through that barrier, his punishment by the court exhausts his wrong doing, and he emerges still an honest politician, possibly of the highest *moral* character, and as fit as my friend the Mover or my old and esteemed friend, his Honourable uncle and leader, to sit in this House. Here, then, we have a broad dividing line. It seems in every way desirable that an impulsive politician, whose unconstitutional methods of enforcing his policy have only led him to jail, should be given an opportunity of following constitutional lines as a Member of the Legislature. He may, by that course, help his country forward, and may raise himself even to the presidential chair.

The argument that because there is no restriction or disqualification in England such as we have in India there should be none here leaves me cold. I have heard analogies drawn between the two countries which are as futile as they are misleading. Only a few days ago in the course of the reforms debate I heard one Honourable and learned Member argue that because there are political differences between England and Ireland threfore my friend Colonel Crawford was wrong in saying that India is not a nation. Again, it was urged that India should have Dominion Government because that is the form of Government allowed by the British Parliament to the European settlers in the Colonies. In matters of the kind before us, let us consider India only, and its own facts ; and let us face those facts courageously. There is no rule of disqualification in England because it is not necessary. We have there a responsible and enlightened electorate embracing a vast majority of the population wide awake to their own interests and fully conscious of the duties of franchise. As the Honourable the Mover candidly admitted, the electorate in England can be trusted to see that no immoral or dishonest criminal shall be represented in the Legislature.

Mr. Devaki Prasad Sinha : What about Horatio Bottomley ?

(Pandit Shamlal Nehru rose to speak, but Sir Henry Stanyon did not resume his seat.)

Mr. President : Order, order. The Honourable Member (Sir Henry Stanyon) is not willing to give way. Will the Honourable Member (Pandit Shamlal Nehru) resume his seat. Colonel Sir Henry Stanyon.

Colonel Sir Henry Stanyon : I hear the question regarding Horatio Bottomley. I have still to learn, Sir, that Horatio Bottomley has, since his conviction, been re-elected. In fact, he is still in prison. Can any one

claim that these factors are present in India? The greatest optimist must answer that question in the negative. Their creation constitutes the goal of our present efforts and ambitions for India. But to-day we have to face the facts that the electoral roll is a minute fraction of the population. I believe it is less than one-hundredth, though I speak subject to correction. And even of this small number the majority of the constituencies are wholly inexperienced and even unconscious of the responsibilities of franchise. They are mere shuttle cocks of various party organisations. We have to educate these electors and to teach them that it is not desirable to send up violent or dishonest or immoral criminals as their representatives. Therefore, some rule of disqualification is necessary. (*An Honourable Member* : "No.") The Resolution of Pandit Shamlal Nehru would have no rule at all. The amendment of Khan Bahadur Sarfaraz Hussain Khan attempts to limit the disqualification to proper cases, but it is rather too vague. Who is to decide what is "a political offence" when the conviction is for murder or riot or rebellion or sedition? Who is to decide whether or not moral turpitude is involved?

Mr. President : Perhaps the Honourable Member is aware that that amendment is not before the House.

Colonel Sir Henry Stanyon : I am sorry, Sir. The fact is that no general rule is practicable. Every case must be decided on its own merits. Though I cannot support the Resolution because it is too wide, and the amendment because it is too vague, I say, without hesitation, that the Government should endeavour to devise some rule or convention to draw clearly the line that lies between the dishonest, immoral criminal whose character unfits him to become a legislator, and the over-zealous and unwise politician who has had to pay the penalty of the law or enjoy the martyrdom, resulting from illegal action ; but whose character contains no such defect.

Lala Duni Chand (Ambala Division : Non-Muhammadan) : Sir, without complaining that I am a back bencher—and there must be back benchers—I at once proceed to discuss the issue before the House. Sir, I rise to support the motion moved by my Honourable friend Pandit Shamlal Nehru as it stands. At one time I had thought that I should move the amendment which stands in my name in order to win over to my side Members like Sir Henry Stanyon and Colonel Crawford. But on further consideration I have decided not to move it. If it is the question of having the robbers and the dacoits as Members of the Legislative Assembly or of provincial Councils, I may at once say that I myself do not want them. Further if it were the question of being left to the idiosyncracies of any particular individual, I would have pressed my amendment. But, as I know that the choice of returning a member lies in the hands of a large body of voters, there is this guarantee against any undesirable man being elected either to the Indian Legislature or to the provincial Legislature. While discussing the Resolution that is before the House, I beg to claim the indulgence of the House for a few minutes in placing certain considerations before it which, in my humble opinion, ought to weigh with the House when the Resolution is voted upon.

1 P.M.

The first consideration I place before the House is that we are suffering from a number of disabilities and disqualifications. The disability which forms the subject matter of the

[Lala Duni Chand.]

present Resolution is only one of them. I consider this disqualification or disability to be humiliating and galling to self-respecting Indians. I consider this restriction a most humiliating restriction, and I therefore submit that no such restriction should be placed upon the selection of candidates for the Assembly or provincial Legislatures. I know the majority report of the Reforms Inquiry Committee has made a recommendation to the effect that the period of imprisonment, which disqualifies a man from being on any Legislature, should be raised from six months to one year ; but I submit that the so-called improvement is, to use the famous words, " extremely disappointing, inadequate and unsatisfactory." It is impossible for anybody to satisfy us with an improvement of that character.

I also beg to submit another consideration before the House, and it is this. I have given a good deal of thought to this question and am unable to find any principle that would commend itself to any reasonable man so far as this disqualification is concerned. The mere fact that a person is imprisoned for more than one year now disqualifies him to be a Member either of the Assembly or of the provincial Legislature, regardless of the nature of the crime and of the character of the conviction. Sometimes a man is sent to jail for doing a very manly act. Take the case of a person who attacks me. I return the attack, and while returning the attack I exceed the right of private defence and am sentenced to six months or to one year's imprisonment and become disqualified. Take another case. The Government sometimes does very foolish things.

Mr. H. Tonkinson : No, no.

Lala Duni Chand : Suppose the Government pass an unjust measure. There is an agitation against it and I take it to be my patriotic duty to write strongly against it or to speak strongly against it. I am run in under section 420-A and get a year's or two years' imprisonment. At once I become disqualified to become a Member of the Assembly or of the provincial Legislatures. I can go into numerous cases in which a man by mere conviction does not become unfit to be a Member of the Assembly or of the provincial Legislatures. Therefore there is no principle that is behind this disqualification or this restriction.

An argument has been advanced by a number of speakers. I would not have repeated that argument but for the fact that a repetition of that argument adds force to the debate and I cannot resist the temptation of repeating that argument. Under your rule, men of the character and of the position of Mahatma Gandhi, Pandit Jawahirlal, Maulana Muhammad Ali, Maulana Shaukat Ali, Sardar Mehtab Singh and Sardar Sardul Singh and many others, too numerous to mention, stand disqualified. I say the fact that your rule bars men of this character from coming to the Assembly or provincial Legislatures should shame any Government that has got any pretensions to call itself civilised. You know there is still in the country a powerful section of the people who are opposed to Council entry. That is a fact. So long as this restriction stands, I say it is a bar against them. The only way to reconcile them to Council entry is to remove this disqualification and in that case so far as your part is concerned you can say " We have played our part, we have removed this disqualification that stood in your way, and it is now for you to come to the Assembly or provincial Legislatures."

It has already been said that there are a large number of people for whom it would be very humiliating to ask for permission to stand as candidates. I submit that the Government should extend an invitation to all those people who stand under the existing rule disqualified, to stand, and then of course it would be open to them whether they would avail themselves of that invitation or not. Therefore any rule that disqualifies a large number of patriotic people to represent the people of the country on the Assembly and provincial Legislatures should be at once removed. It is dinned into our ears every day that it is very bad on the part of the people of India not to co-operate. I say so long as humiliating restrictions of this kind are in existence it is unreasonable on your part to say that the people do not co-operate. Restrictions of this kind cannot invite co-operation. I say this is a very small thing, but there are many other restrictions like this. I make bold to say that so long as you do not pave the path to reconciliation and do not clear the atmosphere by removing humiliating restrictions of this kind, it is hopeless to expect any real co-operation.

The Honourable the Home Member thinks that similar restrictions exist in other countries. So far as I have been able to learn—and I will be only too glad to be corrected if the Honourable the Home Member can correct me—there are no such restrictions in any country where representative institutions flourish. So far as I know the people of free England will not tolerate for a single moment any restrictions of this character. You would not dare to make any rule like that in England, or for the matter of that in any free country. It is only in a country like India that you can.

As I have already said, I want that the best men should be here. I place before you one aspect of the question in this connection. In moving this Resolution before you we are not actuated by any selfish motive. We would like that abler men should adorn the Benches of this Assembly, and if you remove this restriction you will find that far better people will come here, and the distinguished Government Members will have opportunity in their own sweet manner to invite them to co-operate. (*An Honourable Member* : " That is what they are afraid of.") With all the earnestness that I am capable of, I appeal to the House to accept this Resolution. I also appeal to the European Members of this House to co-operate with us in passing this Resolution. I say this will be proof of their desire to co-operate with us if they vote with us. If they do not vote with us on a Resolution like this, I shall say there is no desire on their part to co-operate with us. With these words, I strongly support the Resolution.

Prince A. M. M. Akram Hussain Bahadur (Bengal : Nominated Non-Official) : Sir, I rise to raise my voice against this Resolution. (Hear, hear.) I am very glad I have been cheered. I wish it to go down on record that the mentality of Indians wholesale is not such that they are unable to understand the wording of this Resolution. The Resolution as it reads, Sir, is one by which we propose to throw open the doors of the Legislature, both Central and local, to people who are criminals. There is nothing about political criminals or otherwise mentioned in the Resolution itself, nor in the amendment which has been moved. Personally, Sir, I think it will be highly undesirable to remove all restrictions and to let this House and the other Houses of Legislature be composed

[Prince A. M. M. Akram Hussain Bahadur.]

of men who do not know the art of self-restraint, and are always more or less forward in breaking prescribed laws, however those laws may be harsh in their consideration and estimation. In society, Sir, any person who is a criminal is boycotted. We do not want to have anything to do with a person who is a proved criminal, and it seems to me quite absurd that in Houses of Legislature, where much self-restraint is wanted and where we want people of sober judgment, of steady temperament, to take part in the serious business of legislation, we should have people who are always apt to break the law. I do not know, Sir, if there is much that is required to be said on this Resolution. I have only got up, as I said, to have it on record that I for one am against this Resolution and the amendment. I will not take up more time, Sir.

Khan Bahadur Ghulam Bari (West Central Punjab : Muhammadan) : Sir, as you know I am not in the habit of taking part in political debates for the reason that, I usually sit there at the farthest end of the Chamber away from the desk of the President, who is always addressed by the Honourable Members, and thus the sound waves are strong enough in that direction. I have to struggle with the reflex action of those waves, without being able to hear others clearly. In the second place, the importance of the question and the peculiarity of my views on the subject have induced me to lay my views before the House expecting that, if they find my views sound, they will follow them. I would be greatly disappointed if, in spite of the soundness of my views, Honourable Members still go the other way. The qualifications which we are discussing to-day really form part of the programme of repressions. Sir, political repressions are not such a bad thing as they are generally supposed to be. In so far as our politics are concerned and our future political progress is concerned, they are taken in a wrong light. They are supposed to be an evil and a calamity. Ordinarily, they may be so, but considered with regard to our political situation they are not so. It is idle to suppose that the Government will consult us with regard to their repressive or any other policy. It was a natural result, rather it was the resultant of two antagonistic forces, that is the forces of the Government on one side and the force of public opinion on the other. Both parties have to see now, which way the resultant lies and everything has to be decided on the inclination of the resultant. If the country wants Swaraj, it is their duty to bear all such things very calmly and perseveringly and in a way showing great determination, because if they go deep into this matter and consider it very carefully, they will see that such actions on the part of the Government are doubly blessed from the public point of view. Such repressions really are an instrument to fathom the depth of our feelings, and also to test the strength of the public movement on its onward march. I am glad that Government have found the public steadfast and resolute in so far as they have not been disturbed by the first acts of repression. The Government may now like to fathom still deeper and test the strength of the public movement by still stronger instruments to see how far our demand is real and genuine. If you stand another test, whether it be like the first one or stronger, Government would be only too ready to announce in the near future that His Most

Gracious Majesty the King Emperor has been pleased to confer upon his most favourite Indian subjects the blessing of home rule, etc., etc.

Mr. President : Order, order, we are not considering the question of constitutional reform. The question is whether the political disqualification imposed by rules should be removed in the case of all persons convicted of any offence.

Khan Bahadur Ghulam Bari : If you stand the test of repressions, the result will be as I have stated. India should not be afraid of repression ; they should know that they are simply being put to a test. Get through the examination, and everything will be all right. If you can pass the examination with credit, why ask for exemption ? Repression taken in this sense is a blessing if we can stand the test. In the second place repressions prove a blessing in so far as they are serving the public considerably in giving fresh strength to every movement of the country. In the absence of repressions you could not expect to gather so much strength for your political movements and views. If we think carefully we will find that these repressions serve us doubly ; they are a double blessing from the public point of view. I think, the House would agree with me in welcoming these things as very useful for the purposes of the country. If the Honourable the Mover agrees with me, it would be his duty to withdraw the Resolution. We must gird up our loins for the second examination. If the public gets through the second test, there will be no obstruction to their getting what they want. For these reasons I do not think this Resolution is a proper one at this stage of political development. It is simply begging instead of demanding in the proper way.

Mr. C. S. Ranga Iyer : What do you want to do ?

Khan Bahadur Ghulam Bari : Demand Swaraj.

Mr. President : Order, order, the Honourable Member must address the Chair.

Khan Bahadur Ghulam Bari : With these words I say the Resolution is not a proper one at this stage, so I oppose it.

Pandit Shamlal Nehru : Sir, I have heard all the speakers, both against and for my Resolution. I have heard with little surpise—I must say that I expected what I have heard—my friend the gallant Colonel Crawford. Colonel Crawford says that he does not consider that there should be any difference between Indians and Europeans in a case like this, but, at the same time, he wants a different rule in India to what there is in England. Colonel Crawford wants us, Indians, to join with Europeans and he promises forgetfulness. I do not know of what. Perhaps of our past misdeeds. My friend Colonel Sir Henry Stanyon has mentioned the case of a solicitor in England who was struck off the rolls, and probably, I suppose, re-elected there by the "enlightened" English electorate. (*Colonel Sir Henry Stanyon* : "He was not elected.") My friend informs me that he was not elected, but Mr. Horatio Bottomley, a man convicted for dishonesty. (*An Honourable Member* : "He was not elected.") It was said by somebody just now that he was elected. I am glad to hear that he was not elected. My point was, Sir, as I said in my opening speech, that no constituency, either in England or in India, will ever elect a dacoit or a robber for its representative on

[Pandit Shamlal Nehru.]

the Legislature, which my Honourable friend Colonel Sir Henry Stanyon has perverted into this, that I said that English constituencies will not do it, meaning that Indian constituencies were capable of doing it. Sir, I have never been to England, but I know human nature all the world over, simply because I have met people from all the world over. I have met Englishmen from England, very good people—(Laughter)—but they change after six months in the country. From my experience I say that no constituency in any civilised country will ever elect a robber or a thief for its representative on the Legislature. This is what I said, Sir. But Colonel Stanyon's point is that English constituencies consist of "enlightened" people, and I suppose he means just the opposite of the Indian constituencies. I should like to tell him that there are no more gentle, more sensible, more honest people on the face of the earth than the Indian villagers. Sir, they know the rights and wrongs of everything. They only do not know how to read and write, and that is not their fault, but the fault of the bureaucracy. Sir, in India, if a person is known to be an immoral person, to be a thief or a dacoit, the Indian, the real Indian, could never have any respect for him, and without respect, you cannot be elected to any Legislature, or even to any local body. My friend Colonel Stanyon talks of the Indian politician. Sir, there are no politicians in India. My opinion is that unless you have your own government, you cannot have any politics. We are called politicians. I for one have never been a politician. We come here to safeguard as much as possible our interests. That is not politics. We come here to minimise the exploitation of the country to as low a degree as possible. I, however, thank my friend for small mercies. He has recommended us to the good graces of the Government, to see to it that if we apply to be declared as qualified persons to stand for election, they may be pleased to accept our application. My friends, the non-official Europeans of this Assembly, with whom I have been working here for nearly two years, have always in their speeches been talking about the sympathy they have with our cause in India. I think, Sir, that is purely—lip sympathy,—tall talk, nothing else but tall talk. I have not in these two years come across a single non-official European who has ever gone into the same lobby with us..... (*Several Honourable Members* : "What about yesterday ?") .....except when their own pockets were concerned. They talk of "forgetfulness" and "forgiveness." Who wants their forgetfulness ? Who wants their forgiveness ? We certainly do not. They talk as if they were the Home Member themselves. (Laughter.) Sir, the Home Member has never talked in that way in my hearing. I will give him credit for that. But my friends, the non-official Europeans, have very often done so. Then, Sir, Prince Akram Hussain, the son of the King of Oudh, talks of our "mentality." Sir, I have very great respect for the family of the King of Oudh and I do not want to say much or criticise the Prince. But I must tell him to look to his own mentality. The Prince acknowledges—I am glad to see that he acknowledges—that Indians will never have any sympathy with convicted robbers or dacoits. If he is sure of that, why is he opposing my Resolution ? He is sure that robbers and thieves will not be elected. At the same time he is afraid that the constituency might return them. Is that the reason ? If he thinks

that no robbers and thieves can ever come in, he should go into the same lobby with me.

Now, Sir, I come to the Honourable the Home Member, I agree with him that "moral turpitude" cannot be defined. There is no distinction between any class of persons in the criminal law of the country. Unfortunately for us, we are herded together with the robbers and thieves and treated by our superior bureaucracy in the same way as robbers and thieves are—like dust beneath their shoes. The Honourable the Home Member has made a very able speech. I am prepared to acknowledge that, although I am not prepared to acknowledge that there were any reasons in it—any arguments that any sensible man can possibly agree to. The Honourable the Home Member is prepared to refer the matter to Local Governments. (*The Honourable the Home Member* : "No.") That is what I was told by some of my non-official European colleagues. I am glad to find that he is as strong as ever and has not given way. However, may I inquire from the Honourable the Home Member, is Pandit Jawahirlal Nehru a criminal, is Mahtama Gandhi a criminal, is Maulana Muhammad Ali a criminal, is Maulana Shaukat Ali a criminal, is Lala Lajpat Rai a murderer ? Does he want them to co-operate, does he want them to come to this House, or is it only the tall talk of co-operation and nothing else ? Sir, I want them to come here, to work with me, to go into the same lobby with me. They are bound to do that if they come here, and I submit that that is the reason which is troubling Government, that is the reason why Government want to keep them away. Ex-prisoners, ex-convicts, but respectable men in our view are dirt in the view of Government, worse than dirt. As I have said in my first speech, if the Government want co-operation they must show a change of heart be it ever so small indeed. The acceptance of this Resolution will not be a big change but it will be a small, a very small change, but a change all the same. A man who ought to have been rewarded by a just Government for his patriotism, a man who has given his all, an honourable man—what would he feel when you treat him like dirt beneath your feet ? Do you expect him to fall in love with you ? I submit human nature makes it impossible, human nature compels him to work against you. (*An Honourable Member* : "Are you in love with Government ?") I am in love with the whole House. I am an exceptional person. Sir, if Government want co-operation, let them show a change of heart, let them begin here. We will show a change of heart of the same degree as they do. Let them lead the way and we will follow them to any extent that way. With these words I hope that the House will go into the same lobby with me.

The Honourable Sir Alexander Muddiman : Sir, I do not propose to detain the House at any length as I made rather a long speech when I was first dealing with the Resolution. There are one or two points that struck me in this debate. One is that the disqualification as it stood before we diminished it has not prevented a large number of gentlemen who took part in political movements from sitting in this House. That is the first point.

Mr. A. Rangaswami Iyengar : There are many more fish in the sea.

The Honourable Sir Alexander Muddiman : The second point is although I am accustomed to attack from all quarters, which attacks I receive, I hope at any rate more in sorrow than in anger, I did not expect to be attacked for having taken action in advance of the Reforms

[Sir Alexander Muddiman.]

Inquiry Committee on a matter which has been debated in this House and elsewhere for some time and in which the action taken is certainly in the direction the House wishes.—My Honourable friend, Mr. Rangaswami Iyengar thought that was a good enough stick to beat Government with, but I do not think he is quite reasonable. We put forward a proposition which is considerably in advance of the existing law and we got it put through and action was taken. And then we are charged with having neglected to consider the views of this House because we took action as soon as we could !

Mr. A. Rangaswami Iyengar : If you had consulted us, we would have given you something more.

The Honourable Sir Alexander Muddiman : Something was done and that is what we are always charged with failing to do. It was far more considerable than the House is apparently prepared to admit. My Honourable friend the Mover has pointed out very rightly that you cannot have a definition of "moral turpitude" and the House has accepted that view. I have told the House that I do not myself regard the present arrangement as entirely satisfactory by which the discretion, I may put it like that, is left to the Local Governments. I should have preferred some automatic arrangement, but I really do not see how else it is to be done. One Honourable gentleman has proposed an amendment which is on the paper but which he has not moved—that the test should be "in the eyes of the general public." The House recognizes I think that it is very difficult even for an elected Member to ascertain what the general public think on these matters. Of course any such phrase is too vague to need further consideration. Then, Sir, it is said that no constituency would elect a dacoit. I do not think that there is any great danger of that. After all, Honourable Members have umbrellas and I think that they themselves will be against the election of such a person. (Laughter.) But I have pointed out that in most constitutions there is some provision made to prevent undesirable persons coming forward as candidates, and in most constitutions there is a provision of one kind or another for taking into consideration the fact that a man who breaks the law of his country is *prima facie* not a man who should make them. I have not really heard that answered. My Honourable friend opposite referred to a Roman Governor. But may I remind my Honourable friend that there is one very famous historical occasion where a Roman Governor was concerned. And on his referring a question to a gathering of the people, the populace did elect a dacoit. (*An Honourable Member* : "They were right.") If my Honourable friend had been familiar with the case in question, he would hardly have made that interruption. I have endeavoured to meet this Resolution in a sympathetic way. I do recognise the desirability of bringing in as far as possible all the persons who are willing to co-operate in a constitutional manner, but I must say that I do not think that the rule as it now stands is unreasonable. That it does give a certain amount of discretion is admitted. It is also admitted that it is difficult to give that discretion in any other way, and therefore I am compelled to oppose the very wide and sweeping Resolution of my Honourable friend which will bring in not only persons who have been sentenced to imprisonment, but persons actually serving. Sir, I reluctantly oppose the Resolution.

