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Book No. Ind. 1930

V. 2.

THE
COUNCIL OF STATE DEBATES
(OFFICIAL REPORT OF THE NINTH SESSION OF THE
SECOND COUNCIL OF STATE)

VOLUME II—1930.

COUNCIL OF STATE.

Wednesday, 9th July, 1930

The Council met in the Council Chamber at Viceregal Lodge, Simla, at Eleven of the Clock, being the first day of the Ninth Session of the Second Council of State, pursuant to section 63D(2) of the Government of India Act. The Honourable the President (the Honourable Sir Henry Moncrieff Smith, Kt., C.I.E.) was in the Chair.

MEMBERS SWORN.

The Honourable Sir Brojendra Mitter, Kt. (Law Member);

The Honourable Diwan Bahadur G. Narayanaswami Chetti Garu, C.I.E.
(Madras : Non-Muhammadan);

The Honourable Mr. Hormusji Maneekji Mehta, J.P. (Bombay : Non-Muhammadan);

The Honourable Sir Reginald Spence, Kt. (Bombay Chamber of Commerce);

The Honourable Mr. John Stephen Henderson (Bengal Chamber of Commerce);

The Honourable Mr. Herbert William Emerson, C.I.E., C.B.E. (Home Secretary);

The Honourable Sir Charles Cunningham Watson, K.C.I.E., C.S.I. (Political Secretary);

The Honourable Mr. Charles Alexander Souter (Madras: Nominated Official);

The Honourable Rai Bahadur Brij Lal (United Provinces : Nominated Official);

The Honourable Mr. John Nesbitt Gordon Johnson, C.I.E. (Delhi : Nominated Official);

The Honourable Mr. Crewe Armand Hamilton Townsend, C.I.E. (Punjab : Nominated Official);

(1)

The Honourable Dr. Francis Xavier DeSouza (Bombay : Nominated Official);

The Honourable Mr. Muthiah David Devdoss (Nominated : Indian Christians);

The Honourable Mr. Eric Cecil Ansorge (Bihar and Orissa : Nominated Official).

QUESTIONS AND ANSWERS.

NAMES OF SERVICES UNDER THE GOVERNMENT OF INDIA AND PROVINCIAL GOVERNMENTS, RECRUITMENT TO WHICH IS MADE THROUGH THE PUBLIC SERVICE COMMISSION.

1. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state:

(a) the names of services and departments under the Government of India controlled by the Public Service Commission in the matter of recruitment of officers by competitive test;

(b) the names of provinces and the services therein controlled by the Public Service Commission in the matter of recruitment of officers by competitive test; and

(c) the names of provinces and the services therein not so governed by the Public Service Commission?

THE HONOURABLE MR. H. W. EMERSON :

(a) 1. Indian Civil Service.

2. Indian Audit and Accounts Service.

3. Imperial Customs Service.

4. Military Accounts Department.

5. Indian Railway Accounts Service.

6. Indian Forest Service.

7. Indian Police Service.

8. Transportation (Traffic) and Commercial Department of Superior Revenue Establishment of State Railways.

9. Indian Railway Service of Engineers.

10. Indian Service of Engineers.

11. Superior Telegraph and Wireless Engineering Branches of the Posts and Telegraphs Department.

12. Signal and Electrical Engineering Departments of the Superior Revenue Establishment of State Railways.

13. Imperial Secretariat Service.

(b) and (c). Except for the United Provinces Civil (Executive) and the United Provinces Police Services for which examinations are held concurrently with the Indian Civil Service and Indian Police Service examinations, respectively, no other provincial or subordinate services in the United Provinces or any other province are recruited through the agency of the Public Service Commission.

SALES OF SILVER BY THE GOVERNMENT OF INDIA.

2. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state, with reference to the recent statement made by the Honourable the Finance Member in the Assembly that the total sales of silver by the Government of India amounted to 67 million ounces in $3\frac{1}{2}$ years, the amount sold in 1926-27, 1927-28, 1928-29 and 1929-30, respectively?

THE HONOURABLE SIR ARTHUR MCWATTERS: The Government of India regret that they are unable to furnish further details of their silver sales beyond those given by the Honourable the Finance Member.

METEOROLOGICAL CENTRES IN INDIA.

3. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state:

- (i) the meteorological headquarters in India and Burma;
- (ii) the number of officers at each of the headquarters;
- (iii) the strength of the cadre at each headquarters and the scale of salary of the officers;
- (iv) the percentage of Indians and non-Indians in the cadre; and
- (v) the minimum qualifications laid down for each class of officers?

THE HONOURABLE MR. J. A. SHILLIDY: (i) Meteorological centres in India are:

- 1. Poona, Headquarters of the Department,
- 2. Bombay,
- 3. Agra,
- 4. Karachi,
- 5. Calcutta,
- 6. Delhi,
- 7. Kodaikanal, and
- 8. Madras.

It is proposed to open a centre in Rangoon shortly.

There are also two meteorological centres at Quetta and Peshawar respectively. The offices at these places were organised five years ago for providing meteorological facilities for the Royal Air Force, and are each under a meteorological officer belonging to the Royal Air Force; but the rest of the organization belongs to the Indian Meteorological Department. At present, during the absence of one of these officers on leave, an officer of the India Meteorological Department is in charge of the Peshawar office.

(ii), (iii) and (iv). A statement is laid on the table.

(v) The minimum qualification for an Assistant Meteorologist is a very good academic record in physics and mathematics or other allied subject. For a meteorologist, in addition to the above, and on account of the greater responsibility of his duties, special qualifications or knowledge or research experience are demanded.

Statement showing the number of officers employed in each centre of the India Meteorological Department on 1st April, 1930.

Name of centre.	No. of officers at each centre.		Strength at each centre.		Scale of salary.		to Percentage of Indians to non-Indians.
	Meteorologists.	Assistant Meteorologists.	Meteorologists.	Assistant Meteorologists.	Meteorologists.	Assistant Meteorologists.	
Poona	7	5	*8	6	Rs. 400—50—1,250 (with one post on Selection Grade on Rs. 1,250—50—1,500).	Rs. 250—25—800	100
Bombay	1	..	1	..			100
Agra	2	2	2	1			100
Karachi	1	2	1	2			100
Calcutta	1	2	1	2			100
Delhi	1	..	1	..			100
Kodaikanal ..	†1	..	2	..			50
Madras .. ..	..	1	..	1			100

* Inclusive of 2 leave reserve posts, one of which will be filled up shortly.

† One on leave.

NOTE.—In addition to Meteorologists and Assistant Meteorologists, there is one post of Director General of Observatories at Headquarters on Rs. 1,750—100—2,250, held by a non-Indian.

THE INDO-EUROPEAN TELEGRAPH DEPARTMENT.

4. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state:

(i) in view of Mr. Ryan's reply as contained in paragraph 49, page 18 of Volume II of the Report of the Public Accounts Committee on the accounts of 1927-28, the result of their correspondence with the Secretary of State regarding the transfer of the Indo-European Telegraph Department from the India Office to India;

(ii) the scheme which the Government of India has devised regarding the control of this department in India;

(iii) the steps that are proposed to be adopted so that the department may not be run at a loss in future; and

(iv) the time by which those steps are likely to be given effect to?

THE HONOURABLE MR. J. A. SHILLIDY: (i) to (iv). The matter is still under correspondence with the Secretary of State.

MINIMUM QUALIFICATIONS OF INSPECTORS OF ENGINEERING STORES, ETC., IN THE INDIAN STORES DEPARTMENT.

5. **THE HONOURABLE MR. SURPUT SING:** Will Government be pleased to state :

(a) the minimum qualifications now laid down for all appointments of Inspectors and those in other ranks in the Indian Stores Department ; and

(b) the number of appointments of Indians and Europeans in each grade of service ?

THE HONOURABLE MR. J. A. SHILLIDY : (a) Inspectors of Engineering Stores, now designated Assistant Engineers (Inspection), to whom I understand the Honourable Member refers, are required to possess an Engineering degree of good class, qualifying for exemption from examination for the Associate Membership of the Institute of Civil Engineers, or Associate Membership of the Institution of Mechanical Engineers or to have passed the Associate Membership examination of the Institute of Civil Engineers, the Institute of Mechanical Engineers or the Institute of Engineers (India), though not necessarily admitted as an associate member.

A university degree in engineering or its equivalent may be dispensed with in case of candidates otherwise suitably qualified academically.

They should have served a five years' apprenticeship or pupilage with a firm dealing with the manufacture of the particular class of stores the candidates are required to handle (*e.g.*, structural engineers, wagon builders, electrical engineers, etc.), and thereafter should have had at least two years' experience in a position of responsibility. During these seven years at least six months should have been spent in a good drawing office. If apprenticeship or pupilage has been for three years only they should have had three years' subsequent experience in a position of responsibility connected with the particular industry.

For higher appointments in the Inspection Branch of the Department proportionately greater experience in the theory and practice of engineering is required.

(b) The numbers of European and Indian officers in the various grades in the Indian Stores Department are given below :

Grade.						Europeans.	Indians.
Rs.							
3,000—3,500	..	..	..	..	..	1	..
2,250—2,750	..	..	..	..	..	2	..
2,000—2,500	..	..	..	..	..	1	..
1,500—1,800	..	..	..	..	..	4	1
1,250—1,750	..	..	..	..	..	3	1
1,000—1,200	..	..	..	..	..	1	5
950—1,200	..	..	..	..	..	7	2
750— 900	..	..	..	..	..	..	1
500—1,000	..	..	..	..	..	..	5
500— 850	..	..	..	..	..	..	1
500— 750	..	..	..	..	..	14	16
350— 650	..	..	..	..	..	..	1
375— 475	..	..	..	..	..	..	1
						33	34
						—	—

RECRUITMENT FOR THE GAZETTED STAFF OF THE INDIAN STORES DEPARTMENT.

6. **THE HONOURABLE MR. SURPUT SING :** In view of Lieutenant-Colonel Kirkhope's reply to question No. 364 on page 119 of the Report of the Public Accounts Committee for 1927-28, have Government considered the advisability of ascertaining from the Workshop Manager, Corporation of Calcutta, Superintendents of the Colleges of Engineering and Technology, Bengal and Benares, and all other Engineering Colleges in India, the number of qualified men available under them before future vacancies in the Indian Stores Department are filled up ?

THE HONOURABLE MR. J. A. SHILLIDY : The recruitment for the gazetted staff of the Indian Stores Department is made through the Public Service Commission. The suggestion made by the Honourable Member has been brought to the notice of the Commission.