Mr. President : The original question was :

"This Assembly recommends to the Governor General in Council that the rules made under the Government of India Act, 1919, for elections to the Indian and provincial Legislatures be so amended as to remove all the disqualifications which are at present imposed upon any person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than one year is subsisting."

Since which the following amendment has been moved :

"That at the end of the Resolution the following be added :

'after he has endured the punishment to which he was adjudged or been pardoned for the offence concerned'."

The question is that that amendment be made.

The motion was adopted.

Mr. M. K. Acharya : I ask for leave to withdraw my amendment.

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

Mr. President : The question is :

"That the following Resolution as amended be accepted :

'This Assembly recommends to the Governor General in Council that the rules made under the Government of India Act, 1919, for elections to the Indian and provincial Legislatures be so amended as to remove all the disqualifications which are at present imposed upon any person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than one year is subsisting after he has endured the punishment to which he was adjudged or been pardoned for the offence concerned'."

The Assembly divided :

AYES—48.

*Abdul Haye, Mr.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Aney, Mr. M. S.
Bhat, Mr. K. Sadasiva.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
*Ghazanfar Ali Khan, Raja.
Govind Das, Seth.
Gulab Singh, Sardar.
Hans Raj, Lala.
Iyengar, Mr. A. Rangaswami.
*Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kartar Singh, Sardar.
Kasturbhai Lalbhai, Mr.
*Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.
Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Majid Baksh, Syed.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas 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.
Phookun, Mr. Tarun Ram.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
*Samiullah Khan, Mr. M.
*Sarfaraz Hussain Khan, Khan Bahadur.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Devaki Prasad.
Syamacharan, Mr.
Venkatapatiraju, Mr. B.
*Yakub, Maulvi Muhammad.
Yusuf Imam, Mr. M.

* "That after the words 'recommends to the Governor General in Council', the following be inserted :

'with special reference to the repressive policy adopted by Government against non-co-operators during the past five years'."

NOES—47.

Abdul Mumin, Khan Bahadur Muhammad.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Akram Hussain, Prince A. M. M.
Alimuzzaman Chowdhry, Khan Bahadur.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaswami.
Badi-uz-Zaman, Maulvi.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Carey, Sir Willoughby.
Chartres, Mr. C. B.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Fleming, Mr. E. G.
Ghulam Bari, Khan Bahadur.
Gordon, Mr. E.
Gordon, Mr. R. G.
Graham, Mr. L.
Gurner, Mr. C. W.
Hira Singh Brar, Sardar Bahadur Captain.
Innes, The Honourable Sir Charles.
Langley, Mr. A.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Makan, Mr. M. E.
Mitra, The Honourable Sir Bhupendra Nath.
Müddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Naidu, Mr. M. C.
Panduranga Rao, Mr. V.
Raj Narain, Rai Bahadur.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Tonkinson, Mr. H.
Vijayaraghavacharya, Diwan Bahadur T.
Webb, Mr. M.

The motion was adopted.

The Assembly then adjourned for Lunch till Three of the Clock.

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

RESOLUTION *RE* SUSPENSION OF THE COLLECTION OF THE COTTON EXCISE DUTY FOR THE REST OF THE CURRENT YEAR, 1925-26.

Mr. President : In connection with the next Resolution that I will just ask Sir Purshotamdas Thakurdas to move, I desire to make one observation. It is this. The question of the abolition of the excise duty has been discussed in this House more than once during the course of the last 12 months and if this Resolution had anything to do with that general question I should not have admitted it, but because it raises a narrow issue, namely, of suspension of the excise duty for this particular year owing to peculiar circumstances of the textile industry in Bombay, I have admitted it ; and I want Honourable Members to bear this in mind in discussing this Resolution. The remarks they make should be strictly confined to that narrow issue alone and not to the general question of the abolition of the duty.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I rise to move :

"That this Assembly recommends to the Governor General in Council to be pleased to forthwith suspend the collection of the cotton excise duty for the rest of the current year 1925-26 in view of the critical stage of the Indian textile industry as at present prevailing."

The injunction, Sir, that you now enunciated for our guidance is to my mind most opportune. I am aware that the question of the abolition of the cotton excise duty was discussed by this House almost a year back and was again discussed last March when the necessary demand for collection of this duty was refused by this House by a substantial majority. But since then, Sir, His Excellency the Viceroy has been pleased to restore the grant and the collection of the excise duty is

continued till now as before. The question therefore, Sir, of again recommending to the Governor General in Council to desist from collecting the excise duty for the remaining period of the current year is one which to my mind ought to specially appeal to this House. It is a part of the idea which led them to refuse the demand of the grant for the whole of the year. I hope to be able in the course of my remarks hereafter to submit a few of the reasons why this House should recommend to the Governor General to suspend collection of this duty at least from now onwards for the balance of the year that is now left.

When, Sir, we asked in March last that the excise duty be abolished, we based our claim on the several pledges of the Government of India that the excise duty would be removed as soon as feasible or, to put it in other words, as soon as finances permit. I feel that those who pressed the Government then to abolish the excise duty exercised considerable foresight. At that time it was contended that only mills in Bombay were either losing or just making both ends meet. I was reminded, if I mistake not by my Honourable friend the Commerce Member, that mills in Ahmedabad were doing better. The crisis which some people in Bombay interested in the textile Industry had the foresight to see unmistakably has, Sir, travelled to Ahmedabad. I feel that the question may be raised why only the millowners from Ahmedabad and Bombay chose to wait on His Excellency the Viceroy and they did not include amongst them millowners from Cawnpore. I do not know if the Millowners' Associations of Ahmedabad and of Bombay did ask their fellow-brethren in Cawnpore to join them or not, but if this present plight of the industry is allowed to continue without any assistance from the Government of India, where they can give very substantial assistance to stem the tide, I feel that it may not be many months before Cawnpore, Madras and other parts of India, which have cotton mills, feel the pinch unmistakably. But, Sir, the mills in Cawnpore have a special advantage over the mills in other parts of India, especially in the Bombay Presidency. Being perhaps nearer to the headquarters of the Government of India, they have the best and the largest custom of the Government of India and it is possible that, owing to this, orders are on their books, and owing to the prospect of these orders continuing, they may not feel the pinch which the average mill in the Bombay Presidency feels by having to dispose of its wares in the open market.

Sir, I, as representing my constituency, appreciate this privilege which the ballot box has given me of drawing again the attention of the Government of India to the growing serious condition of the Indian textile industry and I only hope that my appeal will not fall on deaf ears or on unsympathetic ears.

In his replies to several questions in this House the Honourable the Commerce Member referred Honourable Members to two things, either to the reply given by His Excellency the Viceroy to the deputation which waited on him last month or to the debate on the motion for adjournment in the Bombay Council in connection with the critical condition of the textile industry. I propose, Sir, to take a few of the salient points on which His Excellency the Viceroy depended for his refusal to the millowners' deputation to do anything at present in connection with the removal of the cotton excise duy. I do not overlook

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that the main object and request of that deputation, Sir, were not the suspension of the excise duty but its abolition. His Excellency the Viceroy said that he fully realised that the cotton industry was "one of the greatest and certainly the most typical Indian industry in India." With that description of that industry we would all agree. He further admitted :

"That the Government of India are pledged to abolish the excise duty as soon as financial considerations permitted."

He proceeded :

"We stand by the letter and spirit of that pledge. The excise duty must go and I do not propose at this stage to occupy time by discussing whether or not it can be theoretically justified."

That confirmation of the several pledges given by previous Viceroys and Finance Ministers, I take it, strengthens my hand in the appeal that I extend to the Treasury Benches to-day. His Excellency proceeded, Sir, to take a brief survey of the textile industry and reminded the deputation :

"That the industry was passing through a crisis which was common to the textile industry of the whole world."

He said :

"There must be some general causes at work."

and he concluded :

"The price of cloth is still out of relation to the prices of other commodities."

He finally said that with a lower price for cotton he expected that cheaper cloth would be available to the consumer and by inference I conclude that he hoped that then the industry will begin to experience normal times. But in the following paragraph, Sir, he referred to what he called the particular problem of the textile industry in India. He said :

"The result has been an increase in the production of cloth."

He also pointed out that imports, though they are still below the pre-war level, are beginning to revive and that he found that last year the total amount of cloth offered for sale in India, inclusive of the estimated production of the handlooms, was very nearly up to the pre-war level. In fact, my inference from that part of his reply was that India, according to His Excellency the Viceroy, was producing more than before the war and hence the present difficulty. I wish to pause here for a moment, if I may, to put another construction which I think can very safely be put on these words. Before the war, or rather during the war, when the Commerce Department had a Committee which was called the Standard Cloth Committee, I remember, Sir, that the figures put before us were that about 45 to 48 per cent. of the total consumption of cloth was manufactured in India. It is natural that during the war, in common with other countries especially Japan, we have had an increase in our looms and spindles in the cotton mills. But we are still very far from reaching anything like even the 75 or 80 per cent. of the requirements of India that we ought to produce and that we can produce in this country with cotton at our very doors—surplus cotton which we must export—and with trained labour of a certain standard also avail-

able to us. I am therefore rather disappointed that His Excellency the Viceroy should have thought that the blame for the present crisis should be that we are progressing in the direction of making India self-reliant and independent of imports from outside. I do not venture to say whether His Excellency really meant to criticise this activity of India. But I wish to point out that, if we are increasing our local production and if, owing to various world factors, it is found that there is a certain depression in the trade which is common all over the world, the relief that should be given by any Government which can be said to be either a paternal or real Government in the interests of the people would be to see if the imports which are being dumped in this market or are really hitting the genuine production of this country should not be prevented from doing so. But this, again, Sir, is a very broad and a very wide subject, perhaps a debatable one. I only wish to refer to it. I do not wish to follow it up because it is not necessary for the purpose of my Resolution before the House.

His Excellency next went on to the question of remedies and he said :

"I recognise, therefore, the force of your appeal. I do not think—nor, unless I am much mistaken, do you claim—that the abolition of the cotton excise duty is all that is necessary to restore the industry to health. But your plea is that even a reduction of 9 pies per pound in the cost of production will give some relief to the industry."

I personally, Sir, very much appreciate the anxiety of His Excellency the Viceroy to ensure that, when a deputation waits on His Excellency, the relief that should be available to that industry should be such as will be far-reaching, thorough-going and not half-hearted. But, Sir, the deputation simply went to pray that the handicap which was put on the industry, not at the request of the Government of India but absolutely against the wishes of the Government of India and at the dictation of what to-day either rightly or wrongly but certainly is looked upon as a competitor of the Indian mills, namely, Lancashire, should first be abolished. I feel, Sir, that His Excellency the Viceroy absolutely meant what he said when he expressed his anxiety that the relief to the industry should be more than the mere abolition of the excise duty. But it is difficult to understand why, when His Excellency's intentions were so good and so beneficial to the industry, His Excellency desisted from agreeing to what, indeed, he could and, I submit, he should have complied with. With that part, Sir, His Excellency dealt in the following sentences. With your permission, I will read three or four of these sentences :

"As I have said, I recognise the strength of this plea and I and my Government have again considered most carefully whether we could not meet you in this matter. It is with real regret that I have to inform you that we have come to the conclusion that we cannot grant the request. I hardly think, indeed, that you have realised what that request means. You ask us to take action now in the middle of the financial year before the year has fully declared itself and before the commitments and the prospects of next year are fully known. You suggest that at a time of this uncertainty the Government should remit a source of revenue which brings us in Rs. 2 crores. It is only in the most exceptional circumstance, exceptional to a degree which it is difficult to envisage, that a Government would be justified in adopting such a course. The time for taking stock of prospects is the time of the preparation of the Budget. Then and then only can a proper estimate be made of future prospects of revenue and charges. This decision indicates no lack of sympathy with the industry, no want of will to help it in its difficulties and no lack of desire to see the removal

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of the excise duty. As you have been told again, we are pledged to take the excise duty off and we will take it off as soon as financial considerations permit."

I hope, Sir, to place a few more facts before the House to-day why the Government of India should take action in the middle of the year and why it is incumbent on the Government of India, if they really wish well, not only to those engaged in the industry but to the whole of the trade in those parts where this industry is the most important occupation of the citizens, to accept this Resolution. The extra duty, Sir, works out not to 3½ per cent. as it originally did and was meant to, but it works out to-day to something like 8¾ per cent. of the cost of production of the Indian mills. I will explain it very fully to the Honourable the Commerce Member. I shall read now from a part of the address to His Excellency the Viceroy. It runs as follows :

"When the Honourable the Finance Member met the Millowners' Association on the 2nd July, he was given details of the incidence of this 3½ per cent. excise duty on our industry. At present this excise duty represents on an average three-fourths of an anna per pound of cloth as compared with a little over one-quarter of an anna per pound in 1913. The reason for this is that the prices of cloth have considerably increased owing to the increased price of cotton, coal, stores, increased taxation, higher wages, shorter hours of labour and heavier interest charges. It may interest Your Excellency to know that locally made shirtings which were sold in 1913 at about 8 annas per pound now cost 18 annas per pound to produce due to the high price of cotton. The result is that the Government of India are collecting 2¼ times more duty than in 1914 owing to the increase in the price of raw cotton and other charges in the manufacture of cloth. If the prices had remained the same as in 1914 the collection from the excise duty would not have been more than 90 lakhs instead of 210 lakhs as now collected by the Government of India. The injustice of this duty is that the Government of India benefits from the increased cost of production and the levy of import duties on machinery stores and accessories which up to 1914 were admitted free, a position which it is submitted cannot under any circumstances be described as either equitable or fair. The excise duty represents about 8¾ per cent. of the cost of our production, *i.e.*, after omitting cost of the raw material."

Now, Sir, owing to the world conditions referred to by His Excellency the Viceroy, thanks perhaps to the policy of the Finance Member of controlling prices in this country, partly perhaps due to his policy of contraction of currency in the country, the result, Sir, to-day is that the buying power of the Indian people is considerably reduced. My Honourable friend questions that. I will not give him my opinion, which he may not value.....

The Honourable Sir Basil Blackett (Finance Member) : Give me the Bombay Millowners' opinion.

Sir Purshotamdas Thakurdas : No, but I will give him what Barclay's *Bank Weekly Bulletin*, dated July 1925, says under the heading "India" :

"In both countries"—*that is, Japan and India*—"the ouput has been stimulated by the fact that as the prices of Indian food grains have not risen proportionately to the general increase in the cost of living, the purchasing power of the Indian cultivator has been adversely affected"—*I hope the Honourable Finance Member recognises who the Editor is*—"and therefore he has been buying a larger quantity of Indian and Japanese textiles and less of the finer but more expensive productions of the Lancashire mills."

The Editor is pointing out why Lancashire's exports to India do not have as ready a market as they want. I quote them for the purpose of showing that the buying power of the people has been admitted to be considerably reduced.

The Honourable Sir Basil Blackett : You said that it had been reduced by certain actions of the Government. It does not say anything of the sort.

Sir Purshotamdas Thakurdas : Well, I will then read from the beginning. It says :

"In considering India's trade figures, it should be remembered that, in general, Indian prices have remained comparatively stable during the past year, and, in fact, since the Armistice, have shown less variation than gold prices, this greater stability, as pointed out by the Finance Minister in introducing the Indian Budget at the end of February last, having been influenced by the Government's policy in regard to the exchange."

Does that now connect the two ?

The Honourable Sir Basil Blackett : I do not think it does.

Sir Purshotamdas Thakurdas : May I pass this journal on to you ?

The Honourable Sir Basil Blackett : I have seen it.

The Honourable Sir Purshotamdas Thakurdas : Now, Sir, owing to this--this is the fourth monsoon that the country is passing through, and at least the past three monsoons have been, if not good, fairly normal—and in spite of the three normal monsoons, the buying power of the Indian people has been so much reduced that to-day of the locally manufactured goods twelve crores worth of piecegoods are lying in Bombay and Ahmedabad alone, awaiting buyers. The mills find that compared with the prices of cotton and with the other charges they have to pay, they cannot make both ends meet, but they are dropping money. In Bombay 11,500 labourers have been thrown out of employment, owing to five mills having closed down. Four mills have given notice of closing down, and these four mills when they close down will throw out of employment 8,000 more hands. In Ahmedabad two mills have closed down, and six mills are reported to be on the market for sale. Further, Sir, we got news yesterday of a strike in Bombay affecting 12 mills, and which means that very nearly 12,000 more people will be out of employment. Putting the figure at the lowest, 30,000 mill hands are out of employment to-day, owing to either the closing down of mills or owing to mill hands having gone on strike. My Honourable friend over there, who is so much interested in labour, asks a question regarding wages. Under these extremely difficult circumstances, and finding in the Government of India a government which has a heart of steel and very difficult to move, a government which in spite of the unanimous opinion of this House, as far as the non-official element was concerned, restored the grant which would have enabled them to collect the excise duty, the millowners said to the labourers, "We must either cut down wages or close the mills." I am sure even my two energetic friends of labour in this House will admit that millowners have not done it out of sheer fun or avoidably. They made it abundantly clear that if they got the relief to which they were entitled from the Government of India, and which indeed is being kept back from them in a manner which in their eyes is absolutely unjustifiable, they would forthwith restore this cut.

Mr. Chaman Lall : Will the Honourable Member tell this House the number of mills, or the proportion of mills which are not working at a loss to-day ?

Sir Purshotamdas Thakurdas : The number of mills not working at a loss to-day is approximately given to me as about 25. I propose to go on the figures I have from the Honourable representative of the Millowners Association. It is possible that the information of my friend here may vary a little, but the point is whether at this juncture, when the majority of the mills find themselves absolutely in an impossible position to carry on operations, and have to close down, whether this House should not again recommend to the Governor General in Council that he should suspend the recovery of the excise duty for the balance of this year.

Sir, His Excellency the Viceroy said in his speech with regard to the decision not to do anything at present :

"The decision merely illustrates that prudence which it is incumbent on every government to exercise in relation to its finances."

With all due respect to His Excellency the Viceroy, I submit that the real dictates of prudence at this juncture is not that the Government should take an over-cautious view, but that the Government of India should extend their assistance at this very juncture. I am sure, Sir, that it will be admitted that prudence needs that prevention be regarded as better than cure. When the coal grading Select Committee Report was before this House, I pointed out to the Commerce Member that that was one instance where the Government of India would do nothing or very little indeed when the trade pleaded with them to take some preventive measures and stop further rot setting into the coal trade. The Honourable Commerce Member said we were then passing through the war period. What is the result ? Whilst the Government of India did not heed what an important section of the trade wanted, they had to come out with a costly curative measure, a measure which may help the industry but which would take long to place the industry on the basis it was.

The Honourable Sir Charles Innes (Commerce Member) : May I rise to a point of explanation ? It would not be relevant to discuss the point the Honourable Member is now making, but I have not the least idea what he is talking about in saying we did not agree to the important suggestion made by an important section of the trade.

Sir Purshotamdas Thakurdas : Wagon supply to the coal trade, and especially to those Indian-owned mines. The Honourable the Commerce Member cannot forget that quite so lightly. However, Sir, I trust that to-day, although it may be fairly late, it is not too late for the Government of India to extend to the cotton industry, which is admitted on all hands to be in a critical position, the help which I think is their birthright. The only question, Sir, is about finances. His Excellency the Viceroy said, when finances permit, the excise duty would be taken off. His Excellency the Viceroy said further that in the middle of a year you cannot find out where you stand in your finances. I, Sir, have had the painful duty of pointing out at the last budget time that the financial position of the Government of India had not only been strengthened adequately, but had, in my humble opinion, been strengthened beyond a point which was either necessary or justified, looking at the interests of the tax-payer in India. I pointed out that during the two years preceding the last the Honourable the Finance Member had set aside 11 crores to debt redemption. I do not include

in this the 10 crores which this Assembly has voluntarily foregone by agreeing to the separation of the Railway Budget from the General Budget. If you add those two together, during these years Government have set aside rupees 21 crores. I do not object to either of these, but I do not think it lies in the mouth either of the Government of India or the Honourable the Finance Member to say, when it is a question of helping an important industry, an industry the importance of which has been admitted by His Excellency the Viceroy himself in such eloquent terms, that you have not got the finances. When we were discussing a few days back the Resolution regarding the liquor excise policy of the Government of India, my Honourable friend the Finance Member, very corectly, as soon as he got up, assured the House that he was not going to plead that the large revenues that the various Governments in India at present receive from liquor excise should deter the Government of India from following the right policy. He put the embarrassing financial aspect of the liquor excise question in the background. I had hoped that what happened in the case of the liquor excise policy was also going to happen in the cotton excise.....

The Honourable Sir Basil Blackett : Why do not the cotton mill-owners put the financial question in the background ?

Sir Purshotamdas Thakurdas : I do hope the. Honourable the Finance Member realises the difference between the two ; it is a great pity if he does not at this stage even. Both the sources of revenue, Sir, are not a credit to the Government of India. In fact, Sir, in the case of the cotton excise duty it has been said before now that that source of revenue is a humiliation to the Government of India.

Mr. President : I would remind the Honourable Member of his time limit.