ISSUE OF AN ORDINANCE EXEMPTING FROM THE OPERATION OF THE CHILD MARRIAGE RESTRAINT ACT MARRIAGES OF GIRLS OF THE AGE OF 12.

7. **THE HONOURABLE MR. SURPUT SING :** Will Government be pleased to state :

(a) whether their attention has been drawn to the item of news, published in the *Hindu* of Madras on March, 20th, 1930, to the effect that an Ordinance will shortly be issued exempting from the operation of the Child Marriage Restraint Act of 1929 marriages of girls of the age of 12 on religious grounds on the parents giving an undertaking to the nearest magistrate that consummation will not take place before the age of 14 ?

(b) If the answer is in the affirmative, will Government be pleased to state if they have any intention of converting the Ordinance into legislation ?

THE HONOURABLE MR. H. W. EMERSON : (a) and (b). Government have seen the article referred to. The statement made is incorrect.

THE HONOURABLE DEWAN BAHADUR A. RAMASWAMI MUDALIAR : May I know, Sir, whether the Government of India have issued any instructions to Local Governments regarding the policy to be pursued with reference to breaches of this Act ?

THE HONOURABLE MR. H. W. EMERSON : Some instructions were issued when the Act came into operation regarding the manner in which it should be administered.

NON-GAZETTED EMPLOYEES OF THE METALLURGICAL LABORATORIES OF THE GREAT INDIAN PENINSULA, NORTH WESTERN AND EAST INDIAN RAILWAYS.

8. **THE HONOURABLE MR. S. C. GHOSH MOULIK :** Will Government be pleased to state :

1. What are the present scales of pay of non-gazetted employees working in the Metallurgical laboratories of the Great Indian Peninsula, North Western and East Indian Railways, as well as the pay of similar staff in the Government laboratories at Alipore and Jamshedpur ?

2. Is there any marked difference in the educational qualifications, practical training and responsibilities of the railway employees and those of the Government laboratories at Alipore and Jamshedpur, and, if so, what are the differences ?

3. If the answer to 2 be in the negative, do the Railway Board contemplate revising the grades and designations of these men, so that it shall be the same for all State Railways including the Indian Stores Department laboratories at Alipore and Jamshedpur ?

4. Are there any objections to the automatic transfer of these men between different railway laboratories according to seniority of service or efficiency, whenever any temporary or permanent vacancy in the higher grade occurs in any of the State Railway laboratories, and, if so, what are the objections ?

5. If the reply to 4 be in the negative, do the Railway Board contemplate filling up such vacancies by promotion of men in the next lower grade, irrespective of the fact that the lower grade men may not belong to the same railway laboratory ?

6. Are there any objections to filling up temporary or permanent vacancies by graduate laboratory assistants of the State Railways in preference to non-graduate seniors belonging to the same grade, provided such graduates have no remark of inefficiency against them in their service records, and, if so, what are the objections ?

7. If the reply to 6 be in the negative, do the Railway Board propose to adopt this procedure ?

THE HONOURABLE MR. J. A. WOODHEAD : The information is being collected and will be supplied to the Honourable Member in due course.

DEATHS OF REPATRIATED PASSENGERS ON BOARD THE S.S. "SUTLEJ."

9. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

(i) whether on the S.S. "Sutlej" which arrived in Bombay in September, 1929, out of 775 repatriated passengers 44 died during the course of their voyage between British Guiana and Bombay ;

(ii) whether on another trip between Fiji and Calcutta the S.S. "Sutlej" had on board 900 of such passengers and during the voyage 37 of them expired on the way ;

(iii) the capacity of the S.S. "Sutlej" as regards carrying of passengers ;

(iv) the usual maximum space accommodation allotted to each repatriated passenger on the S.S. "Sutlej" ;

(v) the time which the S.S. "Sutlej" took to do the voyage between British Guiana and Bombay ;

(vi) the period which she took to do the journey between Fiji and Calcutta ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (i) The S.S. "Sutlej" did not arrive at Bombay in September, 1929. The Honourable Member is presumably referring to the arrival of this ship at Calcutta in January, 1930 from the West Indies. The total number of repatriates conveyed on that occasion was 965. Of this number 44 died on the voyage.

(ii) As far as the Government of India are aware no such incident occurred on any trip between Fiji and Calcutta.

(iii) 877 statute adults. Under the new rules for Native Passenger Ships this number will, however, now be considerably reduced.

(iv) No "maximum" space is prescribed.

(v) 50 days from British Guiana to Calcutta. The ship does not call at Bombay.

(vi) 25 days.

OWNERSHIP OF THE S.S. "SUTLEJ," ETC.

10. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state:

(i) the name of the Steamship Company that owns the S.S. "Sutlej";

(ii) the year in which she was built?

(iii) the details of cabin and deck accommodation provided on the S.S. "Sutlej" for repatriated passengers;

(iv) the route or routes on which that boat generally plies;

(v) the total tonnage of the vessel?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (i) The S.S. "Sutlej" was owned by Messrs. James Nourse, Ltd. It is, however, understood that it was sold recently to the Sun Shipping Co., Ltd., Cotts (Mitchell) and Co., 31, St. Helens Place, London, E. C. 3.

(ii) 1908.

(iii) As far as the Government of India are aware the S.S. "Sutlej" has no accommodation for cabin passengers. She was certified in March, 1929 to be capable of carrying 1,304 adult deck passengers when all decks were in use on short voyages during the fair season and 859 such passengers during the foul season. On long voyages she was certified to carry 877 deck passengers. A person of 12 years of age or over is reckoned as an adult. Two persons between 1 and 12 years old are equivalent to one adult.

(iv) The vessel generally plies between British Guiana and Calcutta, and between Calcutta and Fiji.

(v) 2,170 tons.

HOSPITAL AND DISPENSARY ARRANGEMENTS ON THE S.S. "SUTLEJ."

11. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state:

(i) the nature of hospital and dispensary equipments on the S.S. "Sutlej";

(ii) the name and details of qualifications, standing and experience of the Doctor in charge of the vessel when the repatriated passengers returned to India towards the end of 1929;

(iii) whether there was a Lady Doctor on the vessel as well?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (i) and (ii). A statement giving the information required is laid on the table.

(iii) No.

Statement of information regarding the death of repatriated passengers on board the S.S. "Sutlej."

(i) The hospital equipment of the S.S. "Sutlej" when it came to India in October, 1928 was in accordance with the provisions of the rules made under the Indian Emigration Act XXI of 1883, as modified up to the 5th March, 1897. The medical and surgical appliances which are now required to be carried by this vessel are prescribed in Schedule A to the notification issued by the Government of India in the Commerce Department, No. 655-S., dated the 30th June, 1928. (One copy each of the rules and the notification have been placed in the Library.)

(ii) Doctor Hugh Vallance, M.R.C.S. (England), L.R.C.P. and D.P.H., R.C.P. (London) was in charge of the S.S. "Sutlej" when it returned to India in January, 1930. He is reported to have many years' experience on emigration ships and has made about twenty such voyages.

MEDICAL EXAMINATION OF EMIGRANTS BEFORE BEING ALLOWED TO EMBARK BY THE S.S. "SUTLEJ."

12. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state :

(i) the number of men, women and children respectively that boarded the S.S. "Sutlej" when she left British Guiana for the Indian shores during the latter part of 1929 ;

(ii) whether there was a medical examination of the passengers before they were allowed to embark ?

If the answer be in the affirmative, what was the result of that examination ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (i) There were 289 men, 140 women, 50 boys and 41 girls on board when the ship left British Guiana for India on the 3rd December, 1929.

(ii) Yes.

Of the passengers from British Guiana 58 were warned not to travel.

ABNORMAL NUMBER OF DEATHS AMONG REPATRIATED PASSENGERS ON THE S.S. "SUTLEJ."

13. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state :

(a) whether they have received a communication from the Honorary Secretary, Imperial Indian Citizenship Association, Bombay, on the subject of the abnormal number of deaths during the voyage of repatriated passengers ;

(b) if so, the steps which Government have taken to avoid such disasters in future ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: (a) Government received such a communication in connection with deaths that occurred on this ship in 1928. No such communication has been received relating to the incident referred to in part (i) of the Honourable Member's question No. 9 asked to-day.

(b) The deaths that occurred in 1928 formed the subject of an inquiry by the District Magistrate, 24-Parganas, and the Protector of Immigrants, Calcutta. This report held that the deaths were due primarily to respiratory diseases among persons of advanced age or in feeble health, and was communicated to the Colonial authorities for consideration of the suggestions made in it to avoid

a repetition of high mortality. As a result provision has been made for (i) the medical examination of intending repatriates seven days in advance of the commencement of a voyage; (ii) a revised scale of dietary for immigrants in residence in the immigration depot prior to embarkation; (iii) the supply of additional drugs and medical appliances for the voyage, and of warm clothing to each returning immigrant; and (iv) setting up additional hospital accommodation on board ship during a voyage in case of necessity. The cause of the deaths that occurred during the voyage which terminated at Calcutta last January formed the subject of another inquiry by the District Magistrate, 24-Parganas, the Protector of Immigrants, Calcutta, and Mr. A. H. Ghuznavi, M.L.A. The Report of this Committee has recently been received and is under consideration. The Honourable Member may rest assured that this will receive prompt and sympathetic attention. Government are anxious to reduce this high incidence of mortality to the lowest limit possible.

CIRCULATION TO COMMANDS AND BRIGADES OF THE INFORMATION RELATING TO THE OPENING OF A BRANCH IN CALCUTTA BY MESSRS. BAIRD AND TATLOCK.

14. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state, whether the Department of the Director, Indian Medical Stores, Delhi, has circularised the military hospitals and laboratories in India that Messrs. Baird and Tatlock (London), Limited, have opened their eastern branch in Calcutta, and that henceforth orders should be placed with them direct?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: A letter was received from Messrs. Baird and Tatlock intimating that they had opened a branch in Calcutta. This was circulated, for information only, to Commands and Brigades, including officers in charge of Command, District and Brigade laboratories. No instructions of any kind were issued.

PLACING OF ORDERS FOR STORES WITH BRITISH FIRMS.

15. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

(i) whether orders on British firms are sent to Britain direct instead of placing them here with their representatives, agents or branches ;

(ii) if so, whether complaints against the practice were made to the Controller of Stores, Indian Stores Department, Delhi ?