Sir Purshotamdas Thakurdas : I will finish in five minutes more. I wish, Sir, to indicate very briefly the various directions in which the policy of the Government of India in the Finance Department is such as never to make the cotton excise duty likely to be removed if it is left at what it is, namely, when the Government of India choose to find the funds. Take, Sir, the question of the opium policy. I have here a reply given in the Council of State by the Honourable the Secretary of the Finance Department saying that a Committee of the League of Nations which is to visit India shortly would be allowed to examine the whole situation, and the Government of India would consider the stoppage of the export of opium to any country which abused the imported opium and let it drift into illicit channels and did not keep it confined to medicinal purposes. I do not quarrel with that decision, Sir, but what I wish to point out is that if you do all this for foreign countries, if you are prepared to sacrifice the revenues of the Government of India for the purpose of inhabitants of foreign countries, have we not the first claim, cannot we ask you to redeem your promise, and cannot we at this critical juncture come to you and say, help us over the balance of the current year ? Next, Sir, is the question of the revenue and capital debits, a question on which this House recorded its opinion yesterday very adequately. There, Sir, is the question of the policy of the Government of India in connection with all matters where capital expenditure is concerned. There, Sir, the policy followed has been an extra conservative policy of debiting all expenditure incurred in raising a long term loan to the revenue one or two years, and the result is that the surplus that we see is limited, in fact it depends upon

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what the Finance Member agrees to show us. It was only yesterday that this House agreed to a debit of 50 lakhs of rupees ; for what, Sir ? For payment of opium grown last year. It is not a revenue expenditure at all ; still it is debited to revenue. There is the opium against it ; whenever you sell that opium you realise its worth. In ordinary commercial firms and institutions, Sir, such outlay would be debited either to the opium account or suspense account. The Government of India take it out of a year's revenue and debit it to the revenue account. In this way I could go on multiplying the various methods in which the Government of India can make the money available if only they choose to do so. It only amounts to this, do the Government of India really mean to give relief, and I am sure if they do, with the 11 crores they set aside for debt redemption, and the 10 crores they set aside by the separation of the two Budgets, it does not lie in their mouths to say finance has come in their way. At this rate the money required for the abolition of the excise duty may never be available. I am looking forward to the Finance Member putting before us the actuals of last year which he said yesterday he would be able to give the House today. I claim the actuals of last year may perhaps be such as to permit him to give us this relief. The only question now is, will the Government of India act, when there is still time, according to all the advices they have received, or will they try to lock the door after the steed has flown ? I cannot help feeling that if, in spite of the various critical stages through which the industry is passing the Government of India plead that the state of the finances of the country do not permit them to give us this temporary relief for which we ask, it may still be possible that the Government of India in this matter are not free agents and have not got their *hookum* from the India Office. In conclusion, I wish to remind the Government of India of one thing. In Egypt the excise duty was abolished only when a national Government was established. We here in this House and the Indian public in general have been clamouring for an advance over the present state of reforms. It was my painful duty to put before the House why the commercial community were dissatisfied with the Government as it exists at present. If the excise duty, Sir, is not to be suspended even for six months in circumstances like these which I have mentioned—and I am afraid I have done bare justice to the very severe crisis which is looming in the future for the cotton industry—if the cotton excise duty is not to be suspended even under these circumstances, the only conclusion one can come to is that it may only be a national Government that can give us what is due to us. I move my Resolution.

Mr. N. M. Dumasia (Bombay City : Non-Muhammadan Urban) : Mr. President, I believe the most dignified, the most weighty and the most valuable contribution made to the debate on the subject of an admitted historical wrong was by the representative of the Bombay Government in this Assembly, I mean my Honourable friend Mr. Webb, who in March last on behalf of his Government pressed for the abolition of the cotton excise and emphatically stated that the Government of Bombay desired to impress very strongly on this House and on the Government of India the necessity for the abolition of the duty because in their opinion it was a heavy and unfair burden on a very important industry and likely to lead to very serious industrial unrest. The speech was brevity itself. I wish I could imitate his sober example, but when

we find the emphatic recommendation of the Government of His Excellency Sir Leslie Wilson who wields the destiny of the Bombay Presidency with high statesmanship, prudence and courage is ignored, when we find the deliberate verdict of the representatives of the people in this Assembly flouted, when we see the prospect of a great industry collapsing, suddenly burying under its *debris* a large number of men of the labouring class, when we see before us the spectacle of thousands of small shareholders being ruined and reduced to beggary, and when we see the great houses of industrial magnates trembling in their shoes at the possibility of the liquidation of many concerns which they had laboriously built up, when we see the fountain of credit on which the prosperity of the trade depends dried up and when in the face of imminent peril to a great industry we see the Government sitting with their folded hands trusting to Providence for an improvement in the situation, it is impossible to possess our souls in patience and to put a restraint upon ourselves. I, however, strongly deprecate and condemn the baseless insinuations made in a certain section of the press that while Rome is burning Nero is fiddling. I admit that the Government are carefully watching the situation, but I do say this that the watch has lasted too long and there is a fear of the watchmen falling fast asleep and our goods being carried away by thieves. It is no use closing the stable after the steed has been stolen.....

The Honourable Sir Basil Blackett : Sir Purshotamdas Thakurdas said "after the steed had flown."

Mr. N. M. Dumasia : It is no good calling a doctor after the patient has ceased breathing.

When the situation is desperate, when a financial crash looms ominously on the horizon, it betrays, to my mind, a cynical disregard on the part of the Government of great industrial and trade interests, which it is their duty to protect.

I do not want to go into the unsavoury and unhappy history of the question. Let a veil be drawn over it. I only wish to draw the attention of this House and the Government to the gravity of the situation caused by an unprecedented depression and to appeal to Government to take immediate action to rescue this great industry from a total ruin which stares us in the face. I will appeal to the Government to consider seriously whether the delay in giving relief will not prove injurious not only to the industry but to the Government itself. The mill industry has passed through many vicissitudes in the past, but the present crisis is quite different from its predecessors. Even the oldest residents in Bombay do not remember such a gloomy period having occurred during the last sixty years. It beats all previous gloomiest records. In the past we had a big market for our yarn in China and any depression of trade or curtailment of inquiry from China affected our trade and industry. We have lost the China market permanently and there our powerful and well organized commercial rival—I mean Japan—has established a firm footing. Japan has built mills even in Shanghai and finally bolted the door against Indian trade. This crisis is different in this way that Japan has begun dumping in our own country and it is daily establishing a strong foot-hold in India. It is true that it does not compete with us in all the lines, but a cut in one line drags down the prices in other lines as well. If this dumping is not stopped, if Japan's rivalry in our own market is not checked, our own industry will be

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entirely ruined and there will be absolutely no chance of its recovery. Japan is competing with us in Mesopotamia and other places in the East and driving us out from those markets also. Our Government instead of helping our industry are giving an impetus to the Japanese industry. When the situation is critical and requires prompt relief Government coolly offer an inquiry into the Japanese competition. The stage for inquiry has passed. This is the time for action. But may I ask what inquiries are Government going to make? Is it not a fact that the Honourable Mr. Chadwick, the Commerce Secretary, distinctly told the millowners of Bombay that under the most-favoured-nation clause in the treaty with Japan, the Government of India at present could not impose an increased tariff against Japan? Do the Government want to hold an inquiry into this question? Did the Government of India raise their voice in the interest of India against this treaty or did they allow Indians to be treated as a mere pawn in the game of political chess of the Imperial Government?

The way in which the members of the deputation from Bombay and Ahmedabad were unceremoniously hurled down the hills of Simla, when they were given a stone when they asked for a slice of bread to which they were entitled, shows that the Government have failed to understand the gravity of the situation and the dire straits to which the industry is plunged. Nor have they correctly grasped the reality of the situation. The Government think that if the prices of cotton drop, one of the main troubles of the industry would disappear. This clearly shows that there is a confusion of ideas and a want of understanding of the crash that will be precipitated as soon as there is a big drop in the price of cotton, unless other ameliorative measures are applied beforehand to minimize the terrible effects of the crash. It is admitted that the increasing stocks and forced sales are an embarrassment to the millowners, just as my Honourable friend from Bengal pointed out that it was an embarrassment to the paper industry. Therein lies a great danger. We must face the realities of the situation which is indeed dark. When the prices of cotton go down, the prices of these stocks would drop considerably entailing untold losses on the manufacturers from which they will not recover for years to come. But if the cotton excise duty were abolished, it would give some relief to the millowners to the extent of 9 or 10 per cent. of the cost of production. If that relief were given they would at once further cut the present unremunerative prices and try to dispose of the stock at a loss so as to take advantage of the cheap cotton for the next year. The advantage of cutting the prices would, I venture to assert, in this case directly reach the consumer, who have hitherto held off from buying cloth at a high price. The majority of mills are working at a loss and have to borrow money wherewith to pay the tax which is on production and not on profits. This in these days amounts to a capital levy, which it is only worthy of a communist Government to levy. The millowners are not supplicating for a boon; they rely upon the sanctity of promise and they rely on the inherent justice of their demand, at a time when their business is ruined, their capital is going down and down, when the interest charges are daily piling up, when they find it impossible to finance the ever-growing stocks of goods in spite of their pledging their own credit and all their belongings, as the agents of the Tata Iron and Steel Company did to save a national industry from ruin before the

Government came to its rescue. Owing to the loss of the yarn market in China, the mill agents had to rely upon home markets and they had perforce to increase their looms to feed their spindles. This increased the revenue of the Government and yet the mill agents are blamed for increasing their production. It is said that there is bad management, that the agents squandered their profits in big dividends and that they must first set their house in order. This is, I submit, adding insult to injury. It is true that a few mill agents did ruin the mills and eventually their shareholders, but may I ask, what Government have done to save the shareholders? Have they amended the Companies Act in order to make the shareholders masters in their own house? I say they have so far neglected the interests of the shareholders and failed in their duty to protect them. But I state with confidence that the charge of mismanagement cannot be sustained against the agents of many well-established concerns. (*Mr. N. M. Joshi*: "What about others?") Very well, I do not like to be disturbed by any Honourable Member of this House. The names of Currimbhoy Ebrahim, Morarji Gokuldas, Wadias and Tatas are synonymous with honesty, industry and sound management, and if you look to the big reserves which the mills like the Bombay Dyeing, Century, Fazulbhoy, Sholapur and Morarji, Central India and Swadeshi Mills have built up—I have got all these with me but I do not want to waste the time of the House by quoting from them—you will have to admit that they have shewn results which compare most favourably even with thriving concerns built up in Europe by well-organized and efficient labour and huge capital. Personally, I have condemned the agency system but it is there and you cannot replace it. The agency system, in spite of its apparent inherent defect, alone has prevented a financial crisis by arranging to finance their concerns in such abnormal times of depression. No Managing Director would have been able to find the capital to run the mills and obtain loans for their heavy stocks of goods which have now accumulated and it is wrong to attempt to produce a feeling of want of public confidence in them by condemning their management. But the mill agents are not mill-owners. The agents are more or less a permanent fixture, the latter are changing from time to time and it is this class of millowners or small shareholders who are absolutely ruined, having bought their share in the boom time. Some of these shares are now mere scraps of paper. There is distress and consequent discontent among thousands of people—loyal, law-abiding people, who have been reduced to penury as their holdings have either enormously depreciated or their values almost wiped out. Then with the distressing conditions of labour in the background, the harrowing picture of misery is complete but it is in no way overdrawn. It is said by some Government critics that the industry is not in danger as a whole but only a few mills are being driven towards liquidation. This opinion is diametrically opposed to real facts. Out of eighty mills about forty are on the verge of ruin; about twenty are able to pull through; and the remaining twenty owing to their large reserves are able to declare dividends; but they are being driven into the vortex of difficulty by those that are badly off. The liquidation of even a few must affect even the soundest concern and I am surprised how this danger has escaped the minds of the critics. The failure of a few mills will affect the remaining sound concerns as well.

To my mind the Government have no idea of the loss of credit they bring upon themselves when they admit that the tax is wrong, that the

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industry is in a trough wave of depression but that they will only remove it when the finances permit. If there is a will there is a way, and as my friend Sir Purshotamdas has said, if Government have the will they will find the money. If not let them beg, borrow or steal. (*The Honourable Sir Basil Blackett* : " I leave that to Sir Purshotamdas ".) (Laughter.) The first principle of taxation is that it should be levied with the consent of the people and the Legislature and that all classes should contribute according to their capacity. In India only the cotton industry, which is a national industry, is penalised irrespective of the economic consequences in the present state of its depression from which it is not likely to recover in our time. This industry had paid more money to Government than the actual capital invested in the enterprise. During the war it supplied the standard cloth to the poor at a rate fixed by the Government ; it paid the excess profit tax and is still paying super-tax. It invested its reserves in war bonds and other Government loans. It is to-day treated by the Government in a step-motherly fashion. I do not know why the wrath of the gods sitting on the Olympian heights of Simla have descended upon my Presidency in general and the textile industry in particular.

It is true that the textile industry throughout the world experience difficulties but there are special factors and preventible causes in India, which deepen the depression, increase the losses and cripple the industry. It is within the means and power of the Government of India to remove those grievances. The first is the excise duty ; the second Japanese competition aided by its deprecated currency, unrestricted hours of labour and Government protection. The third is a high rate of interest prevailing in India throughout the busy season for trade, and fourth is the lack of credit, which is responsible for the loss of business in India, and last but not least the high exchange which gives an advantage of over 12 per cent. to foreign importers. If we had a national Government, these causes, I dare say, would have been removed in no time. Herein lies the disadvantage of a foreign Government though that Government may be good. I agree with my friend Sir Purshotamdas Thakurdas that our commercial and industrial interests can never be adequately protected unless we have a Government responsible to the Indian Legislature. Sir, if this state of things were happening in England and Government were defying public opinion and the Parliament, that Government would not have survived in England even for a day. But here, Sir, we are helpless. Only yesterday a Bill was carried to protect an industry at the point of the bayonet, and here, Sir, we have been crying for the last 30 years, we have been crying ourselves hoarse, we have been crying in the wilderness, simply because the Government refuse to come to the help of this industry.

I will not say that in continuing to levy an unfair tax on an already crippled industry Government are showing a melancholy meanness. I will put it in this way that Government are attempting to draw water from a squeezed sponge and that they want to build up their finances on the ruin of a national industry.

Mr. President : The Honourable Member will now bring his remarks to a close.

Mr. N. M. Dumasia : This industry has supplied in the past golden eggs to the Government Exchequer. Please do not kill the milch cow. The excise is an admitted wrong. It is not heroics to persist in an admitted wrong. It is not statesmanship to put all the burden on one industry. The high prices of cloth have increased the

Government revenue while it has brought corresponding heavy losses to the industry. The profits of mills are in inverse ratio to the gains of the Government. This reminds me of the Indian proverb which my Honourable friend Sir Henry Stanyon quoted the other day "*Kissi ka ghar jalle koi tape.*" This, I believe, is an apt description of the unreasonable and unfair attitude adopted by the Government. How long is this injustice going to last? We had learnt in our school days that there was no word like impossibility in the dictionary of English statesmen. I can never believe that the word exists in the dictionary of our able Finance Minister who has had the good fortune of turning successive deficits into surpluses. We were further taught that justice is the key-note of the foundation of the British Empire in India and that once John Bull was convinced of the justice of a cause he would make it his own. My Honourable friend Sir Basil Blackett has admitted that the tax is wrong. Will he make the cause his own now or will he drive us to the irresistible belief that the word "Justice" has disappeared from the Englishmen's dictionary or that it has changed its meaning? Finally I appeal to the Government with all the earnestness at my command to justify our robust faith in British liberalism and British justice by removing a grave injustice and a cruel wrong from which a great industry has been suffering for over 30 years and is now being crushed finally under its weight. With these remarks I strongly support the motion of my Honourable friend.

4 P.M.

Rev. Dr. E. M. Macphail (Madras: European): I feel in some difficulty this afternoon in connection with this motion because I have all along disapproved of the cotton excise. (*Honourable Members*: "Speak up".) I came out to India in the good old days when there were no import duties and no income-tax and the rupee was over 1*s.* 6*d.* I remember quite well the time when the cotton duties were first spoken of. The Government at Home would not allow the Government here to charge duties upon cotton at all. I think it was in 1893 when Lord Wolverhamption, then Sir Henry Fowler, was Secretary of State for India—I think it was then that the Government were allowed to bring in the cotton duties on condition that they put a countervailing excise duty on higher counts. If I remember aright, that was the time. Later on the Government here were allowed to raise the cotton duty without a corresponding countervailing duty being put on. Consequently now the tax is one purely for revenue. It is now not really a countervailing duty to any extent at all. Now, what I disapproved of in regard to the imposition of that tax was this. Though I was a free trader, I felt it was not right for the Government at Home under pressure from certain members of a political party in Parliament, representing a particular industrial interest, to compel people to accept free trade who do not want it. That was the feeling I had at the time, and the lesson I draw from that is that it is extremely undesirable to mix up industry and politics. I think it is one of the great dangers, if you adopt a protective policy in this country, that you will have any amount of log-rolling and that people in different industries will combine for the purpose of getting as much out of the national exchequer, and ultimately from the consumer, as possible. Another point to which I should like to draw the attention of Sir Purshotamdas Thakurdas is the fact that the reason why this cotton duty had to be imposed and why the excise was imposed was the fall in exchange. As exchange came down, the Government of India had more and more to get revenue from other sources and the only way that it was able to get revenue was by putting on import duties and raising

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these from time to time as the rupee kept falling. The rupee went on, as you know, falling until the mints were closed in 1893. From that time somehow or other 1*s.* 4*d.* has come to be regarded by some as a sacred number. I do not mean to detain the House, but what I want to say in connection with my difficulties is that while I wish to see this excise duty go I want to know where the money is going to come from, that we are to get in Madras. I have learnt since I came to this House that every province must look after its own interests. Now we in Madras feel very strongly that we have been very hardly used. We protested against the Meston Award unanimously in the Legislative Council.

Mr. N. M. Joshi : You got a lot of money last year.

Rev. Dr. E. M. Macphail : Not nearly so much as we ought to have got. We protested against the original Meston Award saying that we had been treated unfairly even then. But we have only received a mere fraction of what was awarded and we consider in Madras that we have been the milch cow for the rest of India. I find that my Honourable friend Mr. Dumasia approves of this because he says " Get it if you can even by stealing ". We in Madras do not want to be robbed in order that the Bombay mill-owners or that other mill-owners may make something more. Now, I should be much happier in my mind when voting for this Resolution if I were quite sure that things were so very bad as they are represented to be. We have not yet felt the pinch in Madras.

Mr. N. M. Dumasia : You are very happy there.

Rev. Dr. E. M. Macphail : We are very happy there in Madras. We have not yet felt the pinch. Sir Purshotamdas Thakurdas prophesied that it is coming. I hope that he is a false prophet. What I do feel is that until we know where we are going to get the money from, I am inclined not to support this motion, although I am strongly in favour of getting rid of the cotton excise as soon as we can. The constant way in which people ask Government to remit taxes without telling them how they are going to get the money reminds me of what a friend of mine, who was a student along with me, told me.

Pandit Shamlal Nehru : Put a heavy duty on foreign liquor.

Rev. Dr. E. M. Macphail : He had to write a discourse which was supposed to be of a popular nature and when he read it, the professor objected to the expression " concrete illustration " and said that it was not one which would be understood by the common man in the Church. Then the professor went on to say " I would say " and he paused. He went : " I would say, I would say.....something else " and that was the amount of help he gave to the student. He was not able to supply any other term which the student could use in place of the term that had been criticised. Now, until some one shows me, unless I can get some assurance, that we in Madras are not going to be deprived of what we have received so far, I shall not vote for this Resolution with any great enthusiasm, although I confess that all my instincts are in the direction of supporting the propostition that has been brought forward by Sir Purshotamdas Thakurdas.

Mr. N. M. Joshi (Nominated Labour Interests): On account of the difficult position in which the mill industry as well as the workers in

the mill industry find themselves to-day, I ask for your indulgence, Sir, and I ask for the indulgnece of this House when I make a few remarks on this subject. At the very outset I express my approval of the Resolution which the Honourable Member for the Indian Merchants Chamber and Bureau has moved, but, Sir, although I approve of his Resolution I do not approve of the diagnosis of the situation which he has placed before this House. In the first place I do not think he has placed before this House the real causes and the most important causes of the present situation and in the second place I do not think the remedies which the millowners in Bombay have taken to meet this situation are also the right remedies which they ought to have taken. It has been said that the present situation in the Bombay mill industry is due to the cotton excise duty. I have made it clear that I am against the cotton excise duty ; but, Sir, I do not know how if the cotton excise duty did not exist and if the import duty had not been eleven per cent., but was 7½ per cent. there would have been any difference in the present situation to-day. After all therefore the cotton excise duty is not the sole cause of the present situation in the mill industry. Then, Sir, much was made of the Japanese competition. As a matter of fact recently at Geneva I initiated a discussion on the labour conditions in India and the labour conditions in Japan and the inter-relation between the two. But, Sir, I believe people exaggerate the effect of the Japanese competition. If in ceratin respects labour conditions in Japan are worse than those in India, in certain other respects the labour conditions are much better. If the Japanese mills work longer hours than in India, Japanese wages are nearly double our wages. So naturally our industrialists here have got some advantage. And moreover what is the Japanese competition after all ? Japan imports into India not even two per cent. of the yarn which we produce here. Japan imports into India not more than 5 per cent. of the cloth we produce here. After all this Japanese competition is not therefore a very appreciable cause of the present situation of the mill industry in India. The same thing holds good about exchange. The present high exchange is not favourable to certain industries in India but at the same time the high exchange gives certain advantages to some other trades. Therefore when we mention these causes we must really go into the root of this question and make inquiries and find out how far these causes have really brought about the present position in the mill industry and the first and foremost is the very system on which the mill industry in Bombay and certain other trades is based. It is the agency system. Mr. Dumasia said that there is nothing wrong in the agency system which has been working for a number of years.

Mr. N. M. Dumasia : I did not say so.

Mr. N. M. Joshi : I am glad to hear that he did not say so. Here is a system in which a man becomes the chief man in the cotton industry simply because he is born of his father. Though he may not be fit for it, he becomes the real manager of the concern. Mr. Dumasia says that they have got expert managers. There may be expert managements, but who controls them ? The son of an agent becomes the controller simply because he is the son of his father. Then, Sir, there is another evil in this agency system. The agent is the really responsible man for the management of a concern. But he gets his commission on the production irrespective of the fact that he mismanages the concern. Now this system of the agent's commission being based on production is a very wrong

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system. If there is any man in the concern who should take the respon sibility, it is he ; but he shirks the responsibility, he takes his commission on the production, while, when there are losses, it is the wage-earners in the industry who are made responsible for the losses.

Mr. Kasturbhai Lalbhai : May I know, Sir, how many mills take their commission on production ? Does the Honourable Member know that ?

Mr. N. M. Joshi : I know there are agents who are receiving commision on production. I challenge my Honourable friend to say that there are no mills working on this basis.

Mr. Kasturbhai Lalbhai : I definitely say, Sir, that there are not more than two or three mills out of 84 mills in Bombay which take their commission on production. (*An Honourable Member* : "only a couple.") (*Other Honourable Members* : Withdraw, withdraw.")