THE HONOURABLE MR. J. A. SHILLIDY : (i) The attention of the Honourable Member is invited to the revised Stores Purchase Rules promulgated with the Government of India, Department of Industries and Labour Resolution, dated 12th December, 1929, copies of which are available in the Library of the House. It will be observed that under the revised Stores Purchase Rules save as provided in rules 7 and 8, all articles required to be purchased for the public service shall be purchased on the condition that delivery shall be made in India for payment in rupees in India.

(ii) Yes.

GUARDS ON THE EAST INDIAN RAILWAY.

16. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

(i) the number of (i) Indian, (ii) European, (iii) Anglo-Indian and (iv) Eurasian guards on the East Indian Railway system on March, 1930 ;

(ii) the scales of pay, emoluments and allowances enjoyed by each of these classes of guards ;

(iii) the hours of duty each class has to perform ?

RUNNING OF MAIL AND PASSENGER TRAINS BY INDIAN GUARDS ON THE EAST INDIAN RAILWAY

17. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state whether Indian guards are ordinarily allowed to run (a) mail trains and (b) passenger trains on the East Indian Railway system ? If the answer is in the affirmative :

(i) whether they are allowed to run every section without discrimination ;

(ii) whether the allowances to European and Indian guards are the same ?

THE HONOURABLE MR. J. A. WOODHEAD : Sir, with your permission I propose to reply to questions Nos. 16 and 17 together.

The information is being obtained from the Agent, East Indian Railway, and will be supplied to the Honourable Member on receipt.

CENTRES AT WHICH VETERINARY RESEARCH WORK IS CARRIED ON IN INDIA.

18. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

(i) the centres where Veterinary Research is carried on in India ;

(ii) since when such research is being carried on ;

(iii) the results achieved by such research ;

(iv) the head or heads of expenditure on such research ;

(v) the names of persons who are engaged in such research work ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (i) The centres at which Veterinary Research is at present being carried on in India are :

The Imperial Institute of Veterinary Research, Muktesar (including its sub-station at Izatnagar),

Madras Veterinary College,

Punjab Veterinary College, Lahore,

Bengal Veterinary College, Calcutta, and

Veterinary College, Insein, Burma.

(ii) Research has been in progress at Muktesar since 1893. Veterinary Research officers were appointed in Burma and the Punjab in 1928.

It should, however, be mentioned that much work on animal diseases has been done in the provinces by officers not definitely appointed for research, e.g., by the teaching staffs of the provincial Veterinary Colleges.

(iii) For detailed information in regard to the results of such research the Honourable Member is referred to the Report and Evidence of the Royal Commission on Agriculture in India; to the annual reports of the Imperial Institute of Veterinary Research, Muktesar, and of the Civil Veterinary Departments of provinces; and to the numerous scientific memoirs, especially the Memoirs of the Department of Agriculture in India (Veterinary Series), and to articles in Veterinary Periodicals.

I may mention, however, for the Honourable Member's information that the result of recent research in this country has been to enable the Civil Veterinary Departments of the provinces, during the past year, to inoculate over 18 lakhs of cattle with protective substances, prepared at Muktesar, for the prevention of the four most fatal diseases of Indian cattle, namely, Rinderpest, Hæmorrhagic Septicæmia, Blackquarter and Anthrax, with a total loss of 4,656 only or .24 per cent. amongst the inoculated, after inoculation. The recorded deaths from these diseases among the uninoculated, in the same outbreaks, amounted to 1,15,247.

During recent years, highly successful treatments for Surra in cattle, camels and horses in this country, capable of reducing the loss from these diseases to comparatively small proportions, have been worked out and extensively applied.

A vaccine for the prevention of Anthrax in elephants has also been worked out and successfully applied in the field, and the recent discovery, in cattle, of the larval stage of the common Warble Fly of India, should prove of considerable benefit to the hide industry, if it is energetically followed up.

Still more recent experiments are giving promising results in the treatment and control of other diseases of stock, such as Piroplasmosis and worm infestations of the larger animals and the Ranikhet Disease of Fowls.

(iv) There are no separate account heads for expenditure on research.

(v) A statement showing the names of the officers who are engaged on Veterinary Research work, according to the latest information available, is laid on the table. As has already been mentioned, research work is also carried on by other officers who were not definitely appointed as research officers.

LIST OF OFFICERS ENGAGED IN VETERINARY RESEARCH WORK.

Imperial Institute of Veterinary Research, Muktesar and Izatnagar.

F. WARE, Esq., F.R.C.V.S., I.V.S. (*Director*).

H. COOPER, Esq., M.R.C.V.S. (*Pathologist*).

P. G. MALKANI, Esq., B.Sc., M.R.C.V.S. (*Deputy Director, Imperial Veterinary Serum Institute, Izatnagar*).

Mr. M. B. MENON, G.B.V.C. (*Assistant Veterinary Research Officer*).

Mr. R. N. NAIK, G.B.V.C. (*Assistant Veterinary Research Officer*).

Mr. S. K. SEN, B.A., M.Sc., F.R.S. (*Protozoologist*).

Dr. K. C. SEN, D.Sc. (*Bio-chemist*).

Mr. BHALE RAO, M.Sc. (*Helminthologist*).

PUNJAB.

Major NICHOLL, O.B.E., M.R.C.V.S. (*Research Officer*).

Lala DURGA DAS, G.P.V.C. (*Clinical Assistant to the Professor of Medicine*).

BURMA.

D. T. MITCHELL, Esquire, M.R.C.V.S. (*Director*).

J. BHATTACHARJEE, Esquire, M.R.C.V.S. (*In charge of Veterinary Research Section, Insulin*).

TRAINING OF INDIANS FOR THE POSTS OF DRIVERS OF MAIL AND PASSENGER TRAINS.

19. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

- (i) the arrangements which the Railway Board have made for the training of Indians as drivers of mail and passenger trains ;
- (ii) the place or places where such training is being afforded ;
- (iii) the grade or grades which Indian drivers can get to in the State Railways at present ?

THE HONOURABLE MR. J. A. WOODHEAD : Arrangements for the training and employment of Indians so as to fit them for the posts of drivers of mail and passenger trains are made by Agents of Railway Administrations and not the Railway Board. The information wanted by the Honourable Member has been called for from the Agents of State-managed Railways and will be sent to him in due course.

INSPECTION BY THE MEMBER FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS OF THE SEVERAL DEPARTMENTS OF THE BENARES UNIVERSITY.

20. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

- (i) whether the Honourable Member in charge of Education has of late paid a visit to the Benares University ;
- (ii) whether he has ever inspected the several departments that have been opened of late in that University ;
- (iii) whether he has acquainted himself with the respective courses of studies for Mining, Engineering and Technology Degrees and Agricultural and Allo-Ayurvedic Diplomas ;
- (iv) whether he has acquainted himself with the internal working, modes of internal and external examinations, and the quality and quantity of work put in by the alumni ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (i), (ii), (iii) and (iv). I have not yet had the pleasure of paying a visit to the University, but if the Honourable Member wishes something in particular to be looked into, I will gladly have it examined.

DESPATCH OF MAILS AND DELIVERY OF MONEY ORDERS IN DACCA DURING THE RECENT DISTURBANCES.

21. THE HONOURABLE MR. S. C. PAKRASHI : Will Government be pleased to state :

(a) What steps did Government take to ensure the despatch of mails from the Sub-Post Offices of the Dacca City during the period of disturbances ?

(b) Were mails despatched daily from the Sub-Post Offices from the 25th till the 30th May ?

(c) On which date was peace declared to have been restored ?

(d) Did the Branch Post Offices of the city remain closed till the 8th June and were money orders not delivered except from the window of the General Post Office till the 9th June ?

(e) Was the delivery of money orders and letters stopped again on the 11th June ?

THE HONOURABLE MR. J. A. SHILLIDY : (a) Arrangements for special motor omnibuses were made to ensure despatch of mails from Town Sub-Offices of Dacca City during the period of disturbances except on the 25th and 26th May, 1930 when no motor transport was available.

(b) No ; except on the dates mentioned in the reply to part (a).

(c) No formal declaration was made.

(d) Yes.

(e) The payment of money orders, but not the delivery of letters, was stopped on the 11th June, 1930 only.

PAY OF TEACHERS IN THE INDIAN HIGH SCHOOLS OF THE EAST INDIAN RAILWAY.

22. THE HONOURABLE MR. NARAYAN PRASAD ASTHANA : Have the salaries of teachers in the East Indian Railway Indian high schools situated in the United Provinces been raised to the level of those in force in the Provincial Government high schools of equivalent standard in accordance with the promise of Sir George Rainy in the Legislative Assembly ? If not, why not ?

If so, what are the scales of pay in force in the Provincial Government high schools and what are the actual scales sanctioned to the staff of the East Indian Railway Indian high schools in the United Provinces ? Has any differentiation been made in any case, and if so, on what grounds ? Has a similar differentiation been made in the case of any other East Indian Railway Indian high schools also and, if not, why has a particular institution been singled out for differential treatment ?

THE HONOURABLE MR. J. A. WOODHEAD : The pay of teachers in all the Indian high schools of the East Indian Railway has been revised to give effect to the orders of Government that the rates of pay shall be the same as those given in the provinces concerned subject to the condition that the new rates of pay shall apply to each of the existing incumbents on the condition that he possesses educational qualifications equivalent to those laid down by the Local Government for teachers on corresponding rates of pay.

The orders of the Government have been applied without distinction to all Indian high schools of the East Indian Railway.

A statement showing the scales of pay in force for the high schools in the United Provinces and the actual scales sanctioned for the staff of the East Indian Railway high school at Tundla is laid on the table.

Statement showing the scales of pay in force in the Government high schools in the United Provinces and the actual scales sanctioned for the teaching staff of the East Indian Railway high school at Tundla.