Mr. N. M. Joshi : Sir, I am not going to withdraw. The present situation has arisen out of the past. You must remember that—the present situation is due to your past conduct. (*An Honourable Member* : "What logic ?")

Then, Sir, there are other difficulties in the present situation—for instance, the overhead charges. A large number of mills in Bombay are employing how a too highly paid European staff, although the industry has existed for more than fifty years. As long as you employ such highly-paid European staff, certainly you will make some losses. We talk of Indianization, Sir, as far as the Government Departments are concerned. But what about the Indianization of the industry which is mainly Indian ?

Sir Purshotamdas Thakurdas : I am sorry to interrupt the Honourable Member, but I must warn him that he is giving a very misleading picture here. If there is any industry where Indianization has been carried out, it is in the cotton mills of Bombay and Ahmedabad.

Mr. N. M. Joshi : I also know much about many factories in Bombay, and I can say this, that I know full well one firm which manages about 12 factories to-day, and I know that at least 11 of them have European managers. Therefore, your overhead charges are very large. Reduce them.

Sir Purshotamdas Thakurdas : What is the percentage of these to the total mills now ?

Mr. N. M. Joshi : I cannot say offhand. But many will-owners have admitted that their machinery has grown old—they made huge profits during the war and are closing their mills now. The situation is due to the fact that they were not prudent. They did not save money to renew machinery. There were several factors, for instance, over-capitalization. A mill which was worth about 6 lakhs before the war was sold for 35 lakhs, and now that the company is not prosperous—I do not want to give any names—the mill has to pay interest charges on 35 lakhs. Another mill worth about 25 lakhs before the war was sold for Rs. 1 crore and 50 lakhs. Another mill worth 3 lakhs was sold for 60 lakhs. Now they have to bear heavy interest charges. Certainly this is a matter which requires to be inquired into. Then, Sir, the mill industry made huge profits during the war

amounting to 36 crores. What did the millowners do to create an industry for making their own mill stores ? Nothing. They talk of Swadeshism and protecting our industries. With 36 crores of rupees in their hands, I am quite sure they should have been able to make all their stores in India. I will ask another question. After all, if the Japanese compete with us and if the English compete with us, their labour is trained. What have the Bombay millowners done to train their labour ? There is only one college, the Victoria Technical Institute. Who attend that college ? The sons of people who want their sons to become weaving masters and spining masters and managers. What has the Bombay mill industry done to train the ordinary millhand ? You go to England and see what is being done there.

Pandit Shamlal Nehru : What have you done ?

Mr N. M. Joshi : I am doing something.

Mr. President : I have allowed the Honourable Member to go on, but he must remember that the issue before the House is a very narrow one. Perhaps the Honourable Member was not in the House when I explained that Honourable Members should confine themselves to the one issue, namely, the suspension of the cotton excise duty for this year and not go into other matters.

Mr. N. M. Joshi : Sir, I do not propose to go into other matters very long, but I may just mention some causes which have produced the present situation....

Mr. President : The Honourable Member should discuss reasons for or against the question that is before the House.

Mr. N. M. Joshi : That is what I am doing, Sir. I am trying to meet some of the arguments placed before the House by some of my friends.

Mr. President : If the Honourable Member continues to argue in that strain, I shall have to stop him from continuing.

Mr. N. M. Joshi : I am not doing that, Sir. Now the present situation is due to the incompetence of the Bombay millowners. The very fact that they have now tried to meet the situation, difficult as it is, by reducing the wages of the workers in Bombay shows their incompetence.

Mr. President : The Honourable Member must understand what the question before the House is. The question is whether the cotton excise duty should be suspended for the year 1925 or not. That is the sole question. The question of the competence or incompetence of the millowners is not at all relevant.

Mr. N. M. Joshi : I am just trying to meet some of the arguments given by my Honourable friend.

Mr. President : If the Honourable Member thinks that other Members have introduced irrelevant matters in their speeches and therefore he is also entitled to do so by way of reply, he is very much mistaken. I have made it clear more than once that I will not allow the discussion on this Resolution to drift into questions outside its scope.

Mr. N. M. Joshi : I bow to your decision, Sir. My attitude is this, that the suspension of the excise duty asked for will not be a cure for the present situation but a better cure for the present situation is an inquiry

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into the present situation itself. I was driven to the argument that the millowners are incompetent and cannot manage their industries well, and the reason given by me was that they have tried to meet the situation by reducing wages ; and on that point, Sir, I will only read one small quotation—with your indulgence—and that will sum up my whole point. The quotation is not from a labour man but from Mr. Henry Ford, one of the largest industrialists in the world :

"Cutting wages is the easiest and most slovenly way to handle a situation, not to speak of its being an inhuman way. It is in fact throwing upon labour the incompetency of the managers of the business. If we meet with a depression, that is a challenge to every manufacturer to put his brains into the business, to overcome by management what other people try to overcome by wage reduction. To tamper with wages before all else is changed is to evade the real issue ; and if the real issue is tackled first, no reduction of wages may be necessary. That has been my experience. The immediate practical point is that in the process of adjustment someone will have to take the loss, and who can take the loss except those who have something which they can afford to lose ? But the expression 'take a loss' is rather misleading. Really no loss is taken at all. It is only giving up of a certain part of the past profit in order to gain more in the future."

My point is this. If the present situation is to be relieved, it cannot be relieved by removing the cotton excise duty. Let the cotton excise duty be suspended ; I am in favour of it. But let the millowners withdraw their notices about reduction of wages, because the notices show their incompetence according to Henry Ford. And, secondly, I request Government to make an inquiry into the whole situation of this industry. We all want this biggest industry of our country to be put upon a sound basis. I want it to be placed upon a sound basis even in the narrower interest of the working classes of Bombay. Sir, to-day.....

Mr. President : The Honourable Member has exceeded his time limit. (Mr. N. M. Joshi began to say something.) Order, Order. Your time is up.

The Honourable Sir Basil Blackett (Finance Member) : Sir, you have ruled—and quite naturally—that the discussion on this Resolution must be confined to the question of the suspension of the duty. I shall find it a little difficult fully to comply with your ruling, though I shall do my very best, because my whole case is that it is a distinction without a difference. Suspension of the excise duty now means nothing else than abolition of the excise duty as from now. There is no distinction possible between the two. The Honourable Mover of this Resolution did not make any very definite attempt to show that the two were distinct and he let it be seen clearly in parts of his arguments that he was only calling it suspension, because he was not allowed by you to call it abolition.

Sir Purshotamdas Thakurdas : My Resolution calls it suspension only, Sir.

The Honourable Sir Basil Blackett : The Resolution calls it suspension in order to come within the rules of the House and I say that suspension and abolition are exactly the same things. It is pure waste of time to use the four extra letters 'susp'. The word should be "end." If you want to hang this thing up, it is kinder to it and to everyone to hang it up for good and all.

Sir Purshotamdas Thakurdas : It is high time you did it.

The Honourable Sir Basil Blackett : I am afraid I must ask the House to follow me in an argument to show that you cannot distinguish between abolition and suspension. The Resolution can have no.....

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : May I ask the Honourable Member, Sir, to assume that the House accepts his view and tell us why it should not be done ?

The Honourable Sir Basil Blackett : I think I shall be out of order, Sir, if I argue why the duty should not be abolished as from now. Let us look at the position which must arise. Supposing the Government were to accept this Resolution, as from now onwards for the rest of the financial year the duty would not be collected, but it would be part of the hypothesis that the Government would have to begin to collect the duty again on the 1st of April 1926. First of all, perhaps not the most important objection, we would have a staff costing about Rs. 70,000 to Rs. 80,000 a year entirely unemployed. We might possibly find a little use for some of them in other directions, but broadly speaking we should have to pay the whole of that staff for doing nothing for six months, because *ex hypothesi* it has got to be employed again on the 1st of April.

Now, what about the financial position ? I have not heard any figure mentioned so far, but my estimate of the loss in the current year of duty would be between Rs. 80 and Rs. 90 lakhs. We should lose that in the current year. So far as the yield of the duty in the current year is concerned, that is the amount of loss, but that is not the end of it. I think it was Mr. Dumasia who said that there were Rs. 12 crores worth of stock at present unissued. Now, the duty is payable not at the moment of production in Bombay, but at the moment of issue from the mill. The millowners would take very great care, being the wise men they are, even if Mr. Joshi is right, as I believe he is right, in some of his criticisms, the millowners would take very great care that there were no stocks of any kind unissued on the 1st of April 1926. We should therefore lose the duty not merely on the production between now and the 1st of April 1926 but also on the whole of the amount now in stock. I estimate that the extra duty will at least be a further Rs. 50 lakhs. This would mean a loss of Rs. 50 lakhs in the Budget of next year. Now, look at the position of the mills. They are suffering, among other things, from overproduction. Their difficulty is to get rid of their stocks. Here you propose for six months to suspend the collection of duty. You give them a direct incentive to produce as much as possible in the next six months and close down on the 1st of April. Is that good for any industry ? It is obviously most undesirable from the point of view of the industry itself and it will be a very unkind thing from the point of view of the industry to suspend this duty just for six months if you intend to impose it again on the 1st April.

I pass for a moment to the question of the cost on this year's Budget. Sir Purshotamdas said, or rather it was well said for him, that we could easily beg, borrow or steal from other quarters in order to find money with which to get rid of the excise duty.

Sir Purshotamdas Thakurdas : Sir, I should like to be reminded as to who said it for me.

The Honourable Sir Basil Blackett : Mr. Dumasia said that. He put Sir Purshotamdas' more elegant language into something nearer the truth.

Sir Purshotamdas Thakurdas : Is that the Finance Member's construction or did Mr. Dumasia say he was speaking for me ?

The Honourable Sir Basil Blackett : If the Honourable Member had had the courtesy to be present and listen to and follow Mr. Dumasia's speech, it would not have been necessary to ask this question. The proposal is that I should beg. I am not sure whether I have got to beg from Madras ; I have got to borrow from capital large sums to spend on revenue and I have got to steal from the sinking fund. I have no doubt that I should be capable of doing it for the Honourable Member if he really employed me for that purpose, but he will have to wait until he gets his representative Government before he gets anybody to do that. I cannot find this money except out of the Budget of the year. I must assume that the Budget as it stands is the Budget for the year. We do not yet know how the year is going to turn out. It is true that so far we have had a fairly good monsoon and if we get some rain in the next fortnight in Northern India, it may be a very good monsoon. But as things stand, we really know no more than we knew at the moment when we introduced the Budget, except that we have not got a thoroughly bad monsoon. So far as I have been able to study the estimates from the results of the first four months, I see no reason to modify in any large direction the estimate that was made at the time when the Budget was introduced. It is true that as the result of action taken by this House yesterday, there is a possibility of an addition of 17 lakhs to the apparent surplus. I should like to take this opportunity of informing the House that, provided the Standing Orders can be suspended, we propose to introduce a supplementary estimate to-morrow to charge that sum to capital. Mr. Jamnadas Mehta will perhaps no longer accuse me of not having a heart in view of this evidence of change of heart.

Mr. Jamnadas M. Mehta : That is some consolation.

The Honourable Sir Basil Blackett : Now, the position, therefore, is that we see no reason to suppose on the figures before us that we should be safe in doing without this amount of revenue for the rest of the year. We should run a very serious risk of bringing to an end the period of budget surplus which began with 1923-24. I submit that that in itself would be most undesirable. But, quite apart from that, we are trenching to the extent of something like 50 lakhs on next year's revenue even if we only suspend. And, in view of the facts that I have put before the House, I think it is perfectly obvious that the acceptance of this motion to-day must necessarily mean the abolition of the duty as from now. So that we should be short next year not of 50 lakhs only but of 2 crores of what we are at present entitled to count as part of our revenue. I do not say either that I guarantee the House against the risk of the good fortune of having a surplus this year or that I guarantee the House against the risk of our having a surplus amounting to 2 crores next year. I should, however, like to draw the attention of the House and of the Bombay Members who have been pressing for this suspension.....

Mr. Jamnadas M. Mehta : The whole House is pressing for this.

The Honourable Sir Basil Blackett: That remains to be seen. I would draw the attention of the Bombay Members who have been pressing for the suspension of this duty that the question could not possibly have arisen at all if exchange had been at 1*s.* 4*d.* If, as some of them hope, exchange is to be at 1*s.* 4*d.* next year, we have to start the Budget with an apparent deficit of 3½ crores approximately, simply as a result of the exchange being at 1*s.* 4*d.* I do not know which they will prefer. But it is quite obvious that this is not the moment at which we can consider the abolition of the duty unless we do so in entire disregard of the financial situation and of the financial possibilities. Whether we have a surplus or not next year, lies on the knees of the gods. If we have such a surplus, the question will arise how it is to be used and my friend Dr. Macphail's problem has to be answered. Are we going to use it for the reduction of the cotton excise duty or for other purposes? Therefore, it is perfectly clear that the Honourable Member who moves this motion moves it in this form because he cannot move it, under the laws of the House, in any other form. But this motion means nothing else than the immediate abolition of the duty. Let me just put again the position of the mill-owners. Supposing we were to agree to suspend this duty with a clear understanding that it was expected to be reimposed on the 1st of April. They would say—I think quite rightly—when it came to March: "You assisted us a little bit in our difficulties. You have given us some little temporary relief and now you propose to come back and hit us again. It will be the last straw if you reimpose the duty now." I put it to the House that neither the House nor the Government could conceiveably, however serious our financial situation might be short of a real calamity, reimpose this duty next April if they suspend it now.

Now, if the Honourable Mover means anything by this motion that is really temporary, I suggest that what he is asking is that this House should give a subsidy to the cotton mill industry—that it should give a subsidy the amount of which would be approximately the amount that we might expect to collect from the cotton excise duty, say 130 or 140 lakhs. This is a proposal to give a subsidy of about 140 lakhs to the mill industry in view of its difficult situation. If the emergency is such as to require that that industry should receive a subsidy, I submit that the only proper way to approach the question would be to ask the House to vote such a subsidy direct and not to get at it by these indirect means. Just look what this indirect means involves. It has already been pointed out that the mills in the Carnatic do not suffer at present from the excise duty. I notice that one mill there recently paid 10 per cent. *interim* dividend. This suspension of the excise duty would go to assist that mill just as much as the mills in Bombay, where the situation is certainly very difficult. The mills in Cawnpore would equally receive the benefit of this subsidy if given in this roundabout form. They admittedly do not require it and they do not certainly require it even to the extent that the mills in Ahmedabad, where the situation is difficult, do feel some need for assistance. I say, therefore, that if we were going to deal with the situation in any way on the lines suggested by the Mover, it ought to be dealt with by means of a subsidy. I do not for a moment desire to suggest to the House that the situation is so grave as to require the very heroic measure of a subsidy.

I have seen comparisons made between the situation in India and the situation in respect to the coal industry in Great Britain. And it has

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been suggested that if Great Britain could afford to have a crisis grave enough for a subsidy, why not India also? I do not think anybody would suggest that the situation here is at all comparable to the situation that arose in Great Britain, when you had a grave emergency which threatened the whole of the fabric of the industrial life of Great Britain. Nor do I think anybody would suggest that special subsidy to an industry of that sort is a precedent which we should be in a hurry to follow. It was obviously a temporary and a dangerous expedient adopted in a grave emergency and our attitude towards it ought surely to be that we should thank God that Providence has put us in such a position that we do not require to follow that undesirable precedent.

Now, thus far I have dealt with the question of suspension and I have tried to prove that it is absolutely equivalent to abolition. The Government could not take a decision of this House to-day in favour of the Resolution as being other than an expression of the view of this House that the excise duty ought to be abolished forthwith without reference to financial considerations and without reference to any of the other claimants on any possible budget surplus: and they would naturally be guided by the results of such a decision in any consideration that they might give to the position that will arise next March when the Budget is under consideration. I hope I have convinced the House that suspension and abolition are identical. I will try, Sir, to keep within your ruling by continuing my argument in a slightly cryptic form. The effect of this Resolution would be that we give up the duty irrespective of our budget position. I should like to quote the words of His Excellency the Viceroy which have already been mentioned by the Mover in regard to this proposal that in the middle of the financial year we should act as is suggested:

"I recognise the strength of your plea and my Government have again considered most carefully whether we could not meet you in this matter. It is with real regret that I have to inform you that we have come to the conclusion that we cannot grant the request. I hardly think indeed that you have realised what that request means. You ask us to take action now in the middle of the financial year before the year has fully declared itself and before the commitments and the prospects of the next year are fully known. You suggest that at a time of this uncertainty the Government should remit a source of revenue which brings us in 2 crores. It is only in the most exceptional circumstance, exceptional to a degree which it is difficult to envisage, that a Government would be justified in adopting such a course. The time for taking stock of prospects is the time of the preparation of the Budget. Then and then only can a proper estimate be made of future prospects of revenue and charges. This decision indicates no lack of sympathy with the industry, no want of will to help it in its difficulty and no lack of desire to see the removal of the excise duty."

But he continues, this is based obviously on financial considerations.

Now I would put it to the House that one of the great advantages that have accrued from the Reforms of 1921 has been the fact that very much greater attention has been paid to the figures of the annual Budget. It has become, what it was not always before, a recognised objection to a proposal that it was brought up in the middle of the year and was not brought up at the proper moment in connection with the Budget. The Public Accounts Committee and the Standing Finance Committee have been setting their faces against any proposals, unless they are absolutely unavoidable, made in the course of the year, and the importance of sticking strictly to the financial programme has been impressed upon everyone. I had occasion just the other day to

tell my Honourable friend, Pandit Madan Mohan Malaviya, that the middle of the year was not a moment at which I could reasonably take up the question of an increased grant to the Benares Hindu University, and that the matter must be taken up at the next Budget. I had to say much the same to Sir Hari Singh Gour with regard to the Delhi University and to Dr. Ziauddin with regard to the Aligarh University. The right time to come before this House and before Government for this sort of thing is the time of the Budget, and I may add that it is a doctrine that is absolutely essential to the proper working of the Finance Department. Otherwise the position of the Finance Department would quickly become intolerable. I would refer, for example, to the Army Budget. What would be our position if it were not strictly recognised that new proposals must come up in connection with a new Budget ?

The speech which has been quoted from more than once of His Excellency the Viceroy, in regard to this question, really covers the whole of the ground. He repeated in very solemn terms the pledge that has very frequently been made with reference to the cotton excise duty. He stated that the Government of India had every intention of getting rid of this duty as soon as financial considerations permitted. He did not even stop to justify the tax against some of the accusations that were made against it. Sir Purshotamdas Thakurdas has made one or two of such accusations again to-day, and also Mr. Dumasia. Sir Purshotamdas Thakurdas said that the tax originally represented only 3½ per cent. but had now become 8½ of the cost of production. He does not, I think, suggest, that the tax has increased beyond 3½ per cent. of the cost of production including raw material. It started by being 3½ per cent. and it is still 3½ per cent. of the cost including raw material. In so far as there is protection in the case of the cotton duties exactly the same applies to the 11 per cent. import duty. The protection that the cotton mill industry gets in this country is 7½ per cent., and I have never heard them say that that protection has been doubled because prices have doubled. That is what his argument amounted to. Sir Purshotamdas Thakurdas also had something to say about the buying power of the people being reduced. I would ask him, if the buying power of the people has been so enormously reduced, how is it then that they imported 90 crores worth of precious metals in the last year ? The obvious reason why they did it was because Sir Purshotamdas Thakurdas's piecegoods were too expensive and cotton was too high. It does not for a moment show that the buying power was less, but it shows that the people were unwilling to buy cotton goods in such quantities as they might otherwise have done, owing to the high price of cotton. Attacks have also been made on the cotton excise duty as being a capital levy. It is what it calls itself an excise duty. It was originally a countervailing duty. It is now an excise duty which does not in any way act as a countervailing duty as compared with the 11 per cent. duty on imports. It is said that it has no precedents. I would remind the House that only in this very year in the British Budget there has been introduced an excise duty on artificial silk which is exactly comparable to this excise duty, with this exception that that is a countervailing duty and this is not.

I do not want to defend the cotton excise duty from attacks which are justified against it, but I do feel that it is necessary to say

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something in reply to the accusations that are frequently made against it of being an unheard of abominable tax. It is a tax which I think everyone in this House desires to see disappear at the very earliest possible moment, because it has a very bad history. I yield to none in the desire to see it go at the earliest possible moment, but it must I think go with reference to our financial position. It cannot go simply because there is temporary difficulty in the cotton mill industry.

It is not suggested that the suspension or abolition of the cotton excise duty would be anything more than a temporary and very slight palliative for the difficulties in which the cotton industry finds itself in Bombay and Ahmedabad. It would not in any way get to the root of those difficulties. That was admitted quite freely by speakers in this House arguing in favour of the disappearance of this tax six months ago. It is quite obvious that the difficulties are very much bigger and more serious and that they cannot be even touched simply by a reduction of the excise duty.

As regards the question of examination into the industry, I may remind Mr. Joshi that the millowners were asked when they visited His Excellency the Viceroy to express their views on the subject of an immediate inquiry by the Tariff Board into the extent to which the industry requires protection, and that is really the question that does very much want looking into. The question is to what extent does the industry require protection. Is it protected sufficiently or too much or too little at the present time ? Does it require special protection against competition from special quarters ?

Mr. Chaman Lall : May I ask the Honourable Member whether he is prepared to announce an inquiry of that kind now ?

The Honourable Sir Basil Blackett : I am not in a position to make any announcement on the subject, but it must be remembered that the millowners were asked whether they would like such an inquiry on the 24th August. No reply has been received.

I am not quite sure why a reply has not been received, but it does seem to the Government that that would be the proper way to advance towards a solution of the difficulties for which this motion offers a quite unacceptable palliative, which would obviously not put the industry in a positon to stand a reimposition of the duty six months hence if it cannot stand it to-day....

Mr. Chaman Lall: I do not wish to interrupt the Honourable Member again, but is he aware that we, in the interests of the workers, want an inquiry ? Numbers have gone on strike already.