Designation.	No.	Scales of pay in force in the Government High Schools in the United Provinces.	No.	Scales of pay sanctioned for the teaching staff, East Indian Railway.	Remarks.
		Rs.		Rs.	
Head Master ..	1	250—50/2—300— 25—675 Selected grade 700—50—800 for 20% cadre.	1	250—15—350—25 —650	Incumbent not qualified. Scale fixed in consultation with the Director, Public Instruction, United Provinces.
Asstt. Masters ..	3	100—10—300	3	100—10—300	
Do. ..	2	Do.	2	100—10—250	Do.
Do. ..	2	50—5—100—10— 150—10—200 efficiency bar at 150 beyond which 25% of cadre go up to Rs. 200.	2	50—5—100—10— 150—10—200 efficiency bar at 150 beyond which 25% of cadre go up to Rs. 200.	This scale is applicable to untrained graduates in Government High Schools.
Asstt. Master ..	1	Do.	1	50—5—100—10— 150	Incumbent not qualified. Scale fixed in consultation with Director, Public Instruction, United Provinces.
Head Pandit ..	1	50—5—125—5— 150	1	50—5—125—5— 150	
Head Moulvi ..	1	Do.	1	Do.	
Asstt. Masters ..	2	Do.	2	40—5—80	Do.
Asstt. Master ..	1	50—5—125—5— 150 efficiency bar at 125.	1	50—5—12—5— 150 efficiency bar at 150.	
Drawing Master ..	1	50—5—150	1	50—5—100	Do.
Asstt. Drawing Master.	1	Do.	1	Do.	Do.
Drill Master ..	1	25—30—35—40	1	34—2—40	

PAY OF TEACHERS IN THE INDIAN HIGH SCHOOLS OF THE EAST INDIAN RAILWAY.

23. THE HONOURABLE MR. NARAYAN PRASAD ASTHANA : Have the enquiries promised by Sir George Rainy on the issues raised by Pandit Hirday Nath Kunzru in his questions Nos. 230 and 231 in the Legislative Assembly, on the 4th February, 1930, been made ? If so, what is the result thereof ?

THE HONOURABLE MR. J. A. WOODHEAD : Enquiries made show that identical principles were not adopted by the various Governments concerned. Further enquiries are being made and the question as to what course should be followed in fixing the pay of individual teachers in Railway high schools will receive further consideration.

PAY OF CLERKS IN THE INDIAN HIGH SCHOOLS OF THE EAST INDIAN RAILWAY.

24. THE HONOURABLE MR. NARAYAN PRASAD ASTHANA : During the revision of salaries has the clerical staff employed in the East Indian Railway Indian high schools been entirely left out ? If so, why ? Do Government propose to extend the same concession to the clerical staff also ?

THE HONOURABLE MR. J. A. WOODHEAD : The answer to the first part of the question is in the affirmative.

The question as to the suitability of the existing rates of pay of the clerical establishments of all Departments and Services, including schools, of the East Indian Railway, is one that it is proposed to examine in the near future, and Government see no reason to investigate the case of the clerks of schools in advance of other clerical establishments.

ELECTION TO COMMITTEES OF MEMBERS OF THE COUNCIL OF STATE AND OF THE LEGISLATIVE ASSEMBLY DURING THE YEARS 1928-29 AND 1929-30.

25. THE HONOURABLE MR. S. C. PAKRASHI : Will Government kindly state :

(a) How many Committees were formed from the Members of the Council of State and of the Legislative Assembly respectively during the years 1928-29 and 1929-30 ?

(b) What sum of money was spent on each Committee in each year ?

(c) Who were the Members elected to form each such Committee ?

THE HONOURABLE MR. H. W. EMERSON : The information asked for is being collected and will be supplied to the Honourable Member in due course.

COMMITTEES TO LOOK AFTER THE CONVENIENCE OF PILGRIMS.

26. THE HONOURABLE MR. S. C. PAKRASHI : Will Government kindly state, whether there are Committees financed by the Government in India and Burma, to look after the convenience of pilgrims ? If so, what are their number and where are they located ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : The Honourable Member has not stated whether he seeks information relating to pilgrimages within India or outside India and whether relating to any particular community or all communities.

RECRUITMENT OF SUCCESSFUL STUDENTS OF THE ENGINEERING, MINING AND TECHNOLOGICAL DEPARTMENTS OF THE BENARES UNIVERSITY.

27. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state:

(i) whether the Honourable Member for Commerce and Industry has ever visited the Benares University;

(ii) whether he has ever had occasion to take note of the courses of studies that have been instituted in that University;

(iii) whether he has ever had occasion to requisition the services of any of the successful scholars or students of that University from the Engineering, Mining and Technological Departments?

THE HONOURABLE MR. J. A. SHILLIDY: (i) It is not clear whether the Honourable Member refers in his question to the Honourable Member-in-charge of the Commerce Department or the Honourable Member-in-charge of the Department of Industries and Labour.

(ii) and (iii). Enquiries in these connections would be made after the intention of the Honourable Member is known.

FACILITIES FOR PRACTICAL TRAINING ALLOWED BY THE MANAGEMENT OF WORKSHOPS AND POWER HOUSES OF THE STATE RAILWAYS TO STUDENTS FOR THE MECHANICAL AND ELECTRICAL DEGREE OF THE BENARES ENGINEERING COLLEGE.

28. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state:

(a) Whether the management of Workshops and Power Houses of the several State Railways allow students for the Mechanical and Electrical Degree of the Benares Engineering College facilities for practical training for at least 90 working days which they are required by the rules of the College to get through before being admitted to their degree?

(b) If the answer is in the affirmative, the place or places where such facilities are afforded?

(c) If the answer is in the negative, whether the State Railway management are considering the advisability of affording such facilities to the students?

EMPLOYMENT BY THE STATE AND RAILWAYS OF MECHANICAL AND ELECTRICAL GRADUATES OF THE BENARES UNIVERSITY.

29. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state:

(i) what kind of encouragement they have hitherto given to the successful students turned out by the Technical Departments of the Benares University;

(ii) how many of their mechanical graduates have been provided for by the State and Railways;

MICPB(CS)

(iii) how many of their electrical graduates have been employed by the State and Railways ?

THE HONOURABLE MR. J. A. WOODHEAD : With your permission, Sir, I propose to reply to questions Nos. 28 and 29 together. The information is being called for from the Agents of State-managed Railways and will be supplied to the Honourable Member when received.

NON-TRANSMISSION OF A TELEGRAM REGARDING AN ALLEGED ASSAULT ON
RED CROSS WORKERS AT KALIKAPUR IN BENGAL.

30. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

(a) Whether it is a fact that a cable which was sent on April 15th, 1930, from Calcutta by Dr. K. S. Roy, Secretary, Indian Medical Association, to the Secretary-General, League of Nations, Geneva, with a copy each to the Secretary of State for India, Mr. Fenner Brockway, and a few others in Europe, regarding an alleged assault on Red Cross workers at Kalikapur in Bengal was not transmitted but was returned, ten days after the message was handed in to the sender by the Department concerned as being objectionable ?

(b) If the answer is in the affirmative, the reason or reasons for which the message in question was considered objectionable ?

(c) Whether the action taken by the Telegraph Department is in conformity with the following statement made by Mr. Wedgwood Benn in the House of Commons on Press Censorship in India :

“ There was no censorship of air mail, nor any form of censorship other than that derived from the Indian Telegraphs Act and the rules framed thereunder. He had now ascertained that, except for the time in Peshawar when conditions were exceptional, interference with telegraph messages was confined to those intended to further civil disobedience.”

THE HONOURABLE MR. J. A. SHILLIDY : (a) It is not correct that the message was returned to the sender after 10 days. It was the refund order for the cost of the telegram that was despatched to the sender after the period referred to.

(b) Rules 13 and 156 of the Indian Telegraph Rules, 1927, give the necessary authority to telegraph offices to withhold acceptance or transmission of telegrams which are considered objectionable, without assigning any reason or reasons for the action taken.

(c) The action taken by the Posts and Telegraphs Department being strictly in accordance with the censorship derived from the Indian Telegraph Act and the rules framed thereunder there is no inconsistency to explain.

INCREASE IN CASES OF ABDUCTION OF WOMEN IN BENGAL, THE UNITED
PROVINCES, THE PUNJAB AND SIND.

31. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

(i) the causes of the increase of the crime of abduction of women particularly in Bengal, the United Provinces, the Punjab and Sind ;

(ii) the step or steps that Government propose to take to cope therewith ;

(iii) whether, in view of this increase, fresh legislation to speed up trials and administer exemplary punishments is contemplated ?

THE HONOURABLE MR. H. W. EMERSON : (i) The Administration Reports for the years 1927 and 1928 show that while there has been some increase in cases of abduction in Bengal, there has been a decrease in the United Provinces and the Punjab. The Punjab and Sind attribute this form of crime chiefly to the dearth of women, who are taken there, often with the tacit consent of their parents, for purposes of marriage.

(ii) and (iii). The matter is exercising the attention of the local authorities and the Government of India are satisfied that the existing law is adequate.

TRAFFIC IN GIRLS KIDNAPPED FROM KACHH, KATHIAWAR, GUJARAT AND MARWAR.

32. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

(a) Whether in the House of Commons on February 3rd, 1930, replying to Major Graham Pole, who alleged the existence in Sindh of traffic in girls kidnapped from Kachh, Kathiawar, Gujarat and Marwar, Mr. Wedgwood Benn promised to call the attention of the Government of India to the question and enquire what steps could be taken to put an end to the evil ?

(b) If the answer is in the affirmative :

(i) the results of the enquiry into the matter by the Government of India and the Local Government ;

(ii) the definite steps proposed to be adopted to eradicate the evil ;

(iii) the time since when those steps are being systematically adopted ?

THE HONOURABLE MR. H. W. EMERSON : (a) Yes.

(b) The report submitted by the Local Government shows that there is no regular traffic in girls kidnapped from the areas mentioned for immoral purposes. There is a demand in Sind for marriageable girls, and this is often met by marriage brokers obtaining low caste girls—often by purchase from their parents—from these areas. In 1929 the Local Government issued instructions to the Police authorities in Sind to be on the watch to prevent the activities of these persons and Indian States concerned have also agreed to co-operate in the matter.

ARTICLE BY “ SCRUTATOR ” IN THE *Indian Daily Mail* REGARDING THE SHOOTING IN PESHAWAR.

33. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

(i) whether their attention has been drawn to an article by “ Scrutator ” in the *Indian Daily Mail* of May 10th, 1930, relating to the Peshawar shooting to the effect that the shooting went on for very much longer than has been stated in the newspapers, and was not a case of few volleys but continual shooting ;

(ii) If the answer is in the affirmative, whether Scrutator's statements are true ?

(iii) If they are untrue does Government propose to take any action against him ?

THE HONOURABLE MR. H. W. EMERSON : (i) Yes.

(ii) and (iii). The report of the Committee presided over by the Honourable Mr. Justice Suleman has been published and contains the findings of two Judges of the High Court regarding the occurrences at Peshawar. These shows the absurdity of the statements attributed by the paper to an alleged military officer. The facts speak for themselves and Government do not consider it worth while to take the action suggested in the latter part of the Honourable Member's question.

TELEGRAPHIC REPORT OF THE DEBATE ON INDIAN AFFAIRS IN THE HOUSE OF COMMONS ON MAY 26TH, 1930.

34. THE HONOURABLE MR. SURPUT SING : (a) Will Government be pleased to state whether the following telegraphic press report of the debate on Indian affairs in the House of Commons on May 26th, 1930, is correct :

“ Mr. Wedgwood Benn : That's true but generally speaking Muhammadans have held aloof, and it would be fair to say that the disturbances may be described accurately as sporadic rather than general.

One of the armaments in the propaganda of Communist speakers in this district was this : They went among Muhammadans and wilfully perverted the purpose of the Sarda Act or Early Marriage Act.”

(b) If the answer is in the affirmative :

(i) what are the names of the Communist speakers referred to ;

(ii) have they since been arrested and put on trial ?

THE HONOURABLE MR. H. W. EMERSON : (a) The passages are correctly quoted, though in the first passage the Secretary of State was speaking not of the North-West Frontier Province, but of India as a whole.

(b) The Secretary of State did not refer to particular individuals ; but as the Honourable Member is no doubt aware, persons who have taken an active part in the North-West Frontier Province in seditious and lawless activities have been arrested and prosecuted under the Criminal law.

NOMINATION OF MUHAMMADANS TO THE INDIAN CIVIL SERVICE.

35. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

(i) the names, educational qualifications, age and parentage of the six Muhammadan gentlemen who have been nominated to the Indian Civil Service ;

(ii) the provinces to which they belong ;

(iii) the claim or claims which entitled them to the nomination ?

THE HONOURABLE MR. H. W. EMERSON: (i) and (ii). A statement giving the information is placed in the Library.

(iii) Under the rules for nomination, the Government of India call on the Public Service Commission to recommend such number of candidates of any community as they may direct. The Commission make their recommendations primarily from the lists of candidates who sat at the last previous annual competitive examinations held in India and in London. On this occasion the Commission were called upon to recommend six Muhammadans, and they recommended five who stood high on the list of candidates who had qualified in India, and one who appeared at the London examination of 1929 and was reported by the Civil Service Commissioners in London to be an exceptionally good candidate.

NUMBER OF NEWSPAPERS THAT HAVE CEASED PUBLICATION AND THOSE WHICH HAVE FURNISHED SECURITY UNDER THE PRESS ORDINANCE.

36. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to lay on the table a statement giving the names:

(a) of the newspapers from which security has been demanded since the promulgation of the Press Ordinance;

(b) of those that have furnished security; and

(c) of those that have ceased publication?

THE HONOURABLE MR. H. W. EMERSON: The information required is being collected and will be furnished to the Honourable Member in due course.

ACTION TAKEN ON THE REPORT OF THE RIGHT HONOURABLE V. S. SRINIVASA SASTRI ON HIS MISSION TO EAST AFRICA.

37. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to state what action they have taken or intend to take on the report of the Right Honourable Srinivasa Sastri on his mission to East Africa and on the suggestions made by him in that report?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The Right Honourable V. S. Srinivasa Sastri's report on his mission to East Africa was published on the 5th March, 1930. The suggestions made by him proved most useful to the Government of India in making their representations to His Majesty's Government on the questions relating to Eastern Africa that were under their consideration.

THE HONOURABLE SIR PHIROZE SETHNA: May I know, Sir, whether these suggestions, referred to by the Honourable Member, have been made by the Government of India?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Certainly.

RESIGNATIONS FROM THE CENTRAL AND PROVINCIAL LEGISLATURES.

38. THE HONOURABLE SIR PHIROZE SETHNA: Will Government please lay on the table a statement giving the names of those members of the Indian and Provincial Legislatures who have resigned since January, 1930?

THE HONOURABLE MR. H. W. EMERSON: The information is being collected and will be supplied to the Honourable Member when available.

WITHDRAWAL OF THE RECOGNITION OF INDIAN MEDICAL DEGREES BY THE BRITISH MEDICAL COUNCIL.

39. THE HONOURABLE SIR PHIROZE SETHNA: Will Government please state what action they have taken with regard to the decision of the British Medical Council to withdraw recognition of Indian medical degrees?

THE HONOURABLE KHAN BAHADUR SIR FAZL-I-HUSAIN: As the matter related to medical education which is a provincial transferred subject, the Government of India, on the advice of those responsible for medical education, convened a conference to which Ministers in charge of Medical, Heads of Medical Departments in provinces and representatives of Medical Faculties of Indian Universities were invited with a view to mature proposals to deal with the situation arising out of the British Medical Council temporarily suspending recognition of Indian medical degrees.

ELIGIBILITY OF PERSONS OF NON-ASIATIC DOMICILE FOR THE LEE CONCESSIONS.

40. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to state if the Lee Concessions have been and are being made available for persons who were not originally in the scheme? If so, under what circumstances?

41. THE HONOURABLE SIR PHIROZE SETHNA: Will Government state if members of the Anglo-Indian and Domiciled community are eligible for the Lee Concessions? If so, under what circumstances?

THE HONOURABLE MR. H. W. EMERSON: With your permission, Sir, I will answer questions Nos. 40 and 41 together. The general criterion of eligibility for these concessions has been from the beginning the possession of a non-Asiatic domicile, and this remains unchanged.

LAND REVENUE ADMINISTRATION.

42. THE HONOURABLE SIR PHIROZE SETHNA: With reference to the Resolution *re* Levy of Revenue Tax, Cess or Fee on Land held in private ownership moved by the Honourable Rao Saheb Dr. U. Rama Rao in the Council of State on 12th September, 1928 (*vide* Debates, Volume II, No. 2, pages 40-47) and the assurance given on behalf of the Government in course of the debate thereon that they have again decided to address Local Governments on the subject of land revenue administration, will Government be pleased to state whether they have addressed Local Governments on the subject as promised, and if so, will Government place their replies on the table?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Local Governments were addressed in pursuance of the undertaking referred to by my Honourable friend. Several Local Governments have already taken action to regulate by Statute the process of revising land revenue assessments. I would refer the Honourable Member to the legislation enacted recently in the Punjab, the United Provinces and the Central Provinces, from which it will be seen that provisions regarding the pitch of assessment, limitation of enhancement and duration of settlement have all now been embodied in law and are

not left to be regulated by rules. Similar legislation is under consideration in Bombay and Assam and the necessary Bills will be introduced in due course in the local Legislative Councils. In Madras attempts to carry out the recommendations of the Joint Parliamentary Committee on this point have not so far proved successful.

BILL REGARDING LAND REVENUE ASSESSMENT IN THE BOMBAY PRESIDENCY.

43. THE HONOURABLE SIR PHIROZE SETHNA : Will Government be pleased to state whether they have received from the Bombay Government for their consideration and approval a Bill embodying the principles of land revenue assessments, and if so, what action they themselves have taken thereon ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : A Bill to amend the Bombay Land Revenue Code, 1879, was received from the Government of Bombay in January last. Sanction to two clauses in it which required the sanction of the Governor General was conveyed to the Local Government in March.

NAMES OF PERSONS ARRESTED FOR BREACHES OF THE SALT LAW SINCE THE INAUGURATION OF THE CIVIL DISOBEDIENCE MOVEMENT.

44. THE HONOURABLE SIR PHIROZE SETHNA : Will Government be pleased to lay on the table a statement showing the names of persons arrested for breaking the salt law since the inauguration of the Civil Disobedience movement by Mr. Gandhi and the sentence inflicted in each case ?

THE HONOURABLE MR. H. W. EMERSON : Local Governments have been addressed and I will furnish the Honourable Member with a statement in due course.

DR. MOONJE'S RESOLUTION *re* THE PRESENT SYSTEM OF EDUCATION IN INDIA.

45. THE HONOURABLE SIR PHIROZE SETHNA : Will Government be pleased to state :

- (a) what action they have taken on the Resolution moved by Dr. B. S. Moonje *re* the present system of education in India in the Legislative Assembly on the 8th February, 1930, and adopted by the Assembly ;
- (b) have they appointed a Committee of Inquiry as recommended in the Resolution ;
- (c) if not, when do they intend to do so ; and
- (d) do they intend to consult the Local Governments as regards the personnel of the Committee and the terms of reference to it ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSSAIN :
(a) The Government of India have, for the present, forwarded copies of the Legislative Assembly debate on the Resolution referred to by the Honourable Member to Local Governments and Administrations for information.

(b), (c) and (d). The Resolution adopted by the Assembly did not recommend the appointment of a Committee of Inquiry.

EMPLOYMENT OF INDIANS IN THE SECRETARIAT OF THE LEAGUE OF NATIONS.

46. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to state :

- (a) the number of Indians holding appointments in the Secretariat of the League of Nations ;
- (b) their names ;
- (c) the nature of work of their respective appointments ;
- (d) the salary attaching to each appointment ; and
- (e) the steps taken by Government in order to ensure the appointment of a larger number of Indians and in responsible positions ?

THE HONOURABLE SIR BROJENDRA MITTER: (a) to (d). A statement is laid on the table.

(e) The Honourable Member is referred to Sir Lancelot Graham's reply to part (b) of Question No. 37 put by the Honourable Mr. Natesan on the 4th March 1929, and, for a recent instance of the ventilation of India's claims to paragraph 79 of the final report of the Delegates of India to the last Assembly of the League.

Statement showing the number of Indians employed in the League of Nations, their names, their designations, their duties and the salary paid to each.

Name.	Designation.	Duties.	Salary.
		<i>League Secretariat.</i>	
Mr. J. Dalal ..	Member of Section	Legal Section	Pay of post 13,700—800— 19,000 Swiss francs. Present pay understood to be 13,700 Swiss francs.
Mr. S. M. Dhume	Member of Section ..	Economic and Financial Section.	Pay of post 13,700—800— 19,000 Swiss francs. Present pay unknown.
Mr. A. C. Chatterjee	Member of Section B.	Information Section ..	Pay of post 13,700—800— 19,000 Swiss francs. Present pay unknown.
		<i>International Labour Office.</i>	
Mr. K. Kuriyan ..	Member of Section	Section A of the Diplomatic Division dealing with Rati- fications and Application, etc., of Conventions.	Pay of post 13,700—800— 19,000 Swiss francs. Present pay unknown.
Mr. R. K. Das ..	Member of Section	Section C of the Diplomatic Division dealing with Labour in Colonies, Protectorates, etc.	Pay of post 19,000—800— 28,000 Swiss francs. Present pay understood to be 20,600 Swiss francs.
Dr. P. Pillai ..	Is at present the representative of the International Labour Office and Director of its Indian Branch with rank superior to that of Chief of Section at Geneva. Understood to hold lien on post of Member of Section.		Pay of post temporarily fixed at 24,000 Swiss francs.