The Honourable Sir Basil Blackett : It would in no way assist the distribution by way of subsidy (which this suspension would really involve) at all evenly among those who have to be helped. Obviously this is not a solution of the difficulty ; obviously this is not the way to reach our immediate object, to try and arrive at a solution, by the indirect method of suspension, which really means abolition. I submit that the House would be making a considerable mistake if it votes for this Resolution in the existing circumstances. It is not in possession of the facts ; it is not in possession of the financial facts either of this year or next year on which it could come to a conclusion whether or not action such as is proposed in the Resolution is justified. It is not now con-

sidering the annual finances of the year and is not able to take into consideration the extent to which any surplus, if we are so lucky as to have a surplus, should be used in this direction or in some other direction. I would suggest to the House that the proper time for this discussion will be in connection with next year's Budget. We can then take all the facts of the case into consideration, and if the millowners have by then agreed to this inquiry, possibly the situation in regard to the cotton mill industry may be better known to the House. Let me in conclusion read the words that were used by His Excellency the Viceroy in answering the deputation. His last words were these :

"The whole question is as to the time when the Government of India will be able to redeem their pledge. I refuse even to discuss the question of the excise duty which has been raised by Mr. Wadia, because I regard it as a matter outside Lancashire, outside every consideration except the financial consideration of India."

And I should like to repeat what I said in this House six months ago, that the Secretary of State's attitude in regard to this matter is not in question. If the Government of India were of opinion that the time had come for abolition of the duty, there would be no question of any kind of intervention from London.

"The pledge was made ;"—*continued His Excellency*—"we are bound by the pledge ; we stand by the pledge ; we are most anxious to carry it out, and for myself,"—*said His Excellency*,—"I would be very glad if it came in my time, as the Finance Member said 'within his time,' when it could be taken off. But it cannot be taken off at this moment, but only when financial considerations permit, and of course those are the considerations that we have to consider."

I ask the House not to be led away by any other considerations in this matter than the consideration as to whether the moment has come at which we can completely get rid of this tax. If they vote for the suspension, the Government can only take it as a vote for immediate abolition, and naturally their decision on the facts, whatever they may be next March, will be guided by any vote of that sort. But I submit the House would be very much wiser, all things considered, if they were to adjourn this debate and take the whole question up again in March.

Several Honourable Members : I move that the question may now be put.

Mr. Kasturbhai Lalbhai (Ahmedabad Millowners' Association : Indian Commerce) : Sir, I find myself in rather a difficult position in speaking on a subject with which I am intimately connected because it has been discussed so threadbare that I can say hardly anything about it which this House does not know. Again, the Resolution being in the hands of such an able and prominent business man as Sir Purshotamdas Thakurdas, it needs very little from me to commend it to the House. Sir, Honourable Members are well aware that this is the fourth time this subject has come up for discussion in one form or another. It has been before the public for the last two years and over. As far as the general public and the elected representatives of the people are concerned, they have demanded in unmistakable terms the abolition of this obnoxious duty. The Government and their highly placed officials have not lacked in lip sympathy, but the time is passed when lip sympathy and pious hopes can alleviate the situation. This is the third successive year of depression in the textile trade, the like of which has been rarely experienced. Assisted by the reserves laid down in good years, the industry has withstood the losses of the past three years, but unfortunately it is not in a position to-day to draw on its past reserves any

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longer, and unless something is done now and immediately, it will receive a set back from which it may not be easy to recover.

Sir, it is becoming more and more difficult to take the Government Members at their word. I am sorry to make this charge against the officials, but their consistent conduct leaves no choice to me but to level this charge and prove it. The Honourable Members are aware that during the last Simla Session the Honourable the Commerce Member gave an assurance that he would examine the case of hosiery with regard to the cotton excise duties, and at that time he reserved his judgment on this issue. After allowing him one full year, I put the question whether he had arrived at any conclusions and the simple answer came forward "No." Another instance, Sir. It has been proved to the satisfaction of the Honourable the Commerce Member that, under the present system of tariff valuations almost all the Ahmedabad mills are made to pay 4¼ to 4½ per cent. of cotton excise duties. Last year I saw the Secretary, Commerce Department, and got a definite assurance from him that this would be set right at an early date. One full year has passed since then and nothing has been done in the matter. Sir, as will be seen from the duly certified accounts, the losses of the Bombay mills alone for the past three years amount to more than Rs. 6 crores. The stocks of piecegoods have gone up tremendously and after waiting for a year and over for Government assistance, Bombay millowners have been obliged to cut the wages of their workmen by about 11½ per cent., for which measure a good deal of criticism has been levelled against them. I crave the indulgence of the House to be permitted to explain the reasons which drove the millowners to adopt this course....

Mr. N. M. Joshi : In other words incompetence.

Mr. Kasturbhai Lalbhai : The losses of the mills were rising and there was an urgent necessity to minimise them. Short time working would have meant a higher cut in wages and raising the cost of production....

Mr. Chaman Lall : Cut out your commissions.

Mr. Kasturbhai Lalbhai : I will deal with that in a minute. The competition from Japan has been assuming serious proportions and it was essential to reduce the price of piecegoods to the lowest level possible. Imports of Japanese yarn and piecegoods during the last three months, April to June, have been almost twice as large as the imports for the same period during the previous two years. Prices of Indian piecegoods had to be reduced by 25 to 30 per cent. during the last six months. This is borne out by the Government altering their tariff valuations accordingly; but there has been no similar reduction in the price of ready cotton or in the cost of manufacture. Sir, it has been said that we should have explored other avenues of economies instead of a cut in our workmen's wages. We should have reduced the salaries of the supervising staff and agents' commissions. Now may I inform the Honourable Members that the wages of the supervising staff do not amount to more than 6 or 7 per cent. of the total wage bill? Again, while the wages of workmen have been increased by 80 to 90 per cent. over the pre-war standard, the increase obtained by the supervising staff has not been more than 20 per cent.

5 P.M.

Mr. Chaman Lall : What is the total amount of the commission ?

Mr. Kasturbhai Lalbhai : I am coming to that. Just wait for a minute. I may also be permitted to explain why it has not been possible to make reductions in other directions. In finding out the cost of cloth produced in our mills, we have got to take the following items into consideration—cost of cotton, mill stores, coal, interest, insurance, commission to selling agent, commission to managing agent, cotton excise duties and depreciation.

Now, Sir, we try and obtain the cotton at the best price prevailing, the commission allowed to purchasing agents being not more than ¾ per cent. or 1 per cent. Unfortunately, we have to purchase our mill stores from abroad at the ruling market price. I pleaded in vain during the last Delhi Session for a reduction in freight on coal. In interest and insurance we cannot conceive of any economy. It will, therefore, be clear that the price of cotton, the cost of stores and the interest and insurance charges are factors beyond the control of the mill management. The only two items in which the management can effect economy are the commission of agents and the wages of labour. So far as the agents' commission is concerned, during the year 1924, out of 55 mills whose statements were available, ten mill agents did not charge a single pie for their remuneration, ...

Mr. Chaman Lall : What about the others ?

Mr. Kasturbhai Lalbhai : ....while 13 relinquished the major portion of their commission.

Mr. Chaman Lall : What about the others ?

Mr. Kasturbhai Lalbhai : I have received statements only for 55 mills, and I am dealing with them.

Mr. Devaki Prasad Sinha : The rest ?

Mr. Kasturbhai Lalbhai : And still we are told, Sir, by the Honourable the Finance Member that the fault lies with the management and not with his managing the exchange.

It is a patent fact, Sir, that Indian industries have suffered more by the adverse exchange than anything else. But for it I doubt very much whether Japan would have succeeded in getting a hold over the Indian market as she has done. To-day, Sir, Indian industries are suffering hardships more because of the exchange policy of the Government of India than any other factor.

Sir, we have been accused that our management has not been efficient. In spite of the excise, in spite of heavy import duties on stores and high freights on coal and other disabilities, India has successfully established this great national industry. Here I have got the testimony of another authority, Mr. Clare Lees, Chairman of the Manchester Chamber of Commerce, who, after seeing some of our cotton mills in Bombay, observed that they are the best equipped mills he has ever seen and the Commerce Member is aware of this.

We have been also accused of having our mills over-capitalised. How baseless this accusation is will be found by anyone who cares to examine the balance sheets of some of them. Sir, when during the post-war boom 80 per cent. of the cotton spinning and weaving mills in England were recapitalised at three or four times the original value, I am glad to say that not more than 2 per cent. of our Indian mills were recapitalised.

[Mr. Kasturbhai Lalbhai.]

We have been further accused of shriking an inquiry by the Tariff Board. Sir, it is entirely wrong. We had an inquiry by the Indian Fiscal Commission which unreservedly condemned the cotton excise duties and asked Government to clean the slate. I ask, have they done this ? If not, what is the meaning in multiplying inquiries unless these are meant to defer action and cloud the issue ? If Government really mean business, let them take off these repeatedly condemned duties and then if protection is asked for by the trade, there will be time for an inquiry.

Mr. N. M. Joshi : Where is the harm in an inquiry ?

Mr. Kasturbhai Lalbhai : Sir, much has been made of the phrase that the sympathetic and farsighted Viceroy, Lord Hardinge, used in 1916, namely, that " the cotton excise duties will be abolished as soon as the financial considerations permit." It is forgotten that he used this term during the stress of war and when there were innumerable calls on the finances of India. That term has been turned, twisted and paraphrased by the present authorities to suit their purpose. When recently the deputation of the Bombay and Ahmedabad millowners waited on His Excellency the Viceroy, he said that in the middle of the budget year the Government of India cannot come to our assistance. May I know, Sir, whether the same consideration weighed with the Government of India when they carried out the Lee loot, when they called an emergency meeting of the Legislature to give the steel industry protection, when they gave away £100,000,000 as contribution from India ? Sir, only recently, the British Government, in the middle of the budget year, did not hesitate to pay a subsidy of £10 millions to save the collieries and coal miners. In short, where there is a will there is a way.

Sir, I have been told that the Government have not been convinced of the exigencies of the situation. In reply I shall borrow the phrase of the leader of my party " that if the Government Members have no eyes to see, no ears to hear, no brains to realise the situation, how am I going to convince them ? " Sir, I support the motion of my Honourable friend Sir Purshotamdas Thakurdas.

Sir Darcy Lindsay (Bengal : European) : Sir, in spite of the red herring which my Honourable friend the Finance Member has drawn across the track of this Resolution, I propose to support it, and I hope some of my colleagues at least will join me. We consider it very necessary that the Government should be asked to extend a helping hand to this great national industry. The Finance Member tells the House that the remission of the duty now means its abolition in the next Budget. I am sure we hope it may be so. But if money is really not then available, I question whether the mill agents will feel as aggrieved as the Honourable Member seems to think. Why does he not put the position to them ? Are they willing and anxious to receive this remission now for the rest of the financial year on condition that if funds are not available, there can be no abolition next year ? I think that their answer would be a unanimous yes. When I was in Bombay a few weeks ago, I spent three days there and the present critical position of the industry, due largely to competition from abroad and the accumulation of stocks, was brought home very forcibly to me. We must unite, Sir, in giving such assistance as lies in our power to remedy what has become a dangerous

situation. I do not think, Sir, it is denied by any one that the situation is now most dangerous. I do not propose to go over the old grounds as to the merits or the demerits of the excise duty. It is now admitted on all hands that the tax is a bad one and must go as soon as money is available. I am told that the immediate effect of a remission of this duty would be a reduction of ¾ anna in the price of cloth, and the hope is that this will materially help sales and reduce stocks to normal conditions. My Honourable friend Mr. Joshi informed the House that the excise duty is entirely responsible for the present position in which the industry is placed. But that is not by any means so. It is due to many other causes. It is not contended that this remission will entirely solve the situation. It must be left to the Tariff Board or the Tariff Inquiry Committee to look further into the question, but in the meantime the remission will give some measure of relief and help to remove the heavy clouds of despair that are now hanging over the industry. It was only yesterday that my Honourable friend Sir Charles Innes in his eloquent pleading for further protection for the steel industry told the House that Government decided to adopt a bold and generous measure and as a result stocks which a year ago were overhanging the position had been reduced to normal and the steel industry extricated from the serious position in which it was placed. It is this bold and generous measure that we ask the Honourable the Finance Member to adopt and give a helping hand to this national industry before it is too late, as I am assured it will be if we wait until next March. There is no use Dr. Blackett giving medicine after the patient is dead or past hope. I recognise it may be unsound finance to give relief in the middle of the financial year before we know whether there is likely to be a surplus of revenue over expenditure but desperate cases require desperate remedies. My Honourable friend Mr. Kasturbhai has made reference to the £10 millions given in the middle of the financial year by the Government at home, but let us come closer home. Did we not only yesterday give Rs. 18½ lakhs to the steel industry in the middle of the financial year, and where is the difference? Surely what is sauce for the goose is sauce for the gander.

The Honourable Sir Basil Blackett: That is provided for from the original budget surplus of Rs. 24 lakhs.

Sir Darcy Lindsay: Reference has also been made to the Rs. 50 lakhs which we voted yesterday for expenditure on opium. Now, Sir, was there any real necessity to take this money out of revenue if the money was required and desperately required for other purposes? I contend, Sir, that that money for the purchase of opium should be in suspense account and not charged to revenue. Then the Honourable the Finance Member has himself referred to the Rs. 17 lakhs that was saved yesterday from revenue and is now going to be put to capital account. All this, Sir, goes to show that money can be found when wanted. We know, Sir, that there must be some surplus this year over the amount that the Honourable the Finance Member budgeted for owing to the rise in exchange alone. He budgeted at 1*s.* 6*d.* and exchange since then and at the present time is considerably higher. Then we have the duty on steel. I believe there is an amount over and above what may be given as bounty to the steel industry. Then we passed a Bill only a few days ago to collect higher duty on paper. I take it that the Finance

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Department will receive extra money from that duty. I do not suggest that the Honourable the Finance Member can produce rupees from the air like the conjuror whom I noticed he was watching with some interest at a recent garden party. But if he will only admit that under very special circumstances relief may be given in the middle of a financial year, I believe he can find the money. What he is asked to do is to give up a possible collection of Rs. 80 or 90 lakhs. The Honourable Member went further than that and said it was really Rs. 130 lakhs owing to accumulation of stocks. Is he not an optimist in thinking that such an amount can be collected if he does not remove this excise duty? The great trouble in the industry is that the mills cannot sell the goods owing to the high prices. So, I very much question whether the sum of Rs. 130 lakhs he anticipates will ever reach him. It has often been said, Sir, in this House that the Resolution that are passed are not acted upon. I hope Government will rise to the occasion and see that so far as this particular Resolution is concerned the recommendation will be given effect to at the earliest possible moment. With these words I support the Resolution.

Several Honourable Members : I move that the question be now put.

The Honourable Sir Charles Innes (Commerce Member) : I had not intended to intervene in this debate at all. Indeed, I had hoped that it would not be necessary for me to do so, but the speech of my Honourable friend Sir Darcy Lindsay has compelled me to make a few remarks.

In the first place he drew an analogy between the suspension proposed by my Honourable friend Sir Purshotamdas of the cotton excise duty and "the bold and generous stroke" which this House took last January in giving a bounty of Rs. 50 lakhs to the steel industry. Sir, I may point out to the Honourable Member that there is all the difference in the world between giving a grant of Rs. 50 lakhs to a single firm and giving a suspension of taxation amounting in all I understand to Rs. 100 lakhs—my Honourable friend on my right will correct me if I am wrong—to an industry which comprises well over 100 to 150 mills. The Honourable Member seems to think that this suspension will make all the difference to the cotton mill industry. I make bold to say that that statement is not correct. I doubt very much whether a suspension of this cotton excise for the rest of the year would even touch the fringe of the problem which now lies before the cotton mill industry. What really surprised me most in my Honourbale friend's speech was its extreme ingenuousness. I do not for a moment suggest that my Honourable friend Sir Purshotamdas is in any way tricking the House. Sir Purshotamdas was compelled to put his Resolution before the House in this form because, as my Honourable friend Sir Basil Blackett has pointed out, he could not have proposed the total abolition of the cotton excise without coming within the mischief of the Standing Orders. He would not have been allowed, as you, Sir, have pointed out, to move a Resolution suggesting the abolition of the cotton excise. But I am perfectly sure that Sir Purshotamdas knows, just as we all must know, that if we suspend this tax now it is not practical politics to put it on again in March next. Are we going to disband the staff

we have got now and collect it again in April? And having once taken off a tax with the history of this tax, does any one suggest that the Government could put it on again in March? Every body must realise—Sir Basil Blackett has said this once and I say it again—every body must realise that, if the House passes this Resolution in the form suggested by my Honourable friend Sir Purshotamdas, Government will have no option but to take that as a decision of the House that the cotton excise should be abolished. Our sole point is that before the House comes to this decision they ought to have the issue properly before them and they should not be led away into giving a premature decision in favour of the abolition of the cotton excise.

Now, Sir, before I sit down I should like just to refer very briefly to one or two remarks made by my friend Mr. Kasturbhai Lalbhai. He accused me of not having carried out my promises in regard to hosiery and in regard to altering the system of tariff valuation. Both these questions are being considered. I may tell the Honourable Member quite frankly that since the cotton excise is under sentence of death, I see no reason why we should alter the system of valuation which has been in force for many years and I see no reason why I should bring an amendment of the Cotton Duties Act before this House when we propose to abolish that Act as soon as financial considerations permit. Let me also refer to this question of the inquiry of the Tariff Board. Every body will admit as I have just said that the taking away of the cotton excise duty does not touch the fringe of the problem for the millowners. They admit that themselves and we all know it, and that was the reason why His Excellency the Viceroy, when the deputation came up before him, asked the millowners whether they would like to have an inquiry by the Tariff Board into the conditions of their industry, in order to decide whether or not protection was required. Now, I must confess that I cannot understand the attitude taken up by the millowners in this matter. They always refer us to the Fiscal Commission and they always say, "we will not have that inquiry until you take off the cotton excise duty". Well, Sir, if we remitted that question to the Tariff Board for inquiry, it will be no part of the Tariff Board's duty to decide or to advise us whether or not the cotton excise duty should be taken off. That is a decided question. It would not be reopened in any way at all. I cannot help wondering why the millowners alway refuse that inquiry. We cannot remit the matter to the Tariff Board for inquiry unless the millowners apply. That is the position we take.

Mr. Kasturbhai Lalbhai: We have no confidence in the *bona fides* of the Government Members.

The Honourable Sir Charles Innes: If that is the reply that they give me, the reply that I feel inclined to give my Honourable friend Mr. Kasturbhai Lalbhai is that the reason why the millowners so dislike the idea of an inquiry into the conditions of their industry may be thought to be that they are not altogether satisfied that the result of that inquiry would be entirely creditable to that industry.

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.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I do not propose to detain the House at any great length but I feel I must reply to one or two points raised by the Honourable the Finance Member. He, Sir, was quite up to his usual form in meeting a Resolution especially where according to me at any rate he has to oppose a strong case, and he has a poor defence himself. My Honourable friend said in the beginning, " I have had to refuse grants to the Hindu University, the Muslim University and the Delhi University, on behalf of which requests were put forth by Pandit Madan Mohan Malaviya and Sir Hari Singh Gour, and how can I in the middle of the year attend to the textile industry ? " Where is the comparison, Sir, between the paltry lakh or two required for these universities..... (*An Honourable Member* : " Paltry ? ") Paltry by all means as compared with the stake here. The stake here is of an industry built up by Indians for the best benefits of India. You talk of one lakh, half a lakh or two lakhs being refused to the Hindu or the Muslim University. I am sure that the Hindus and the Muhammadans in this House will realise that that was irrelevant to the question before us.

Then the next thing he said was " we have to refuse fresh grants to the Army Department in the middle of a year ". I am sure that my Honourable friend successfully refuses grants in the middle of a year to the Army Department in peace times. But in war times my Honourable friend will himself admit that grants may be voted above his head even, if he is not at headquarters. I submit, Sir, that the Indian textile industry at this juncture should be considered as important and as urgently in need of immediate assistance as the case of requirements of the country in war time. During peace time the country flourishes, and the treasury flourishes with the successful carrying on of industries. Therefore in the present case, Sir, I claim that the Finance Member should give the same treatment that he gives during war time to demands from the Army Department.

He next asked me, Sir, some questions regarding the exchange policy which I do not want to discuss. But he asked me a very pointed question to which I feel I must give him a reply. I did not give him my own opinion because I decided not to give my own opinions ever since I accepted the membership of the Royal Commission but I gave him the opinion of an English banker whose opinion is entitled to some consideration at least at the Finance Member's hands. If the Honourable Finance Member wants to interrupt me I shall give way to him, though he did not give way to me.

The Honourable Sir Basil Blackett : I was careful to say not a word about Sir Purshotamdas Thakurdas when I was talking of exchange.

Sir Purshotamdas Thakurdas : I referred to the fact that the buying power of Indian agriculturists and the masses had gone down and he asked me to explain how it was that India had imported 90 crores worth of gold. May I, Sir, refer him to himself and the policy that he has been adopting, of artificially cheapening gold in India and of making gold available to the masses at Rs. 21-6-0, a price at which as any person in the Finance Department knows the masses of India rush in for gold. What is the good of asking me ? Let him ask himself and let him tell us what explanation he has got to give for having thus diverted the resources of India. It will be for him some day in the future to reply why he chose

to adopt that policy for India lately. But, Sir, his reply was that the cultivator does not buy Indian piecegoods because the millowners sell the piecegoods dearly. His Excellency the Viceroy has said Indian cloth cannot be sold cheaper because the price of cotton has been high. Does the Honourable the Finance Member deny that, and if the price of cotton has been high, what does he mean to convey by his reference to dear Indian mill made cloth ? Does he indicate that the Indian mill-owner here has funds which are inexhaustible and upon which he can draw in order that his mills may keep on working and losing money ? Sir, I claim that at this juncture, it is the duty of the Government of India and of the Finance Member of the Government of India, if he really wishes to serve the best interests of the country, to say " All right, even though it is an extraordinary thing to do, we will at least suspend this duty and will enable you to move on your piecegoods at a reduction of ¾ anna per pound ". Sir, the Commerce Member said that this is not adequate. It may be, but the very fact that he confessed that this relief of ¾ anna per pound is not adequate makes it incumbent upon him and upon His Excellency the Viceroy and upon the whole Executive Council of the Government of India to say, " Let us at least do this and tell the people concerned, the millowners, to help themselves and look after themselves." Instead of that, Sir, the Finance Member gets up and pleads before the House, " I warn you, if you do this, the country will be incurring a great risk ". That, Sir, should not be the outlook of a responsible person in the position of the Finance Member of a continent like India. Let him have a broader outlook, I say. I want him to take his courage in both hands. I told him that he has hidden away crores and crores within the last few years. (Laughter.) You set aside, as I pointed out, 11 crores under the sinking fund and 11 crores under railways. You never disputed that point.