NOTE.—In addition Dr. Pillai is authorised to engage four office Assistants in India for the purpose of his work.

COMMISSION PAID FOR UNDERWRITING THE STERLING LOAN RECENTLY ISSUED IN LONDON.

47. THE HONOURABLE SIR PHIROZE SETHNA: Will Government be pleased to state:

- (a) what was the rate of commission paid for underwriting the Sterling Loan issued recently in London; and
- (b) whether the Underwriters were just one firm or Bank or more, and if so, the total number of firm or firms or Bank or Banks to whom such rate of commission was paid?

THE HONOURABLE SIR ARTHUR McWATERS: (a) Underwriting commission paid was at the usual rate of $1\frac{1}{4}$ per cent.

(b) All arrangements regarding underwriting are made by the Secretary of State's brokers who place the underwriting with a large number of Banks and other firms and share the commission with them. The total number of these underwriters is not known.

SETTLEMENT OF INDIANS IN ADEN.

48. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state:

- (i) whether the Settlement of Aden is directly under the Government of India for purposes of control and administration;
- (ii) the number of Adenese, Indians and non-Indians respectively in the Settlement at present;
- (iii) whether there is any bar to Indians settling and trading in the Settlement;
- (iv) whether there exists any sort of local self-government of the residents;
- (v) whether Indian lawyers or doctors qualified in the country can set up in practice there;
- (vi) the number of Indians, Muslims and Hindus, who are in Government service in Aden?

THE HONOURABLE SIR CHARLES WATSON: (i) The Aden Settlement is under the administrative control of the Government of Bombay.

(ii) According to the census of 1921, the figures asked for were as follows:

Indians	..	..	..	..	..	..	8,720*
Non-Indians (including 33,845 Arabs)	..	..	..	..	..	..	47,780
Somalis	..	..	..	..	..	..	5,551
Jews	..	..	..	..	..	..	4,408
Europeans	..	..	..	..	..	..	1,908
Miscellaneous (non-Indian)	..	..	..	..	..	..	2,068

* This figure includes men of the Indian Infantry Regiment, which has since been withdrawn. The non-Indian population is constantly fluctuating.

(iii) No.

(iv) No; but local municipal affairs are managed by a Committee appointed by the Resident under the Settlement Regulations.

(v) Yes; advocates, pleaders and attorneys of the Bombay High Court and doctors qualified in India and registered with the Bombay Medical Council.

(vi) 244 Muslims and 18 Hindus.

REFUSAL OF PERMISSION TO PANDIT MADAN MOHAN MALAVIYA TO VISIT THE NORTH-WEST FRONTIER PROVINCE.

49. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

- (i) whether any provincial Administration can preclude any Indian from entering their jurisdiction without ascribing reasons ;
- (ii) whether the North West Frontier Administration after the Peshawar shooting issued any circular directing that certain people or a certain class of people from other provinces will not be allowed inside their jurisdiction ;
- (iii) the reason or reasons for which Pandit Madan Mohan Malaviya was not allowed to visit Peshawar just after the Peshawar shooting tragedy ;
- (iv) the reason or reasons for which the Pandit was subsequently granted permission ?

THE HONOURABLE MR. H. W. EMERSON : (i) Under the North-West Frontier Province Security Regulations of 1922 and the Baluchistan Security Regulations of 1922 the Chief Commissioners have power to direct any person not to enter their respective jurisdictions, if his entry is likely to be prejudicial to the peace or good government of the province.

(ii) No.

(iii) The Chief Commissioner considered that in view of the conditions then prevailing in the province his visit was likely to be prejudicial to peace and good government.

(iv) The Government of India are not aware that permission was subsequently granted.

CONSUMPTION OF KEROSENE OIL AND PETROL IN BURMA AND EXPORT OF THESE ARTICLES FROM BURMA TO INDIA AND OTHER COUNTRIES.

50. THE HONOURABLE SIR PHIROZE SETHNA : Will Government please give the respective figures for the four years ending 31st March 1926, 1927, 1928 and 1929 of the quantities of

- (a) crude oil produced in Burma ;
- (b) kerosene oil exported from Burma to India ;
- (c) " K " oil exported from Burma to countries other than India ;
- (d) " K " oil consumed in Burma ;
- (e) petrol exported from Burma to India ;
- (f) petrol exported from Burma to countries other than India ;
- (g) petrol consumed in Burma ?

THE HONOURABLE MR. J. A. WOODHEAD : (a) Figures for the financial years are not available. Those for the calendar years 1925 to 1928 in millions of gallons are :

1925	..	..	..	..	..	263
1926	..	..	..	..	..	250
1927	..	..	..	..	..	246
1928	..	..	..	..	..	262

(b), (c), (e) and (f). The information which the Government of India possess is contained in the Annual Statement of the Sea-borne Trade and Navigation of Burma with Foreign Countries and Indian Ports for 1928-29, a copy of which is in the Library.

(d) and (g). The information is not in the possession of the Government of India.

REFUND TO THE OIL COMPANIES OF EXCISE DUTY ON THE DIFFERENT OILS EXPORTED FROM BURMA.

51. THE HONOURABLE SIR PHIROZE SETHNA : Will Government please state the amount of excise duty during the four years ending 31st March, 1926, 1927, 1928 and 1929

(a) recovered on the different oils produced in Burma, and

(b) refunded to the Oil Companies for oils exported from Burma ?

THE HONOURABLE SIR ARTHUR McWATTERS :

Years.	(a)	(b)
	Excise duty recovered on different oils produced in Burma.	Excise duty refunded to the oil companies for oils exported from Burma.
	Rs.	Rs.
1925-26	1,64,48,674	9,392
1926-27	1,85,66,269	6,005
1927-28	2,01,93,254	3,290
1928-29	2,17,99,681	8,957

POSTS OF ACCOUNTANTS IN HEAD POST OFFICES.

52. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA :

(a) Are posts of accountants in Bangalore and Lucknow Head Post Offices in the lowest selection grade ?

(b) Are the two Head Post Offices mentioned in (a) under the administrative control of a Postmaster of the gazetted rank in the grade of Rs. 350--650 ?

(c) Are the Howrah, Dacca and the Chittagong Head Post Offices under the administrative control of Postmasters of the same rank ?

(d) Are the posts of accountants in the Howrah, Dacca and Chittagong Head Post Offices in the lowest selection grade ?

(e) What is the standard for raising the status of the post of an accountant in a Head Post Office to the selection grade ?

THE HONOURABLE MR. J. A. SHILLIDY : (a) Yes.

(b) Yes.

(c) Yes.

(d) No.

(e) There is no fixed standard for sanctioning selection grade posts for accountants but each case is dealt with on its merits. In this connection the Honourable Member's attention is invited to the reply given in this House on the 25th September, 1929, to part (v) of the Honourable Mr. Rama Prasad Mookerjee's Question No. 80.

GRANT OF PUBLIC HOLIDAYS TO THE STAFF OF CURRENCY OFFICES.

53. THE HONOURABLE MR. G. S. KHAPARDE : Will Government be pleased to state :

(a) whether all public holidays are always allowed to the Currency staff in all offices in India ;

(b) whether the staff of the Calcutta Currency Office are given all public holidays by retaining the minimum staff to deal with urgent work ;

(c) whether any orders have been issued by the Controller of Currency in this matter ;

(d) if so, whether these orders apply to all the Currency Offices in India ;

(e) if the reply to (d) be in the negative, what are the reasons for their non-applicability in cases where they do not apply ; and

(f) if the reply to (d) be in the affirmative, why they are not carried out in all Currency Offices in India ?

THE HONOURABLE SIR ARTHUR MCWATTERS : (a) and (b). The Currency staffs are bound to attend on all days which are not holidays under the Negotiable Instruments Act. This is necessary because the Currency Offices must remain open on days on which banks are open. In practice, however, an attempt is made to give the staff a partial benefit from other public holidays by retaining only part of the staff on such holidays to deal with urgent work. The number of men, however, who should be retained to deal with such work is a matter entirely within the discretion of the head of the office, and the staff have no claim to leave on any such holiday.

(c) to (f). This general principle was communicated by the Controller of the Currency to the Currency Officer, Calcutta, in 1921 and is now being communicated to other Currency Officers also, though there is no reason to suppose that it is not generally observed.

WITHDRAWAL OF THE RECOGNITION OF INDIAN MEDICAL DEGREES BY THE BRITISH MEDICAL COUNCIL.

54. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state what action they have taken on the recent decision of the British Medical Council not to recognise medical degrees of Indian Universities ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I would refer the Honourable Member to the reply given by me to question No. 39 on this subject asked by the Honourable Sir Phiroze Sethna a short while ago.

REFUSAL TO RECRUIT TO THE MEDICAL SERVICE IN INDIA PERSONS POSSESSING BRITISH MEDICAL DEGREES.

55. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Have the Government of India taken any action or do they propose taking any action in refusing to recruit to the medical service men possessing British medical degrees? If not, why not?

THE HONOURABLE SIR FAZL-I-HUSAIN: No. I believe the House would like Government to take steps to satisfy itself and others that our standard of minimum qualifications is as good as of others and make sure that our graduates be in no way prejudiced by this action, rather than adopt a course which may prejudicially affect the restoration of good relations with the Council.

DIVIDENDS DECLARED BY THE BENGAL AND NORTH-WESTERN RAILWAY

56. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether the Bengal and North-Western Railway Company, Limited, have been declaring high dividends on its subscribed capital, sometimes as much as 15 per cent.?

THE HONOURABLE MR. J. A. WOODHEAD: The Company declared dividends of 14 per cent., 16 per cent. and 18 per cent. for the years ending the 30th of September 1926, 1927 and 1928, respectively.

STATE MANAGEMENT OF THE BENGAL AND NORTH-WESTERN RAILWAY.

57. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether any steps are being taken to acquire the Bengal and North-Western Railway on the expiry of its term? If so, do Government propose floating a loan for this purpose, or are they employing some other method for meeting this payment?

THE HONOURABLE MR. J. A. WOODHEAD: The Railway cannot be taken over until the 1st of January 1933, and notice of intention to terminate the contract need not be given before the 31st December 1931. Government have not yet come to any conclusions on the subject, but it is now being considered.