(The Honourable Sir Basil Blackett rose.)

You will have your right of reply. I say, Sir, that if at this juncture the Government of India still hesitate to rise to the occasion and to suspend this duty for the six months my Resolution asks for, all that we would conclude is that we are not likely to get much from them, at any time.

One point more, Sir, as far as certain remarks of Sir Basil Blackett are concerned. A reference has been made to the suggested inquiry by the Tariff Board. I fully agree, Sir, that if and when the millowners want protection at the expense of the tax-payer, they must go to the Tariff Board. But why should our Government friends be more anxious that the millowners should go to the Tariff Board than the millowners themselves ?

The Honourable Sir Charles Innes : You asked for protection against Japan.

Sir Purshotamdas Thakurdas : That does not refer to my Resolution. My Resolution is regarding the suspension of the cotton excise duty, which you yourself admit has been bad, obnoxious, etc., etc. Why bring up the question of inquiry to-day ?

The Commerce Member, Sir, or the Finance Member or His Excellency the Viceroy himself said, ' Why not go to the Tariff Board ', and

[Sir Purshotamdas Thakurdas.]

it was said that the millowners had not replied to it. I am not in the confidence of the millowners, I am not a member of the Millowners Association, and therefore I cannot say if the millowners hesitate to go to the Tariff Board.

Sir, a vague suspicion lurks that the Government of India may be watching for some method or other of forcing upon India Imperial Preference—which, Sir, India cannot conceive of as long as Indians are treated as they are in the Colonies. (Hear, hear.) A further apprehension is that if India does not adopt Imperial Preference, she should, by some method or other, be forced to give preference to the United Kingdom—another problem on which some Indians have strong views. The suspicion is that by compelling millowners to go to the Tariff Board, the Government of India have some such thing as this in contemplation. I do not know how much truth there is in this. I am not able to say if the millowners themselves hold these views or not. But why be more friendly to the millowners than the millowners are to themselves? They claim, Sir, that the abolition of the excise duties is their birthright. You set aside 21 crores on one side; we say we are entitled to this sum. It is no use appealing to Madras and to the Punjab and other provinces and saying, "Look here, your provincial contributions are in danger". I say, Sir, and I say this with all deference to my reverend friend, Dr. Macphail, that that question does not arise. Madras has had her reduction of contribution for this current year. My Resolution only asks for suspension for the balance of the current year. Next year I hope that this Assembly will assert itself and will extract the excise duty out of the Treasury Benches in spite of the strongest opposition that they may put up. I do not think that I have anything more to say, Sir. I wish only to refer to the remarks of my Honourable friend Mr. Joshi. I deplore those remarks, and I hope that he himself will regret that he made some of those remarks.

Mr. N. M. Joshi: Which remarks?

Sir Purshotamdas Thakurdas: I do not wish to enlarge upon that further. My aim to-day is to put before the House and to put before my Honourable friends opposite the very grave situation in the textile industry in Bombay and in Ahmedabad, which threatens to travel further upcountry also.

We were told by Sir Basil Blackett that instead of asking for suspension, I should have asked for a subsidy. How does the question of asking for a subsidy arise? I ask for no favour; I ask for what is the birthright of India and Indians as far as the removal of the cotton excise duty is concerned. There is no question of labour and capital here. There is no question of asking for a subsidy. The Government of India, constituted as they are at present, will take many many years before they learn or are able to give a subsidy to the textile industry. There is great competition already to-day, and the eyes of Lancashire are already turned to India. Can we expect a favour from Government in the present situation? We insist upon only what is overdue to us and what is our birthright. I do not think that any Member on the Government Benches is entitled either to raise the question of provincial doles or to raise the question of the Hindu or Muhammadan University in this connection. I wish that the Finance Member had thought it very

undesirable to mention that part of it. I stand, Sir, in the name of the Bombay Presidency and in the name of the Indian textile industry to claim from the Government of India what is their birthright. 30,000 people are out of employment. Are they going to wait until it goes up to one lakh ?

Mr. Chaman Lall : What have the Government done for them ?

Sir Purshotamdas Thakurdas : What is the good of saying that you have no money ?

Finally, I wish very much to express my appreciation of what Sir Darcy Lindsay said on behalf of his European colleagues. (Applause.) At least I have this satisfaction to-day that whatever the Honourable Members on the Government Benches may say, European and Indian commerce are unanimous to-day in running down the policy of the Government of India as far as this obnoxious duty is concerned. I should like to express my grateful thanks to my Honourable friends representing European commerce and interests, and I fervently hope that we will oftener be able to look at many questions from that common standpoint, the best interests of the land we live in and love. I beg to move my Resolution, Sir, and recommend it, with conviction, for the acceptance of the House.

The Honourable Sir Basil Blackett (Finance Member) : Sir, Sir Purshotamdas asks us to have " a little outlook " ! I suggest that is sometimes what the commercial community has when it is trying to get something out of the tax-payer into its pockets,—" a little outlook." The Honourable Member has made a somewhat violent speech. However, after the sample we had yesterday of the extraordinary manner in which he gave thanks for the Government's offer of a subsidy of 60 lakhs for steel, I could hardly have expected anything different to-day. He really has left me nothing to answer, because he has said nothing (*An Honourable Member* : " Then why speak ? ") I am speaking only because there are some Honourable Members who are incapable of listening to arguments unless repeated.....

Mr. M. A. Jinnah : We believe you have nothing to say.

The Honourable Sir Basil Blackett : There is one point. The Honourable Member inquired why the Government spoke about a Tariff Board inquiry in regard to the mill industry. One of the main reasons, Sir, was that the Millowners' Association—for whom Sir Purshotamdas Thakurdas says he does not speak—asked the Government for the imposition of a higher import duty on yarn and cloth below 30 counts on the ground of protection. That was the main reason which brought the question up. The other reason of course was—Sir Purshotamdas Thakurdas asked why it was that the millowners did not desire an inquiry, the answer to that has already been well given by my Honourable friend the Commerce Member, namely,.....

Sir Purshotamdas Thakurdas : I gave it also.

The Honourable Sir Basil Blackett : .....that they did not think that their case is one which will bear much investigation. I have really nothing more to add to what I have already said. It is perfectly ridiculous for any Honourable Member to pretend that there was any difference between suspension and abolition.

Mr. R. K. Shanmukham Chetty : Why then did not His Excellency the Viceroy refer to that ?

The Honourable Sir Basil Blackett : I cannot hear the Honourable Member.

Mr. R. K. Shanmukham Chetty : Why did not the Viceroy say that suspension leads automatically to remission ?

The Honourable Sir Basil Blackett : The millowners, for whom Sir Purshotamdas Thakurdas does not speak, were wiser. They did not ask His Excellency for suspension, they asked for abolition. They asked for what they meant—not what the Resolution to-day says that they mean. I will repeat once more, Sir, that this Resolution really requests the immediate abolition of the cotton excise duty. The Government of India are not prepared to consider the question of the abolition of the excise duty except in connection with next year's Budget. When the next year's Budget comes forward, the question will be very carefully and sympathetically considered ; and the House will I think be making a mistake to-day if it passes the Resolution which the Government must take as a demand for abolition in all circumstances without reference to financial considerations, whether there is a surplus or not, as from the beginning of the next financial year.

Mr. President : The question is :

"That the following Resolution be adopted :

'This Assembly recommends to the Governor General in Council to be pleased to forthwith suspend the collection of the cotton excise duty for the rest of the current year 1925-26, in view of the critical stage of the Indian textile industry as at present prevailing'."

The Assembly divided :

AYES—57.

*Abdul Haye, Mr.
Abhyankar, Mr. M. V.
*Abul Kasem, Maulvi.
Acharya, Mr. M. K.
*Ahmad Ali Khan, Mr.
*Alimuzzaman Chowdhry, Khan Bahadur.
Aney, Mr. M. S.
Bhat, Mr. K. Sadasiva.
Carey, Sir Willoughby.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chartres, Mr. C. B.
Chetty, Mr. R. K. Shanmukham.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Das, Mr. B.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Fleming, Mr. E. G.
*Ghazanfar Ali Khan, Raja.
Gour, Sir Hari Singh.
Govind Das, Seth.
Gulab Singh, Sardar.
Hans Raj, Lala.
Iyengar, Mr. A. Rangaswami.
*Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kartar Singh, Sardar.
Kasturbhai Lalbhai, Mr.
Kelkar, Mr. N. C.
Lindsay, Sir Darcy.
Lohokare, Dr. K. G.
Maguire, Mr. L. T.
Majid Baksh, Syed.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Pandit Harkaran Nath.
Muhammad Ismail, Khan Bahadur Saiyid.
*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.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Ranga Iyer, Mr. C. S.
*Sadiq Hasan, Mr. S.
*Samiullah Khan, Mr. M.
*Sarfaraz Hussain Khan, Khan Bahadur.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Devaki Prasad.
Syamacharan, Mr.
Sykes, Mr. E. F.
Venkatapatiraju, Mr. B.
*Yusuf Imam, Mr. M.

NOES—32.

Abdul Mumin, Khan Bahadur Muhammad.
Ahmed, Mr. K.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaswami.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Clow, Mr. A. G.
Cosgrave, Mr. W. A.
Ghulam Bari, Khan Bahadur.
Gordon, Mr. E.
Gordon, Mr. R. G.
Graham, Mr. L.
Gurner, Mr. C. W.
Innes, The Honourable Sir Charles.
Langley, Mr. A.
Lloyd, Mr. A. H.
Mahmood Schamnad Sahib Bahadur, Mr.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Panduranga Rao, Mr. V.
Raj Narain, Rai Bahadur.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Tonkinson, Mr. H.
Vijayaraghavacharya, Diwan Bahadur T.
Webb, Mr. M.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 17th September, 1925.

LEGISLATIVE ASSEMBLY.

Thursday, 17th September, 1925.

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

QUESTION AND ANSWER.

SMUGGLING OF SACCHARINE.

Mr. Jamnadas M. Mehta: With your permission, Sir, I will ask certain questions of which I have given private notice to the Honourable the Finance Member who has consented to reply to them. They are as follows :

1. (*i*) Are Government aware of loud and frequent complaints by saccharine merchants of the extensive smuggling of that article ?

   (*ii*) Are Government aware that the price of saccharine in the market has always been below Rs. 10 per mensem in spite of the duty of Rs. 20 per pound levied in 1923 ?

   (*iii*) Are Government aware that *bonâ fide* trade in saccharine is feeling paralysed owing to this state of things ?

   (*iv*) What steps have Government taken to protect the honest saccharine merchants and their own revenues against the smugglers ; what further steps do Government propose to take in the matter ?

   (*v*) Will Government be pleased to give facilities to saccharine merchants by way of extension of time for the clearance of saccharine that is now stocked in the bonded warehouses in Bombay ?

The Honourable Sir Basil Blackett : (*i*) and (*iii*). The answer is in the affirmative.

(*ii*) The Government are aware that in many cases saccharine has been sold at prices considerably below the duty.

(*iv*) A land customs frontier has been established between Siam and Burma. Saccharine imported by that route is liable to full duty now and no drawback of duty is allowed in respect of re-export of saccharine to China. But there are large stocks of saccharine in Burma which came into Burma without paying duty before the land customs line was established on the Siam frontier ; and to prevent these stocks getting into India proper, the export of saccharine from Burma has been prohibited. The Land Customs Act passed last year has strengthened the hands of the Customs Department on the Pondicherry frontier ; and the staff has also

been augmented. The Government are closely watching developments but are not prepared to disclose what further steps they intend taking in the matter.

(v) The Government of India have already informed the Bombay Government, who addressed them on the subject some time ago, that the Central Board of Revenue is prepared to consider favourably applications for the extension of the usual time limit of bonding, if such applications are submitted through the Collector of Customs.

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 16th September, 1925, agreed without any amendments to the following Bills which were passed by the Legislative Assembly on the 14th September, 1925 :

A Bill to provide for the fostering and development of the bamboo paper industry in British India.

A Bill further to amend the Indian Limitation Act, 1908."

THE INDIAN PENAL CODE (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move that the amendments made by the Council of State in the Bill further to amend the Indian Penal Code be taken into consideration.

Sir, the motion refers to the Bill which was recently passed by this House after a long debate and which has been generally referred to—though the title has been objected to—as the Age of Consent Bill. At a very late stage of the proceedings on the Bill in this House it was brought to my notice—I think by my Honourable friend Dr. Lohokare—that some protection was necessary for what I might call "vested interests". (Laughter.) The Council of State have, with their usual regard for such interests, inserted a clause in the Bill which I think will commend itself to this House universally. The clause runs as follows :

"Notwithstanding anything contained in section 2 sexual intercourse by a man with his own wife is not rape although the wife has not attained the age of thirteen years, if he was married to her before the date on which this Act comes into operation and she had attained the age of twelve years on that date."

I need say nothing in explanation of the clause which is self-explanatory. It will be noticed that it is not in form an amendment of the Indian Penal Code. It will only be put into the Bill and when the period has elapsed will drop out of the law. I think I hardly need say anything more in commending this motion to the House.

***Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I feel that I shall be leading a forlorn hope if I resist the motion of the Honourable the Home Member, but I cannot refrain from making a few observations on the general policy which has dictated the acceptance of this amendment in another place. When the Indian Penal Code was enacted in 1850 Lord Macaulay's Committee for

* Speech not corrected by the Honourable Member.

the first time created and penalised several offences which were not then offences at all. When the age of consent or so-called consent was fixed in the Bill of 1850 there was no reservation of vested interests. Later on, in 1891, after a prolonged and heated controversy which gathered round the question of age when the Government at last did raise it from 10 to 12 there was no attempt at any reservation of vested interests. And, Sir, on the last occasion when I introduced a similar Bill this House considered it clause by clause and passed the various stages after such amendments as it considered necessary. But there was no saving clause. It is true that on the third reading of the Bill it was defeated, thanks to the whip applied at the last moment by the Honourable the Home Member: but even then there was no question of reserving any vested rights. We are introduced to this for the first time after the Bill has been passed by a record majority in this House. But what is the underlying principle of it all? The underlying principle of it all is, Sir, that husbands have got a vested right to ravish girls between the ages of 12 and 13 if forsooth they were married to them before this Bill comes into force. I understood that the protagonists of orthodoxy in this House indignantly repudiated that they ever had recourse to their wives before they attained the age of puberty; and we were assured that public opinion throughout the country would have revolted against any idea of a husband ravishing his wife when she was a girl of 12 or 13. That I submit, Sir, was the fulcrum of the opposition led by the orthodox wing of this House, and it is for that reason that nobody suggested the addition of a saving clause. But we live and learn. In another place we have been presented with a legislative proposal in favour of the husband where the wife is in the concept of law relegated to the position of a chattel or inanimate thing. The husband, if he marries her, of which she has probably no real consciousness, is entitled to defy her in spite of her refusal and despite the fact that he has laid in store an everlasting disease of which she may die, or beget children who will probably die before they are many months old. In spite of the risk of infanticide and matricide the pillars of orthodoxy in another place have chosen to make a proposal which I venture to submit is an insult to the intelligence of this House. Sir, I would have resisted it with all my might and main were it not for the fact that this is the last day of the Session and I have no doubt that if I had taken upon myself to oppose this measure my friends in this House would have rallied to my support and given me that generous support which I have always received from them here in spite of the opposition to which social reform in this House has been subjected from certain quarters. But even they have admitted to me in the privacy of their confidences that I was right and they were wrong but that they had to do it because the masses were not yet prepared for legislation of the kind for which I had made myself responsible.

Sir, before I close I thank them and the Honourable Members of this House who with their support and votes have made this reforming measure a near possibility after the lapse of thirty-four years, and I cannot refrain from thanking the Government and the Honourable the Home Member that he has reciprocated the sentiments expressed by this House and by the Select Committee by giving us half the loaf. I hope he will remember that I am still crying and crying aloud for the other half, which I hope he will not deny to me in the next Session after the public and the provinces have been consulted upon my Bill.

Dr. K. G. Lohokare (Bombay Central Division : Non-Muhammadan Rural) : Sir, I am not of that orthodox type that my friend Dr. Gour would think me to be, since he knows well that at the last time I voted with him on every one of his amendments. It was just with an idea to remove an anomaly which I thought did exist, that I suggested a remedy and put in an amendment in this House which unfortunately was out of order on account of the time limit. I know of instances where consummation has already taken place in cases of marriages between 12 and 13 and yet the raised age limit is not reached by the time this Act comes into operation. This being a recurring offence it is just possible that persons who did not dream of the Act being applied to them would be thus sent to jail under the new Act that is being passed. It is with a view to remove that anomaly that I suggested an amendment preventing this retrospective effect and if that could be called a contribution to infanticide and the killing of mothers, well, I am sorry my friend is either mistaken in understanding the situation or has misunderstood me. I think such a provision ought to have been made and I am thankful to the Honourable the Home Member for paying attention to this matter.

Mr. President : The question is :

"That the amendments made by the Council of State in the Bill further to amend the Indian Penal Code be taken into consideration."

The motion was adopted.

Mr. President : The question is :

"That this House do agree to the following amendment made by the Council of State :

'That the following clause be inserted after clause 3 :

'4. Notwithstanding anything contained in section 2 sexual intercourse by a man with his own wife is not rape although the wife has not attained the age of thirteen years, if he was married to her before the date on which this Act comes into operation and she had attained the age of twelve years on that date'."

The motion was adopted.

Mr. President : The question is :

"That this House do agree to the following amendment made by the Council of State :

'That clause 4 be re-numbered clause 5'."

The motion was adopted.

THE COAL GRADING BOARD BILL.

The Honourable Sir Charles Innes (Commerce Member) : Sir, I beg to move that the amendment made by the Council of State in the Bill to provide for the grading of coal and for the grant of certificates for coal intended for export be taken into consideration.

I must apologise to the House for having to trouble them with this small amendment. The fact is that in the Bill as passed by the Legislative Assembly we made a small mistake which I very much regret. In clause 12 (2) (*a*) of the Bill we made a reference to section 4 of the Bill ; that reference should have been to section 3, and the mistake

has been rectified by the Council of State. I ask the House to agree to this amendment.

Mr. President : The question is :

"That the amendment made by the Council of State in the Bill to provide for the grading of coal and for the grant of certificates for coal intended for export be taken into consideration."

The motion was adopted.

Mr. President : The question is :

"That this House do agree to the following amendment made by the Council of State :

'That in clause 12 (2) (a) for the word and figure 'section 4', the word and figure 'section 3' be substituted."

The motion was adopted.

THE CRIMINAL TRIBES (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I beg to move that the Bill to amend the Criminal Tribes Act, 1924, as passed by the Council of State, be taken into consideration.

The provisions of this Bill are explained at length in the Statement of Objects and Reasons, and I do not think it necessary for me to add much to what is stated there. Briefly, the Bill proposes to add provisions to section 10 on the lines of the provisions of section 15 of the Act. The intention is that if a Local Government under section 10 has passed orders requiring members of a criminal tribe to report themselves or to notify their places of residence, then if such members move to a district other than that in which they were registered, whether that district is in the same province or another, they should still be required to report themselves, and if the second district is in another province that they should be governed by the rules of that province. Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Preamble and Title were added to the Bill.

Mr. H. Tonkinson : Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

THE COTTON TRANSPORT (AMENDMENT) BILL.

The Honourable Sir Charles Innes (Commerce Member) : Sir, I beg to move that the Bill to amend the Cotton Transport Act, 1923, as passed by the Council of State, be taken into consideration.

Sir, this is a very small Bill the object of which is explained in the Statement of Objects and Reasons. The House will remember that in 1923 we passed the Cotton Transport Act to enable Local Governments,

[Sir Charles Innes.]

after consulting their Legislative Councils, to regulate the import of cotton by rail, road, river or otherwise into what are called notified areas. Section 3 of that Act states that a Local Government may for the purpose of maintaining the quality or reputation of cotton grown in any area in that province by notification in the local official Gazette prohibit the import of cotton or of any specified kind of cotton into that area save under and in accordance with the conditions of a license. The intention was to give Local Governments the discretion to regulate the import of cotton into that area either by rail or by road or by river or by all or any of these methods of transport. But the Bombay Government after consulting their legal advisers have found that, as the section is now drafted, if they issue a notification of that kind, they must prohibit the import of cotton by all these methods, and they have no discretion to prohibit the import of cotton except under a licence by rail, and to leave the import of cotton by road free. The object of this small Bill is to give the Local Governments the necessary discretion in that matter. It is rather a serious difficulty, because, unless we give Local Governments that discretion, they will not be able to notify all the areas which otherwise they would notify. That is a serious difficulty. Our information is that this Act has been extremely successful where it has been applied. Sir, I move that the Bill to amend the Cotton Transport Act, 1923, as passed by the Council of State, be taken into consideration.

The motion was adopted.

Clauses 2, 3, 4, 5 and 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Charles Innes : Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

THE MADRAS, BENGAL AND BOMBAY CHILDREN (SUPPLEMENTARY) BILL.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I move :

"That the Bill to supplement certain provisions of the Madras Children Act, 1920, of the Bengal Children Act, 1922, and of the Bombay Children Act, 1924, as passed by the Council of State, be taken into consideration."

Sir, perhaps one of the most important points in regard to this Bill is that it will enable the Indian Legislature to be associated with the measures which have been passed in three provincial Councils for the protection of children. Those measures, Sir, contain one or two privisions affecting the jurisdiction of the respective High Courts of Judicature, and it is therefore necessary, as such provisions cannot, we hold, be enacted by the local Legislatures, for us in the Indian Legislature to validate them. Sir, I move.

The motion was adopted.

Clause 1 was added to the Bill.

Clause 2 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. H. Tonkinson : Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

THE INDIAN PORTS (AMENDMENT) BILL.

The Honourable Sir Charles Innes (Commerce Member) : Sir, I beg to move that the Bill further to amend the Indian Ports Act, 1908, as passed by the Council of State, be taken into consideration.