UNEMPLOYMENT AMONG THE EDUCATED CLASSES IN INDIA.

58. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Is there a great amount of unemployment among the educated people in India? Will Government state what steps they are taking in solving this problem? Have they suggested to Provincial Governments any course of action in this respect? If no action is being taken, why not?

THE HONOURABLE MR. J. A. SHILLIDY: Government are aware that there is unemployment among the educated classes in several provinces. The matter is one which under the existing constitution is primarily the concern of Local Governments. As a result of the Resolution passed in the Legislative Assembly in 1926 recommending the appointment of a Committee to investigate the problem of unemployment, the Government of India drew the attention of Local Governments to the gravity of the problem and commended it to their most careful consideration. The proceedings of Local Governments

and of their Legislative Councils show that they have paid attention to the matter. Unemployment Committees were appointed by the Governments of Bengal, Madras, the Punjab and the United Provinces and the reports of these Committees have been published. A report on Middle Class Unemployment has also been published by the Labour Office, Bombay. The attention of the Honourable Member is invited to the Council of State Debates dated the 15th February 1928 on the Resolution moved by the Honourable Mr. P. C. Desika Chari regarding unemployment of the educated and other middle classes.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

PANEL OF CHAIRMEN.

THE HONOURABLE THE PRESIDENT : I have a Message for the Council from His Excellency the Governor General. The Message is in the form of the following Order :

" In pursuance of the provisions of sub-section (2) of section 63A of the Government of India Act, I, Edward Frederick Lindley, Baron Irwin, hereby nominate the following Members of the Council of State to be on the Panel of Chairmen of the said Council of State :

In the first place, the Honourable Rai Bahadur Lala Ram Saran Das ; in the second place, the Honourable Sir Sankaran Nair ; in the third place, the Honourable Saiyed Mohamed Padshah Sahib Bahadur ; and lastly, the Honourable Sir Reginald Spence.

(Sd.) IRWIN,

Viceroy and Governor General."

(The Message was received by the Council standing.)

COMMITTEE ON PETITIONS.

THE HONOURABLE THE PRESIDENT : Under Standing Order 76 of the Council of State Standing Orders I am required at the commencement of each Session to constitute a Committee on Petitions consisting of a Chairman and four members. The following Honourable Members have at my request kindly consented to preside over and serve on the Committee. I accordingly have much pleasure in nominating as Chairman of the Committee the Honourable Rai Bahadur Lala Ram Saran Das, and as members the Honourable Sir Ebrahim Jaffer, the Honourable Mr. P. C. Desika Chari, the Honourable Raja Sir Moti Chand and the Honourable Sardar Charanjit Singh.

DEATH OF RAJA SIR HARNAM SINGH.

THE HONOURABLE THE PRESIDENT : Once again during our recess the hand of death has removed from our midst a Member of this Council, this time in the person of the Honourable Raja Sir Harnam Singh. Raja Sir Harnam Singh had been associated with the Council since its birth, for he was one of the original nominations by the Governor General to the first Council. Again when that Council was dissolved and a second general election took place the Governor General re-nominated him again,—again as the representative of the Indian Christian community. He was closely related to one of the Princely Houses of India. Indeed it was not beyond the bounds of possibility that he should have been a Ruling Chief himself. Sir Harnam Singh had a long, varied and distinguished career. But I think if there was one thing more than another for which we all admired him, it

was his devotion to his family, and the fact that he spared no pains and no expense to educate his sons to fit them to take their proper place in the world. How well his paternal solicitude was rewarded and how justified was his pride in his family we all know well. As a Member of this Council the Raja was one of its most regular attendants, and though no orator he followed all the debates and discussions with close interest. I think it is a wonderful tribute to him that the *Times* of London, one of the greatest newspapers, if not the greatest newspaper, in the world, published a long obituary notice a few days after his death. As he died in Simla, several of us were able to pay our respect to his memory by attending his funeral. But I ask all of you to join with me in the expression of our deep sorrow at his death and of sympathy with his sons and daughter in their great bereavement.

GOVERNOR GENERAL'S ASSENT TO BILLS.

SECRETARY OF THE COUNCIL: Sir, information has been received that His Excellency the Governor General has been pleased to grant his assent to the following Bills which were passed by the two Chambers of the Indian Legislature during the Delhi Session, 1930, namely :

The Provident Funds (Amendment) Act, 1929.

The Dangerous Drugs Act, 1930.

The Indian Sale of Goods Act, 1930.

The Indian Contract (Amendment) Act, 1930.

The Transfer of Property (Amendment) Act, 1930.

The Prisons (Amendment) Act, 1930.

The Indian Patents and Designs (Amendment) Act, 1930.

The Repealing and Amending Act, 1930.

The Cantonments (House-Accommodation Amendment) Act, 1930.

The Insolvency Law (Amendment) Act, 1930.

The Indian Tariff (Amendment) Act, 1930.

The Steel Industry (Protection) Act, 1930.

The Inland Steam-vessels (Amendment) Act, 1930.

The Indian Railways (Amendment) Act, 1930.

The Indian Finance Act, 1930.

The Transfer of Property (Amendment) Supplementary Act, 1930.

The Cotton Textile Industry (Protection) Act, 1930.

The Silver (Excise Duty) Act, 1930.

The Indian Companies (Amendment) Act, 1930.

The Destructive Insects and Pests (Amendment) Act, 1930.

The Indian Income-tax (Amendment) Act, 1930.

The Indian Income-tax (Second Amendment) Act, 1930.

The Indian Income-tax (Third Amendment) Act, 1930.

CONGRATULATIONS TO MEMBERS WHO RECEIVED HONOURS.

THE HONOURABLE THE PRESIDENT : Before I adjourn the Council, I have to ask Honourable Members to join me as usual in congratulating those of our colleagues who have been honoured since we last met. The Honourable Raja Sir Moti Chand—I regret he is not in his place to-day—was what I might call one of the foundation Members of the Council ; he has been with us for the last 10 years. His public benefactions and the public-spiritedness of his work in the United Provinces, and particularly in Benares, are well known to all, and we rejoice that they have been so fittingly recognised.

The Honourable Nawab Sir Mohamed Mehr Shah, who is also not with us to-day, came to this Council in the second general election. He has been with us for one term. His diffidence in regard to his knowledge of the English language prevented us from hearing much of his eloquence, but we congratulate him and rejoice with him that his services have been also so fittingly recognised.

There is one more honour—that conferred on our friend Dewan Bahadur Ramaswami Mudaliar. He has not been with us very long. I understand, and most of us know, that he has been a very prominent figure in the Corporation of that important city, Madras, and we congratulate him most heartily on the fact that his services have been also recognised.

STATEMENT OF BUSINESS.

THE HONOURABLE SIR BROJENDRA MITTER (Leader of the House) : Sir, the list of business for to-morrow, the 10th July, is already in the hands of Honourable Members.

The Council will next meet on Monday, the 14th July, when non-official business ballotted for that day will be taken up. The Honourable Mr. Surput Sing will, in addition, make motions to take into consideration and to pass the Child Marriage Restraint (Amendment) Bill which was introduced by him on the 18th March, 1930. On Tuesday, the 15th July, the Secretary will lay on the table any Bills passed by the other Chamber. Thereafter, the Honourable Mr. Woodhead will move two Resolutions relating to the Convention and Recommendations adopted by the International Labour Conference in connection with accidents in loading and unloading ships and to the ratification of the Convention concerning the marking of packages transported by vessels.

THE HONOURABLE THE PRESIDENT : The Council will now adjourn till 3 o'clock this afternoon in the Chamber of the Legislative Assembly where both Chambers of the Indian Legislature will be addressed by His Excellency the Governor General and thereafter to 11 o'clock to-morrow morning in this Chamber. I would remind Honourable Members whose questions have not been answered to-day, that those, and questions still pending, will come first on the list of business to-morrow morning.

The Council then adjourned till Three of the Clock.

The Council re-assembled in the Assembly Chamber at Three of the Clock.

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

HIS EXCELLENCY THE VICEROY : Gentlemen, it is my first duty this afternoon to offer to the newly appointed President of the Legislative Assembly my congratulations on his election to that honourable post. I am confident that he will fill it with dignity and distinction, and that he will have the support of all parties in the discharge of the duties that the House has entrusted to him.

I felt some doubt, gentlemen, whether it was in accordance with your wishes that a Session of the Council of State and of the Legislative Assembly should be held this summer. In reaching my decision I was influenced largely by the fact that, apart from certain official and non-official business which it was desirable to transact, it seemed clearly right that Members of both Houses should have an opportunity of discussing matters of public interest, on which also I wished, before the Legislature was dissolved, to have the privilege of addressing you.

This Session will mark the close of the second Council of State and of the third Assembly, which last has already been extended by two Sessions beyond its normal term. In certain quarters a desire in favour of a further extension for the Assembly has been expressed and notice has been given of a Resolution to be moved to this effect. After giving the matter my careful consideration, I came to the conclusion that it would not be right on general grounds to extend the present Assembly further, and in consequence of this decision it appeared that the most convenient course would be to dissolve the Council of State in time to allow of the elections of both Houses to be held concurrently in September. This procedure I propose to follow. I realise that an election at that time will mean that those who have recently been successful in bye-elections can take part only in one brief Session, and that it may for climatic reasons cause inconvenience both to candidates and electors. I greatly regret that this should be so, but the usual date of elections is impossible if it is not to clash with the approaching Conference in London, and for those potential candidates who may in due course be invited to go to England for this purpose, September elections would, I think, be accepted as the most convenient.

The return of His Majesty's Legation to Kabul marks the re-establishment of normal relations between His Majesty's Government and Afghanistan, and the end of a period of difficulty and stress.

The situation on our North-West Frontier, which for some time was such as to give cause for anxiety, is now I am glad to say giving place rapidly to more satisfactory conditions. I wish warmly to commend the efforts both of leading residents of the Province and of the official authorities to restore to the North-West Frontier Province the old relations of friendship and confidence between its people and Government.

On the North-Eastern borders of India, difficulties arose between the Governments of Nepal and Tibet over a question of the nationality of an undetained prisoner, and led to incidents involving very serious tension between them. The possibility of hostilities between these two countries, both neighbours

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of India, was not one which India could regard with equanimity, and with the consent of His Majesty's Government special efforts were made to avert any such calamity. A friendly mission was despatched to Lhasa, and acting on advice thus tendered, the Tibetan Government took the steps necessary to remove the cause of friction. All is now well between the two countries, and both have expressed their gratitude for the friendly action taken by the Government of India.