This is another small Bill, Sir, which is designed to remove a small difficulty which has arisen in the working of the Indian Ports Act. Section 31 (*1*) of the Indian Ports Act prohibits vessels of the measurement of 200 tons and upwards entering, leaving or being moved in a port to which the section has been extended without having on board a pilot, harbour master or assistant of the Port Officer or harbour master. By sub-section (*4*) of the Act, Bombay has been specially exempted from the operation of sub-section (*1*) of section 31. Now representations have been made to us from one of the Chambers of Karachi, the Buyers' and Shippers' Chamber I think, to the effect that the operation of this section, as it stands, is unfair to Karachi and that many sailing vessels of less than 500 tons but more than 200 tons coming from the Persian Gulf are diverted from Karachi to Bombay, because of the restriction imposed by this section. The Karachi Port Trust and the Bombay Government both agree that such improvements have been made in the Karachi Port that Karachi can legitimately be treated in the same way as Bombay in respect of sailing vessels of less than 500 tons in this matter. We have other ports which are being improved in India, and as we think that the present section is a real restriction, we should amend it so as to enable us to exempt from the operation of section 31 (*1*) sailing vessels of specified dimensions. Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Charles Innes : Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

THE REPEALING AND AMENDING BILL.

Mr. L. Graham (Secretary, Legislative Department) : Sir, I beg to move that the Bill to amend certain enactments and to repeal certain other enactments, as passed by the Council of State, be taken into consideration.

The object of this Bill, Sir, is to make necessary amendments of a purely formal nature in certain enactments and to repeal certain other unnecessary enactments. I think it requires no explanation, because it is composed entirely of details which are fully explained in the Statement of Objects and Reasons. Sir, I move.

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

The first and second Schedules were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. L. Graham : Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

THE GOVERNMENT TRADING TAXATION BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I ask for leave to introduce a Bill to determine the liability of certain Governments to taxation in British India in respect of trading operations.

This Bill arises out of one of the recommendations of the Imperial Economic Conference in 1923. It was to the effect that, if one Government is carrying on something in the nature of a commercial or trading concern within the territories of another Government, it should be treated for the purposes of income-tax and other taxation as if it were a private concern. The purpose of this Bill is to give effect to this Resolution which has already been brought into effect in the United Kingdom by a clause in the British Finance Act of this year, on which this Bill is modelled. Sir, I move.

The motion was adopted.

The Honourable Sir Basil Blackett : Sir, I introduce the Bill.

THE INDIAN FACTORIES (AMENDMENT) BILL.

The Honourable Sir Bhupendra Nath Mitra (Industries Member) : Sir, I move for leave to introduce a Bill further to amend the Indian Factories Act, 1911.

The object of the Bill is to remove certain administrative difficulties which have been experienced in connection with the working of the Act. The position is explained in detail in the Statement of Objects and Reasons and I do not propose to take up the time of the House by dilating further on the matter.

Dr. K. G. Lohokare (Bombay Central Division : Non-Muhammadan Rural) : Sir, I beg to draw the attention of the House to the fact that this Bill provides not only for the administrative difficulties but it includes other elements too, such as a limit to the number of workers in a factory which will bring more factories under the operation of the Indian Factories Act. I beg to draw the attention of the House to this point only.

The motion was adopted.

The Honourable Sir Bhupendra Nath Mitra : Sir, I introduce the Bill.

Sir, I move that the Bill be circulated for the purpose of eliciting opinions thereon.

The motion was adopted.

CAPITAL OUTLAY ON SECURITY PRINTING PRESS NOT CHARGED TO REVENUE.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 17,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1926, in respect of 'Capital outlay on Security Printing Press not charged to Revenue'."

There is no need for me to explain to the House the circumstances in which this estimate is introduced. The Government of India have taken into careful consideration the views expressed in this House two days ago. They understand that those views were intended not to challenge the principle that departmental buildings should normally be charged against revenue and borrowing should take place only for purposes that are strictly reproductive, but that the view of the House was that this case is one of a building which should be regarded as being for reproductive purposes. That, I think, was the view actually expressed by some of those who opposed the motion for a supplementary grant when it was proposed to charge it to revenue. The Government attach very great importance to that principle and they desire it to be understood that, in accepting the view of the House in this particular matter, they are simply accepting the view that this case is one which can be regarded as the case of a building which is for reproductive purposes, and the general principle that buildings for departmental purposes should be charged to revenue is not infringed.

Sir, I beg to move.

Mr. Devaki Prasad Sinha (Chota Nagpur Division : Non-Muhammadan) : Sir, may I ask if it indicates a change in the policy of the Department presided over by my Honourable friend, showing that, so far as revenue-earning departments are concerned, buildings will be charged to capital now ?

The Honourable Sir Basil Blackett : I have already specifically stated that it does not.

***Sir Purshotamdas Thakurdas** (Indian Merchants' Chamber : Indian Commerce) : I am sure, Sir, the House will welcome this compliance by the Honourable the Finance Member with the opinions expressed by the House two days back.

The Honourable the Finance Member made it very clear that this would be restricted only to departments conducted on commercial lines, I understood. Is that correct ?

The Honourable Sir Basil Blackett : I did not go beyond this particular case.

***Sir Purshotamdas Thakurdas** : Even if there is no inference to be drawn from this and if this is not to create a precedent, all the same I need not quarrel with it. We can apply it to each case as it comes up. But, I thought this principle would be applied to every department which was conducted on commercial lines by the Government of India, and I do hope, now that the Post and Telegraphs Department is being put on commercial lines, the buildings there will also be charged to capital. But

* Speech not corrected by the Honourable Member.

[Sir Purshotamdas Thakurdas.]

if the Honourable the Finance Member is not prepared to agree to this, I do not think we need follow up the question at all. I wish to express the appreciation of the House of the ready manner in which the Honourable the Finance Member has seen his way to comply with the opinions of the House expressed two days back.

Mr. Jamnadas M. Mehta (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I also welcome this compliance on the part of Government with the declared wishes of the Assembly and if it is not to be logically followed up, I hope, that in the next Session Government will at least investigate this question with the help of the Assembly and come to a decision thereon. I know Government are not prepared to commit themselves at this stage to any definite line of action but the Honourable the Finance Member is aware that the House has strong views on this matter. The beginning made to-day is good, but let us have something more than a mere isolated case, the differences do not begin and end merely with this Security Printing Press. They are vital and they relate to various things not merely in this matter but in railway matters as well as in other departments. The question as to what should be charged to capital and what should be charged to revenue has been a matter of keen controversy and the House feels and the country feels that the complaint of the Inchcape Committee—I think it was—that capital is getting undue relief is not merely confined to railways but it extends to other departments of Government also. And a comprehensive inquiry should be undertaken which will settle once for all what should be charged to capital and what should be charged to revenue, so that the present generation will not be compelled to bear the burden which posterity should bear ; the matter should be taken up next Session, thoroughly investigated and a permanent settlement found. I hope, Sir, the Honourable the Finance Member will at least agree to that. In that case only will I agree that he has given proof of having a heart.

The Honourable Sir Basil Blackett : Sir, I have only to say that I disagree entirely with Mr. Jamnadas Mehta and I have already said so, Sir.

Mr. President : The question is :

"That a supplementary sum not exceeding Rs. 17,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1926, in respect of 'Capital outlay on Security Printing Press not charged to Revenue'."

The motion was adopted.

RESOLUTION *RE* PAYMENT OF BOUNTIES UPON WAGONS.

The Honourable Sir Charles Innes (Commerce Member) : Sir, I beg to move :

"That this Assembly recommends to the Governor General in Council that legislation be undertaken to amend section 4 of the Steel Industry (Protection) Act, 1924, so as to empower the Governor General in Council to pay by way of bounties upon wagons a sum not exceeding 21 lakhs during the three financial years commencing on the 1st day of April 1924, 1925 and 1926, instead of a sum not exceeding 7 lakhs in each of these financial years."

The explanation of this Resolution, Sir, is that section 4 of the Steel Industry (Protection) Act as now drawn up limits us to the payment of

not more than Rs. 7 lakhs in any one year during the life of the Act in payment of bounties upon wagons. No sooner had the Act been passed last June than we called for tenders for wagons and we placed orders in August last. We had of course lost 4 months of the financial year and it takes wagon firms a considerable time to collect materials. The result is that though we placed orders for 2,300 wagons in August of last year, we were only able to pay in the way of bounties Rs. 2,85,000 in the financial year ending the 31st March last. Consequently, out of the Rs. 7 lakhs allotted for bounties in the current year upwards of Rs. 5 lakhs are due for wagons for which orders were placed last year, and for our wagon orders this year we have got only one lakh and so many thousand rupees. We have placed orders this year, and the result is that next year's bounty will largely be spent in paying the bounty on wagons ordered this year and we shall only have about 3 lakhs for fresh orders next year. That is the reason why I am asking the House to agree that we should make the policy of the Legislature effective by allowing us to spend 21 lakhs in three years instead of not more than 7 lakhs in each year. The reason why I am taking this rather peculiar procedure of putting a Resolution before the House instead of suggesting an amendment of the Steel Industry (Protection) Act is this. One of the questions that was inquired into by the Tariff Board at its recent inquiry was not only steel manufactured by the Tata Iron and Steel Company but also the question of wagons and other subsidiary steel. We expected their report and we delayed this matter until we got their report. But we got that report so late that it was quite impossible to do anything with it this Session. In the meantime, if I do not get this altered, we shall be in great difficulties in placing orders in November next for the year 1926-27. That is why I am asking the House to agree to this proposal on the understanding that I will bring in a Bill to amend the Act next Session. Sir, I move.

Dr. K. G. Lohokare (Bombay Central Division : Non-Muhammadan Rural) : Sir, at the time of the first Resolution when these bounties were proposed I had drawn attention to the necessity of a provision and I want again to lay before the House the same provision that in placing contracts for wagons in India, in the years the bounties are allowed, Government will pay attention to the necessity of Indian produced steel being utilised by such companies. That is one of the foremost conditions which should be satisfied before bounties are permitted by this House. Last time I invited the attention of the House to this matter, and I again take the opportunity of doing so. I hope the House as well as the Member in charge will accept this provision.

The Honourable Sir Charles Innes : The Honourable Member, knows, I think, that there are certain classes of steel which cannot be obtained in India at present, but I think the House may rest assured that the firms building these wagons do buy Indian steel wherever Indian steel can be suitably procured in India.

The motion was adopted.

RESOLUTION *RE* APPOINTMENT OF STANDING COMMITTEES TO DEAL WITH BILLS RELATING TO HINDU AND MUHAMMADAN LAW.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move the Resolution which stands in my name on the paper.

[Sir Alexander Muddiman.]

With your permission, Sir, and with the permission of the House I will take it as read.

"This Assembly recommends to the Governor General in Council that in order to give effect to the recommendation in paragraph 120 of the Report of the Reforms Inquiry Committee the Indian Legislative Rules and the Standing Orders of this House be amended so as to provide as follows :

(a) two Standing Committees, one to deal with Bills relating to Hindu Law and the other with Bills relating to Muhammadan Law, shall be appointed :

(b) appointments to these Committees shall be made by a Committee of Selection the members of which shall be appointed at one of the first meetings of the Assembly to be held in each year and should hold office for one year from the date of nomination :

(c) the Committee of Selection shall consist of the President, the Deputy President and the Leader of the House supplemented up to a total number of 12 Members on a motion moved by the Leader of the House so as to represent the main divisions of opinion in this House :

(d) the Standing Committee for Bills relating to Hindu Law shall consist of the Honourable the Home Member, the Honourable the Law Member, if they are Members of the Assembly, and 30 Hindu Members nominated by the Committee of Selection, so as to include persons well versed in Hindu Law and representatives both of the orthodox and reforming sections of the Hindu Community :

(e) the constitution of the Standing Committee for Muhammadan Law shall be similar to that of the Committee on Hindu Law except for the substitution of 20 Muhammadan Members for the 30 Hindu Members :

(f) the Members of each Standing Committee shall hold office for one year but may be re-nominated by the Committee of Selection in successive years :

(g) a Bill which has been referred to the Standing or a Special Select Committee in one House shall not be referred to the Standing Committee or a Special Select Committee in the other House :

(h) as soon as leave is given to introduce a Bill other than a Government Bill and, subject to paragraph (g), as soon as a Bill other than a Government Bill which has been passed by the other House is laid on the table of this House, if the Bill is certified by the President to relate to Hindu or Muhammadan Law, it shall be referred to the Standing Committee concerned without further motion :

(i) the Standing Committee shall have power to examine witnesses and to circulate a Bill, but when it directs circulation the fact shall be reported to the Assembly :

(j) the further procedure in the Assembly after the report of the Standing Committee is received shall be the same as the procedure on receipt of the report of a Select Committee."

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, I beg to move :

"That the consideration of this Resolution be adojurned till the beginning of the next Session."

It seems to me, Sir, that this Resolution.....

The Honourable Sir Alexander Muddiman : Let the Honourable Member hear my speech before he makes that motion. I shall not detain the House very long, I can assure him. Sir, this is a Resolution which arises out of paragraph 120 of the report of the Reforms Inquiry Committee. My object in bringing it before the House is merely to elicit the opinion of the House on it. Paragraph 120 of the Report of the Reforms Inquiry Committee pointed out the undoubted anxiety that was felt in many quarters regarding legislation affecting the social

rights of the various and numerous communities in this country. We had particularly memoranda both from Hindus and Mussalmans, and in this connection I would refer the House to paragraphs 40 and 41 of the Report. Amongst other proposals that were brought forward, we were supplied with a very interesting note by a former Member of this House, Mr. Jogendra Nath Mukherjee, and the proposals in my Resolution very generally follow the lines suggested therein. As I understand my Honourable friend is about to ask the House to postpone consideration of this Resolution, I will not take the House further into the merits. I will merely say, that this Resolution has been on the paper for a long time. The House has had ample notice of it.....

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : No time.

The Honourable Sir Alexander Muddiman : .....and, as far as I know, only two very small amendments have been put down on the paper. Therefore, I did not personally expect a motion of that kind. However, I will hear what my Honourable friend has got to say.

Diwan Bahadur M. Ramachandra Rao : Sir, I beg to move :

"That the consideration of this Resolution be adjourned to some day next Session."

It is true, Sir, that this Resolution has been on the agenda for a little time, but I think this is one of those matters which require very careful consideration as it introduces a new procedure in regard to non-official Bills relating to both Hindu and Muhammadan law. I think the Honourable the Home Member is anxious himself that he should receive the considered opinion of this House in regard to this very important matter. I do not wish to take up the time of the House by criticising any of the clauses at this stage, and I trust that the Honourable Member will consent to have this matter put off as I suggest. It seems to me, Sir, that even if this Resolution is carried, nothing can be done to bring about the new procedure and the new Standing Committee as suggested in this Resolution until the beginning of the next Session. In these circumstances, Sir, I trust the Honourable Member will consent to my suggestion.

Mr. M. S. Aney (Berar Representative) : Sir, I rise to oppose the amendment which my Honourable friend Diwan Bahadur Ramachandra Rao has moved. He wants the consideration of this question to be adjourned. I do not think he has advanced any very cogent reasons for this. The motion has been before the House for some time. To me, it seems that the consideration which he has in mind is what the minority has written about this recommendation. It has been written in the minority report that this question has not been sufficiently considered and therefore, they have not subscribed to the recommendation of the majority on this point. I feel, Sir, having carefully gone through the volumes of evidence recorded by the Committee that the question has been categorically brought to the notice of the Committee in the two important memoranda submitted to that Committee by the *Hindu Mahasabha* and *Sri Bharat Dharma Mahamandal* and there was also a Resolution of the Moslem League. I also find in the volume of evidence that Mr. Barkat Ali has been more than sufficiently cross-examined on that point by the Committee.

[Mr. M. S. Aney.]

So, with that material before the Committee it could not be reasonably said that the question was not sufficiently considered by the Committee, and therefore, I submit that the minority was not justified in making any observation to the effect that the question has not been properly considered and sufficient materials have not been placed before them. There should have been no recommendation to that effect. The question is one which is before the public of this country for years together. Those who have subscribed to the Congress-League Pact of Lucknow know that with regard to matters of this kind the necessity of some sort of safeguard has been keenly felt. Therefore, when the question is now being brought for consideration before the House by the Honourable the Home Member I do not think that he has taken the House by surprise. He is only asking you to give your deliberate verdict upon a question that has been before the country for years together. Honourable Members will see in the list of Resolutions that have been admitted by the Honourable the President on the 24th August 1925 there is a Resolution of which I gave notice and which runs as follows :

"This Assembly recommends to the Governor General in Council to accept and take all necessary steps to give effect to the recommendations in paragraph 120 of the majority report of the Reforms Inquiry Committee proposing additional safeguards on legislation affecting the religion, religious rites and usages of the Hindus and Muhammadans, as well as any questions affecting the Hindu and Muhammadan law."

Sir, the one thing that struck me in the majority report was that this question which had been agitating the minds of the Hindu and the Muhammadan communities for a long time and particularly after the introduction of the reforms had received adequate consideration at the hands of the Reforms Inquiry Committee, and I thought that when that report would come up for consideration this question would also be duly considered. But in view of many other points involved in that report it did not become possible for this House to pay attention to this particular point when that report was before the House for consideration. I therefore thank the Honourable the Home Member for having brought this question up for the consideration of the House, and I think that the House will be removing considerable apprehension in the minds of the people about the reformed Legislature in regard to matters affecting customs and usages of the particular communities. There has been considerable apprehension to that effect in the minds of the people and that is one of the reasons why efforts for a further concessions of political reforms are more or less looked upon in certain quarters with a good deal of apprehension. We shall be doing justice to the cause of Indian reforms and helping the pace of the political upheaval of this country if we take the proper step at this time, when we are asking Government to give due consideration to the question of reforms, and assure the public of this country that there is no likelihood of their inherent rights being jeopardised by any action of the Legislature when it may be turned into a responsible Legislature. It is necessary for us to create that sort of atmosphere in the country and I believe we shall not be doing justice to our cause by postponing the consideration of this question at a time like this. I do not wish to speak further on that point, at this stage, but I think we shall not be acting wisely by adjourning the consideration of this question. I therefore oppose the amendment and support the motion which has been put forward before the House by the Honourable the Home Member.

The Honourable Sir Alexander Muddiman : Sir, I am not going to delay the House on the question of the motion that the debate be adjourned. I place myself in the hands of the House and shall accept its decision.

Mr. President : The original question was :

"That the Resolution* moved by the Honourable the Home Member be accepted."

Since which an amendment has been moved :

"That the consideration of this Resolution be adjourned to some day next Session."

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

The motion was adopted.

RESOLUTION *RE* FRANCHISE FOR WOMEN.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move the following Resolution :

"That this Assembly recommends to the Governor General in Council that he do proceed to make the amendments in the Electoral Rules required to give effect to recommendations Nos. 8 and 9 in the majority report of the Reforms Inquiry Committee."

Those recommendations are contained in paragraphs 66 and 67 of the Reforms Inquiry Committee report. They deal with the question of woman franchise and the disabilities of women to be members of the Legislature. I need not tell the House that in the Government of India Act there is no statutory disqualification of women. The question of women as voters was deliberately left by the Joint Committee to the Local Governments themselves in the first place, and left to the Assembly. Though a Resolution was passed by the Assembly in favour of woman franchise it does not operate in any province unless that province has voted in favour of the franchise either before or after the Assembly Resolution. This is as regards the voting by women. I understand that Madras, Bombay, the United Provinces, and Bengal have removed the bar on women voting. In Burma women have the right to vote but no Resolution has been passed allowing them to stand as candidates. Election and nomination stand on the same basis—they are dealt with rule 7 and rule 22, I think it is, of the Rules. Rule 22 is the rule dealing with nominations, and rule 7 is the rule regarding the right to elect. The disqualifications in regard to being elected are contained in rule 5. At present there is no provision in rule 5 which allows the sex disqualification to be removed even after a Resolution by the Legislature. What this Resolution proposes to do is to amend rule 5 on the lines of rule 7. It will require the same Resolutions to be passed and similar notices to be given as are required now in the case of an amendment giving the franchise to women.

12 NOON.

There is one other matter that is dealt with in the recommendations, that is, in regard to the bar against women being registered as electors of the Delhi and Ajmer-Merwara constituencies. The Resolution therefore—I think, I have made it clear to the House—places before the House the question of the grant of the franchise to women in Ajmer-Merwara, and the House also, if it accepted this Resolution, would be committing itself to what might perhaps be considered the possibly serious problem of "lady Members." It would be recommending to the Government that powers should be provided enabling the Legislatures to bring this about by an analogus procedure to that by which the franchise can be conferred on women. I merely bring this Resolution in order that we may have the

* *Vide* page 1468 of these Debates.

opinion of the House on the matter. I think, Sir, that is all I need say at present.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural): Sir, I should like to know from the Honourable the Home Member what the effect of passing this Resolution will be in the first instance—whether by reason of passing this Resolution it would *ipso facto* become possible for women, or whether this House should proceed to pass another Resolution to enable women, to stand as candidates under the existing rules. That is one thing I wanted to know. The other thing that I want to state is that, so far as the Party to which we belong is concerned, we have been in favour of women franchise, we have been in favour of women being qualified to represent electors in this country, since the time when the reforms were demanded and were introduced, so that so far as the principle and this particular proposal are concerned, we have been committed to it all these years, and there is therefore no question of opposing this reform, which ought to have been introduced long, long ago. But we desire, Sir, to be understood that in passing this motion and in allowing our ladies to have their right to vote and to represent us, we do not by any means accede to the proposition that we are here prepared to take steps to carry out the recommendations of the majority report of the Reforms Enquiry Committee—(Laughter)—and therefore, Sir, with that statement of our position, I say, Sir, that we are entirely in favour of the motion.

Mr. B. Das (Orissa Division : Non-Muhammadan): Sir, I rise to give my cordial support to the Resolution which the Honourable the Home Member has moved. Sir, we get very small mercies from the Home Member in matters of Reforms Legislation. However small the mercy is that has come in the way of women, I welcome the proposition.

Mr. K. Ahmed : You will not be returned next time.

Mr. President : Order, order.

Mr. B. Das : This House, Sir, and every other Legislature will welcome the advent of women into the Legislature, and it is for no other reason than that of the opposition in certain quarters in this House to every piece of social legislation, every measure that is introduced for the welfare of women and children in this House. We have seen how opposition in certain quarters was aroused against the social legislation which was introduced by my Honourable friend, Sir Hari Singh Gour, and also when the Honourable the Home Member introduced similar legislation of a modest scope. We have seen how a certain section of this House opposed it. Had there been some representatives of the women of India in this House, we would have had the view point of women as regards this legislation before us, and they would have shown that man-made laws are not always conducive to the interests of women and that women have got their own views in matters of legislation. Sir, almost all the difficulties that the women of the West have had to go through in the matter of their franchise has disappeared and I need not dilate up them here. Since the conception of manhood and womanhood in the West—(Laughter)—the people in the West thought that all the mistakes were committed by woman and that it was Adam that was tempted by Eve. (Laughter.) Sir, that is not the conception of the East. In the East, woman has got equal status with man, and in India, we Indians have always allowed women equal status in our homes, in our social life and in our political life. In India at present there is Her Highness the Begum of Bhopal, whose rule is as beneficent as the rule of Queen Victoria of revered memory, ruling over

a large territory. There are two or three Maharani-Regents—in Travancore and I think also in Gwalior; and I believe that whenever women came to rule over any territory, whenever women brought their influence to bear upon social or public life, they have infused a great degree of compassionate feeling into our lives, they have brought justice tempered with compassion. But we have found that whenever man has legislated for woman, he has always been hard on woman. (Hear, hear.) The other day in another place an eminent speaker (Sir Frederick Whyte) said that the time will soon come when my friend, Pandit Shamlal Nehru, will be replaced by a very competent lady who happens to be his own spouse. I hope, Sir, the time will come when we will have ladies like Mrs. Sarojini Naidu and Mrs. Uma Nehru here, assisting us in the legislation of this country. I do not want ladies, Sir, to take part in platitudes of politics, but I want them to participate in social legislation affecting the women who form half the population of India and the millions of children whose interests are not properly looked after by the legislation made by hard-hearted man. It is women that must influence us in this social legislation, and also in legislation for women—women who are being sweated and overworked in the factories of Bombay and Calcutta and in the tea gardens of Assam. The other day, Sir, we remember that when my friend, Mr. Joshi, introduced his Maternity Benefit Bill in this House, this House threw it out. Sir, we, being men, did not understand the woman's viewpoint and woman's troubles; and had there been women in this House, they would have placed their view in the matter of that Bill before us. Well, I began by saying that I thank the Honourable the Home Member for the small mercy that he has shown to us, and, accepting the little mercy that he has shown in the matter, I welcome the proposition. Sir, I have got one doubt. Going through the speeches that were delivered in the Council of State, I do not find it mentioned that women will be eligible for election to the Council of State. I may be incorrect; I have not properly understood the speeches, but I hope the Home Member will make it clear that women will be eligible for election to this House as well as to the Council of State. Another point is this. Why should Resolutions be passed in the local Councils for giving votes to women or the right of election to women? Why should not the Central Legislature pass legislation and give votes to all the women in India, so that they may be eligible for election and for voting for the local Councils as well as for the Central Legislature, including the Council of State? Although some of us do not want the existence of that House, yet, so long as that House exists, let women be there to moderate their judgment. The presence of women in that House will bring a little bit more of sense in the legislation of that House and it will be better for the country and they will legislate better.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I congratulate the Honourable the Home Member for having brought up this Resolution before this House for consideration, though it is rather late. What is the Resolution? (Laughter.) I quite support the Resolution, and it is now too late in the day to discuss what the proper sphere of woman is, as it has been recognised throughout the civilised world that women, simply because of their sex, are not inferior to men. It will only be a social tyranny if women are not allowed to vote or to stand for the Councils; and so the Resolution which has been moved quite meets the requirements. I do not know much of the Hindu social custom or the Hindu law. But so far as I have read I can say that in the

[Khan Bahadur Sarfaraz Hussain Khan.]

Hindu religion no sacrifice is valid unless the man has his wife with him to participate in the religious function; and I think the wife participates in all religious functions. Such is the case. Even under the present law, women are allowed to manage their own affairs. I do not know much about Hindu law; but according to Muhammadan law, women have their share in the property; they manage their landed properties sometimes themselves, and sometimes by giving a power of attorney to their husbands or servants; they thus manage the whole thing themselves. They manage their own household affairs. They pay taxes and I do not understand how by merely exercising their vote or getting themselves elected to councils they would not be able to do their work properly, as they do in their own houses. There may be some people who think that women are uneducated and not quite fit to exercise the franchise in India. I shall be much surprised if I hear that argument. The Begum of Bhopal and Mrs. Sarojini Naidu are examples. Almost all the Congress Committees have recommended Mrs. Sarojini Naidu for the Presidentship of the Congress, which is the highest honour which it is in the power of Indians to confer on any man or woman. At the present time almost all the Congress Committees have elected her to be the President of the Congress, and nothing could be better and more appropriate at this stage than to acknowledge the rights of women here in this House. That is so far as the Resolution goes. Now, my amendment is simply this .....

Mr. H. Tonkinson : On a point of order, Sir, I should like to ask for your ruling as to whether the amendment standing in the name of my Honourable friend is in order.

Khan Bahadur Sarfaraz Hussain Khan : I could not hear the Honourable Member.

Mr. N. M. Joshi : He has asked for a ruling as to whether your amendment is in order or not.

Mr. President : Order, order. Mr. Tonkinson.

Mr. H. Tonkinson : Sir, I submit for your ruling that the amendment standing in the name of my Honourable friend is quite outside the scope of the Resolution which is before us.

Mr. K. Ahmed : The Honourable Member from Bihar has made his remarks on the question in general. I suppose he is coming to *pardah* ladies and will ask the Honourable the Home Member to set apart a portion of this Assembly Chamber for them here. Sir, let us have some views of his own on the subject from the experience of the old genleman of this country.

Mr. President : There can be no doubt that the question raised by the amendment has nothing to do with the subject matter of the Resolution. The question of special facilities for women voters is a question to be settled by rules and is not dealt with in the recommendations Nos. 8 and 9 of the majority report, with which we are at present concerned. The amendment of the Honourable Member is therefore outside the scope of this Resolution.

Khan Bahadur Sarfaraz Hussain Khan : May I proceed? (*An Honourable Member* : "The amendment is outside the scope of the Resolution"). Very well, I do not move the amendment; that is all. I

would ask the House to accept the Resolution unanimously. I want to tell the House that India is not behindhand in respect of the capability of women. That is all I have got to say and nothing more. I support the Resolution.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I do not know if the small amendment of which I gave notice is.....

Mr. President : The Honourable Member will understand that it is also outside the scope of the Resolution.

(Mr. M. K. Acharya did not resume his seat.)

The Honourable Member must know that he has to resume his seat when the President rises. (The Honourable Member then resumed his seat.) The Honourable Member's amendment is outside the scope of the Resolution. He can speak on the general question.

Mr. M. K. Acharya : I thank you, Sir, for your kind ruling. I presume my amendment was out of order. I shall make a few general remarks upon the motion before the House. I want to preface my remarks by just this one statement, rather one explanation, that I would like to be judged by some of my friends opposite by what I say rather than by what I may appear to be in their eyes. We have already listened to more than one attack, very undeserved attack, on orthodoxy, or upon supposed orthodoxy, from both Sir Hari Singh Gour and my friend Mr. B. Das. But to come to the motion before us one or two things struck me when reading this motion about woman franchise as part of the recommendations of the majority report of the Muddiman Committee. Thus I thought it was given out, Sir, that that Committee was appointed for some very grand purpose : to investigate into the way in which the reforms are worked, to find out the inherent defects of dyarchy, and to suggest ways and means for removing those defects, and so on and so forth. I am wondering whether, as a result of these mighty investigations, we are now having once more an example of what the old adage says of a mountain being in labour and bringing forth an insignificant mouse. I wonder whether the giving of the vote to a number of ladies in this land or, for the matter of that, having a number of lady Members in the various Legislatures, would remove the defects inherent in dyarchy ; whether 20 additional lady Members in Bengal or the Central Provinces would have avoided the creation of a deadlock there. I likewise wonder whether, if to my own uncouth voice the very plaintive tone of some lady Member were added in support of the unfortunate railway employees, the Honourable Sir Charles Innes and the Honourable Mr. Sim would give a more favourable and more sympathetic hearing. However, I shall presume that such will be the case hereafter. No !—I see that Mr. Sim is shaking his head ! So, if I had any hopes that at least when advocated by the fair sex, the cause would prevail of the Railway subordinates I seem to be warned that I am mistaken. Be that as it may, Sir, and very orthodox as I am supposed to be, and very uncouthly bearded as I perhaps am,—(Laughter)—I am still chivalrous enough to appreciate the Resolution brought by the gallant Leader of the House. I have cultivated a sufficient love of what is beautiful in nature and in art. (Laughter.) In the old days, before the non-co-operation movement came in, when I had not given up studying for spinning, I had read plenty of books on what are called the

[Mr. M. K. Acharya.]

Rights of women. And I certainly remember the famous lines of the poet :

"Woman's cause is man's ; they fall or rise
Together, dwarfed or god-like, bond or free."

I suppose these are the lines. So that I am not altogether ignorant of the great part played by the fairer and, I am ready to confess, the better sex in the moulding of the world's destinies. I am certainly not standing in this House to oppose the motion before us. I really wanted to plead on behalf of the women ; and that was the object of my amendment which you, Sir, have ruled out of order. Therefore I will not move my amendment. My view is that women should not be subjected to all the hardships such as we men have to undergo by going from village to village, *taluk* to *taluk* and place to place canvassing in an electorate consisting of 20,000 or 30,000 voters. I would like to say, when the time comes for any of my sisters to be present in this House, that the rules that would be made then should provide for their coming to this House in a much easier way. For the rest I have absolutely nothing to say against the Resolution. It would certainly be very much more artistic and more varied to have both gentlemen and ladies sitting in this House ; I dare say it will be very pleasant if to our masculine sports here we have some feminine pastimes added. Therefore, I welcome on its own merits the suggestion made ; I am not at all up for opposing it. For once, I shall disappoint my friends on the opposite side of the House—the so-called champions of women's freedom and women's rights and so on ; I shall disappoint them by lending my own very orthodox support to the measure before the House. Indeed, Sir, according to orthodox Hinduism also even the male Deity is in some respects subordinate to the female Deity :

"*Shivas-haktya yukto yadi bhavati shaktah prabhavitum.*"

"Shiva united with Shakti alone is capable of becoming the Lord of Creation."

Be that as it may, I wish to lend in my very, very humble way, my warm support. Let those people, who talk so much of women's franchise and all that, know that we, old people also, have great love, great regard and great reverence for women. And I, for one, certainly think that, in deciding the great problems that will affect the future progress and destiny of this land, women's wisdom will be quite as precious as, indeed more precious than, the talents of my most talented friends on the heterodox side of the House.

The Honourable Sir Alexander Muddiman : Sir, I have only a few words to say. In the first place, it seems to me that there has been a slight misunderstanding as to the effect of the Resolution. It is possible that some Members may be considering the question of an election. (Laughter.) If so, I should like to make it quite clear that this Resolution is merely a recommendation to the Governor General in Council to amend the rules and will therefore not operate till those rules are amended. I wanted to make that point clear.

Some of the Honourable Members asked me as to the rules regarding the Council of State. The rules are the same *mutatis mutandis*. It was I think Mr. B. Das who suggested that the Council of State was backward in gallantry. I may inform him that the Council of State has already passed a Resolution similar to that before the House. My

Honourable friend Mr. Acharya felt bound to reflect on the tiny mouse that the majority report has produced. All the same, he seemed to welcome it, once he had indulged in the necessary depreciation of anything from these Benches. I am sure he will find it is quite a big mouse. I really must congratulate him and also Mr. Rangaswami Iyengar on their ungrudging and enthusiastic welcome to this Resolution.

Mr. President : The question is :

"That this Assembly recommends to the Governor General in Council that he do proceed to make the amendments in the Electoral Rules required to give effect to recommendations Nos. 8 and 9 in the majority report of the Reforms Inquiry Committee."

The motion was adopted.

THE INDIAN TRADE UNIONS BILL.

The Honourable Sir Bhupendra Nath Mitra (Industries Member) : Sir, I move :

"That the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, as reported by the Select Committee, be taken into consideration."

When I introduced this Bill in this House on the 22nd January last and later on.....

Mr. President : Will it not be more convenient if I allow the motion for adjournment, which I understand is going to be moved, to be disposed of, before the Honourable Member makes his speech ? He might formally move his motion. He will have ample opportunity to make his speech later on. This procedure will probably save a good deal of the time of this House. Will the Honourable Member formally move his motion ?

The Honourable Sir Bhupendra Nath Mitra : I leave the matter to the Chair. I formally move my motion.

Mr. Devaki Prasad Sinha (Chota Nagpur Division : Non-Muhammadan) : Sir, I beg to move :

"That the consideration of this motion be adjourned to some day next Session."

Sir, my reasons are that this is a very important measure and, if we take it up at the fag end of the Session when everybody is anxious to go away, it is very likely that we shall not devote to it that consideration and attention which a measure like this demands. Sir, I only hope that my Honourable friends will realise that this is one of the most important measures affecting the rights of millions of workers in this country and, therefore, it is necessary that we should consider this Bill in an atmosphere of patience, an atmosphere which undoubtedly does not exist to-day when everybody is anxious to get away. I therefore move that the consideration of the Bill be adjourned till the next Delhi Session of the Assembly.

The Honourable Sir Bhupendra Nath Mitra : Sir, I submit that this is a dilatory motion. The matter has been before this House for quite a long time. The Select Committe's Report too has been before the House for quite a long time. This motion reminds me of a similar

[Sir Bhupendra Nath Mitra.]

demand made on a previous occasion before the Select Committee for the postponement of the consideration of the matter, to which my friends on the other side of the House took exception. Government have on several occasions been taken to task for the delay which has taken place in carrying through this measure. That being the position, Sir, I cannot support my friend Mr. Devaki Prasad Sinha's proposal.

*Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, I rise to support the motion made by my friend Mr. Devaki Prasad Sinha. The Honourable Member in charge of Industries stated that the Bill had been before the House for some time and was postponed for consideration. That is no reason why, if there are valid grounds to-day for postponing consideration of the Bill, the motion should not be carried. The Honourable Member admits that it is an important Bill, and if it is an important Bill, it must be taken into consideration at a time when the House will be in a mood to give its best consideration to it. He himself will admit that it is unfortunate that his Government have not treated him well. The Leader of the House ought to have put the Bill in at an earlier stage of the Session. Unfortunately he has put this motion at the end of the Session. In addition to the arguments placed before the House by my friend, I say that the attendance of this House is very thin, and if you consider the Bill at a time when the attendance is not full, I apprehend grave danger to the amendments which we propose to move. Sir, it is on account of this consideration—and it is a very important consideration—that I support the motion that an important Bill like this should be considered by a full House. If Government think that their Bill is a very good Bill, and our amendments are wrong, let the Bill and the amendments be considered when the House is full, then we shall have satisfied the whole House on the matter, but if you defeat our amendments to-day, I think you will have no credit for doing so. Then, Sir, the whole atmosphere is surcharged with political excitement, so that this is not a time when an important Bill like this should be taken into consideration.

Mr. Chaman Lall (West Punjab : Non-Muhammadan) : Sir, I rise to make an appeal to the Honourable Member in charge, and it is this that in view of the limited time at our disposal to discuss the very delicate problems involved in this Bill, he should take the views of those Members here who are for an adjournment into due consideration. I have not the slightest doubt that he himself will realise that due care should be given in considering and discussing a measure of this importance. But that is neither here nor there. My main point is that this important measure is a landmark in the history of the labour movement in this country. If we are going to discuss such an important measure in the course of a few hours, and pass it or reject it, it will not be doing justice either to those who represent the labour movement or to the Government. I have not the least doubt that it was just a mere coincidence which led to the placing of this measure on the agenda on the last day of the Session when we find we have not sufficient time to discuss it.

Further, there is a very important principle involved, and the amendments that have been placed on the agenda are of a very far-reaching character. I have no doubt that the Government have their majority, but I am convinced that the Honourable Member in particular

* Speech not corrected by the Honourable Member.

will be the last person to take credit for passing this measure merely on the assured strength of a definite majority on his side. I am sure he does not want to do us an injustice. I am convinced of that and because of that I appeal to him not to leave an impression on the minds of Honourable Members that injustice might be done to them if the measure is discussed to-day. I appeal to him once more to give weight to the views of those of us who are very anxious that adequate consideration should be given to this measure. I can see the difficulty in adjourning it. We have been pressing often that a measure of this kind should be placed on the Statute-book as soon as possible, but the difficulty I have pointed out of the lack of opportunity to discuss the measure ought to induce the Honourable Member to accede to the request of the House.

I appeal once more to the Honourable Member to accept our motion for adjournment.

Mr. C. B. Chartres (Associated Chambers of Commerce : Nominated Non-Official) : Sir, I would like to point out in regard to this motion for delay that this legislation has been before the country for the last four years and has been considered in very great detail by all the interests concerned, and the draft Bill considered by a very big Select Committee of this House, and I think that the motion to delay the matter still further should not be accepted.

The Honourable Sir Bhupendra Nath Mitra : Sir, I have very carefully considered the remarks which fell from Mr. Joshi and Mr. Chaman Lall. But as Mr. Chartres has said, this matter has received very careful consideration from the Select Committee which had on it prominent representatives of various parties in this House. My friends, Mr. Joshi and Mr. Chaman Lall, were also appointed to that Select Committee, but unfortunately they could not find it possible to make time available to attend the deliberations of the Committee. That being the position I still adhere to my view that this is a dilatory motion and I cannot agree to it.

Mr. President : The original question was :

"That the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions registered in British India, as reported by the Select Committee, be taken into consideration."

Since which an amendment has been moved :

"That the consideration of this motion be adjourned to some day next Session."

The question is that that amendment be made.

The Assembly divided :

AYES—47.

Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Ahmad Ali Khan, Mr.
Alimuzzaman Chowdhry, Khan Bahadur.
Aney, Mr. M. S.
Bhat, Mr. K. Sadasiva.
Chaliers, Mr. T. A.
Chaman Lall, Mr.
Chauda, Mr. Kamini Kumar.
Das, Mr. B.
Datta, Dr. S. K.
Dunl Chand, Lala.
Ghazanfar Ali Khan, Raja.
Govind Das, Seth.
Gulab Singh, Sardar.
Hans Raj, Lala.
Hussanally, Khan Bahadur W. M.
Iyengar, Mr. A. Rangaswami.
Joshi, Mr. N. M.
Kirtar Singh, Sardar.
Kasturbhai Lalbhai, Mr.
Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.
Kelkar, Mr. N. C.

Lohokare, Dr. K. G.
Maguire, Mr. L. T.
Majid Baksh, Syed.
Mehta, Mr. Jamnadas M.
Misra, Pandit Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Mutalik, Sardar V. N.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Phookun, Mr. Tarun Ram.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Reddi, Mr. K. Venkataramana.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan Bahadur.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Devaki Prasad.
Syamacharan, Mr.
Venkatapatiraju, Mr. B.
Yakub, Maulvi Muhammad.
Yusuf Imam, Mr. M.

NOES—43.

Abdul Mumin, Khan Bahadur Muhamad.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmed, Mr. K.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaswami.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Chartres, Mr. C. B.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Fleming, Mr. E. G.
Gordon, Mr. E.
Gordon, Mr. R. G.
Graham, Mr. L.
Gurner, Mr. C. W.
Hira Singh Brar, Sardar Bahadur Captain.
Innes, The Honourable Sir Charles.
Langley, Mr. A.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Malaviya, Pandit Madan Mohan.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Naidu, Mr. M. C.
Panduranga Rao, Mr. V.
Raj Narain, Rai Bahadur.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vijayaraghavacharya, Diwan Bahadur T.
Webb, Mr. M.

The motion was adopted.

THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I beg to move that the Bill further to amend the Transfer of Property Act, 1882, as passed by the Council of State, be taken into consideration.

Sir, I do not propose to detain the House for more than a few minutes. This Bill was sponsored by the Honourable Mr. Sethna and was passed by the Council of State only last week. It seeks to clarify certain provisions of the Transfer of Property Act with regard to which some doubts have been raised in certain quarters. The point is whether transfer by way of gift of an actional claim can be effected by an instrument without registration. Section 130 of the Transfer of Property Act, which deals with the transfer of an actionable claim, runs as follows :

"The transfer of an actionable claim shall be effected only by the execution of an instrument in writing signed by the transferor or his duly authorized agent, and shall be complete and effectual upon the execution of such instrument, and thereupon all the rights and remedies of the transferor, whether by way of damages or otherwise, shall vest in the transferee, whether such notice of the transfer, as is hereinafter provided, be given or not."

Then there is a proviso and other provisions which do not bear on the question with which we are now concerned. Sir, the queston is

whether section 123 controls the provisions of section 130 which I have just read out. Section 130 deals with transfers generally, but section 123 deals with only one kind of transfer, namely, gifts of immoveable and moveable property. I propose now to read out to the House the language of section 123 :

"For the purpose of making a gift of immoveable property, the transfer must be effected by a registered instrument signed by or on behalf of the donor, and attested by at least two witnesses.

For the purpose of making a gift of moveable property, the transfer may be effected either by a registered instrument signed as aforesaid or by delivery.

Such delivery may be made in the same way as goods sold may be delivered."

Sir, as intangible property of the nature of an actionable claim is not susceptible of physical delivery, the question has been raised as to whether it is necessary that gift of such a claim is to be effected by a written instrument which has got to be registered. The practical importance of this question arises from the fact that in a very large number of cases, life insurance policies are assigned by the assured in favour of near relations, and insurance companies have all along accepted written instruments without any registration as a valid instrument of transfer in such cases. So far no doubt has been thrown upon the validity of such transfers in any court of law, but eminent counsel, who have been consulted by the insurance companies, have held that the point is not altogether free from difficulty. It is therefore with a view to remove all possible doubts in this matter that this Bill was brought forward in the other House. As I began by saying, this Bill merely seeks to clarify the provisions of the Transfer of Property Act, and I think that, in passing this Bill, we will only be giving effect to the intentions of the Legislature. Sir, I move.

The Honourable Sir Charles Innes (Commerce Member) : Sir, I should just like to make it clear on behalf of Government that we support the Honourable Mr. Neogy's motion. In the Commerce Department we have had continual references from life insurance companies on this point and we agree that the best plan is to amend the law so as to bring out quite clearly what the intention of the law was.

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. K. C. Neogy : Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

The Assembly then adjourned *sine die*.

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