As Honourable Members are aware, two important questions relating to Indians overseas have been engaging the attention of my Government for some time past. One of these arose out of the recommendations made by the Hilton Young Commission and by Sir Samuel Wilson regarding closer union in East Africa; the other concerned the basis of franchise under the new constitution in Ceylon. His Majesty's Government have recently announced their conclusions about both. I need not recapitulate them in detail, as they have received full and wide publicity in India. But I wish to make a few observations on the points of outstanding interest to India that emerge from these announcements.

As regards East Africa, the proposals of His Majesty's Government are to be referred to a Joint Select Committee of Parliament. When this Committee is set up the Government of India will intimate their desire to place it in possession of their views on those proposals that concern the Indian communities in these territories. The conclusions of His Majesty's Government—that the official majority should be retained in the Legislative Council of Kenya, and that the establishment of a common roll is the object to be aimed at and attained—are in accordance with the views consistently urged by the Government of India. Fears have been expressed in certain quarters that the scheme of closer union formulated in the White Paper may ultimately prove detrimental to Indian interests. I would however draw the attention of Honourable Members to the various safeguards provided in the scheme to protect racial minorities. They may rest assured that should it later be found necessary, the Government of India will make the requisite representations on the subject.

The decisions of His Majesty's Government regarding the franchise in Ceylon recognise the claim of the Government of India to watch over the interests of Indian emigrants in the Colony. Explicit renunciation of their protection by an Indian applying for a certificate of permanent settlement will not be required. There is no intention of repealing or amending to the detriment of Indians any of the laws of Ceylon affecting their position or privileges, which they will continue to enjoy. As regards the future, the Governor will not be empowered to assent to any Bill diminishing or abrogating these privileges, unless he has previously obtained the instructions of the Secretary of State, or the measure contains a suspending clause. Fears have been expressed that the effect of these concessions will be neutralised by inclusion in the Order in Council of the provision that no holder of a permanent certificate, while registered as a voter, will be entitled to claim any rights, privileges or exemptions that are not common to all British subjects resident in the Island. This provision in no way affects the assurance of His

Majesty's Government that there is no intention of curtailing the special privileges that are now enjoyed by Indians. There is no reason to think that by friendly negotiation between the Government of India and the Government of Ceylon, the retention of existing privileges, and the extension to all Indians of concessions that the Government of India may be able to secure hereafter for Indians who do not enjoy the franchise by virtue of possessing certificates of permanent settlement, will not be achieved.

Before leaving the subject of Indians overseas, I should also like to draw the attention of Honourable Members to the fact that Ministers of the Union of South Africa have decided to postpone, till the next session, the Bill to regulate the tenure of fixed property by Asiatics in the Transvaal which was introduced in the Union Parliament in May, this year. This delay, which we warmly welcome, permits the hope that the provisions of this measure, which as you are aware has caused considerable alarm among Indians in the Transvaal, may ultimately be adjusted to satisfy the legitimate claims of the Indian community.

I must now address myself to the subjects which constitute the principal and daily preoccupations of all concerned with the political future of their country. I desire to speak most frankly, for the gravity of the times requires that I should place all those who hear or read my words in full possession of my thought. I would remind you briefly of the background against which recent events are set. During the last half century, the development of political thought in India has been a continuous process. Particular events, notably the War, quickened the pace, with the result that the value of the reforms of 1919, marking though they did a very definite new departure, and affording wide opportunity for public-spirited men to serve their country, was in some quarters soon discounted in the forward movement of political opinion. One of the joint authors of those reforms had gained the confidence of political India in a way that it has been given to few British politicians to do, but even the position that Mr. Montagu held in Indian hearts did not suffice to protect from disparagement the scheme associated with his name. Many influences were at work, and of these the reforms were not the least effective, to make it certain that the nationalist spirit in India would develop, and that quickly, and that such development would be sought upon lines that British experience, and contact of the political classes with British education and practice naturally suggested.

Outside India this movement was imperfectly appreciated; and if in India criticism of what *was* occupied more place upon the stage than constructive thought of what *might be*, Indians might, not without some justice, reply that Great Britain, preoccupied as she is apt to be with pressing problems nearer home, had been slow to apprehend how rapid a transformation was passing over the Indian outlook. And so, bred of impatience on one side and lack of appreciation, mistaken for lack of sympathy, on the other, suspicion grew, aggravating as the years passed the difficulty of bringing to bear on these matters from either side the dispassionate judgment that their complexity demanded.

When I came to India, I came with one dominant conception of the work which in this generation any Viceroy must set out to try to do. Amid all

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his duties of administration, as the head of a great Government, no Viceroy as it seemed to me could for one moment forget that the principal duty, which he owed alike to those on whose advice he had been called by the King-Emperor to his office, and to those whom for five years it was his duty and his privilege to serve, was to devote all his energies to the maintenance of a progressive, orderly, and contented India within the orbit of the British Commonwealth. It is not necessary for me to recall the influences, naturally centrifugal, at work upon the other side. Differences racial, with all that they imply in distinction of thought; differences of religion, affecting men's minds the more profoundly because their operation was more frequently in large degree subconscious; differences of environment and history; all these and many more combined to make the task of effecting and preserving true unity between Great Britain and India one which would strain the capacity of the best material on either side. And yet I could feel no doubt that it was the one supreme purpose for which no effort was disproportionate.

It was also evident that looking ahead it was hardly to be expected that India, rightly sensitive of her self-respect, and growing every year more conscious of national feeling, should of her own free will desire to remain indefinitely a partner in the political society of the British Empire upon terms which implied a permanent inferiority of status. It was for this reason and with the object of removing avoidable misunderstanding on this vital matter, that His Majesty's Government last year authorised me to declare that in their view the attainment of Dominion Status was the natural completion of India's constitutional growth. That declaration was made and stands.

His Majesty's Government simultaneously announced their intention to convene a Conference, as widely representative in character as possible, in order that, after the submission of the Statutory Commission's Report, spokesmen of Great Britain and India might take free counsel together upon the measures which His Majesty's Government would later present to Parliament. That Report has now been published, and I do not think that any impartial reader, whatever may be his opinion upon the actual recommendations made, will deny that the Commission have made a weighty and constructive contribution to a most difficult problem. Great however as for its intrinsic value must be the authority of the Report, it was neither the desire nor the function of the Commission to anticipate the decisions of His Majesty's Government, reached after conference with representatives from India, or of Parliament itself. Their task was described by Sir John Simon in the following words:—“No one”, he said, “should regard the Statutory Commission or its colleagues as though we were settling and deciding the constitution of British India. Our task is very important, but it is not that. Our task is that of making a fair, honest and sympathetic report to the Imperial Parliament. When we have made our report, then it would be India's opportunity to make her full contribution, which is right and necessary, to her future constitution, which would be framed by Great Britain and India together”.

The duty of expressing an opinion now passes to the Government of India, and just as the Commission would have failed in their duty to Parliament by whom they were appointed, if they had not presented a report that reflected faithfully their own conclusions, so the Government of India would fail in their

duty if they similarly did not approach consideration of the Commission's Report with a full sense of their own responsibility. We have not hitherto been able to do more than give preliminary and tentative examination to the Report, and before reaching conclusions I think it is right that I should have the opportunity of discussing the whole subject with some of those who can speak for non-official Indian opinion. I hope to have occasion to do this with some of the Ruling Princes and representatives of the States next week, and I should propose also to invite representatives of different views and interests from British India to meet me for this purpose as may be found convenient.

I am only too well aware of the degree to which calm examination of these questions has been prejudiced by the events that have engaged public attention during the last few months. It will be remembered that, following upon my refusal to anticipate the discussions of the Conference, Mr. Gandhi, in spite of my declaration of the purpose of His Majesty's Government and of the free opportunity for mutual co-operation and accord which that Conference was designed to provide, decided to launch a campaign of civil disobedience, and proceeded to use his great influence to persuade his countrymen to adopt a course of open defiance of the law. Before this reckless plunge had been finally taken, I did my best to give a clear warning of the consequences that it must involve; but the warning fell upon deaf ears. That campaign has now been in progress for some three months, and all of us, whatever be our judgment upon it, must be conscious of the damage in countless directions that has already been inflicted. Those who have identified themselves with this movement would have us regard it as a perfectly legitimate form of political agitation, to which resort is had only under pressure of regrettable necessity. I cannot take that view. In my judgment and in that of my Government it is a deliberate attempt to coerce established authority by mass action, and for this reason, as also because of its natural and inevitable developments, it must be regarded as unconstitutional and dangerously subversive. Mass action, even if it is intended by its promoters to be non-violent, is nothing but the application of force under another form, and, when it has as its avowed object the making of Government impossible, a Government is bound either to resist or abdicate. The present movement is exactly analogous to a general strike in an industrial country which has for its purpose the coercion of Government by mass pressure as opposed to argument, and which a British Government recently found it necessary to mobilise all its resources to resist. Here it has been sought to employ more dangerous weapons even than this, and the recent resolution of the All-India Working Committee of the Congress, insidiously designed to seduce police and troops from their allegiance, leaves no longer room for doubt of the desperate lengths to which the organisers of the movement are prepared to go, and gave Government no option but to proclaim the body responsible for such a resolution as an unlawful association. He would in truth be a false friend of India who did not do his utmost to protect her from acquiescence in principles so fundamentally destructive.

I gladly acknowledge that there have been public men who, in the face of strong opposition, have not been afraid to condemn in unequivocal terms the civil disobedience movement. I could wish their example had been more widely followed. After all, is it not a very dangerous doctrine to preach to

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- citizens of India that it is patriotic and laudable to refuse to obey laws or to pay taxes? Human nature is often reluctant to do either, and if there is anything certain, it is that, if society is once thoroughly inoculated with these noxious microbes, the disease will perpetually recur, until one day it paralyses the Indian Government of the future which by these methods it is sought to bring into existence. It may not be long before Indian Ministers are responsible, for example, for the assessment and collection of land revenue or other taxes. They would have little cause to thank those who had allowed the impression to gain ground that withholding of payments legally due was a proper method of voicing general political dissatisfaction with the established Ministry.

Therefore it is that I have felt bound to combat these doctrines and to arm Government with such powers as seem requisite to deal with the situation. I fully realise that in normal times such frequent resort by the Governor General to the use of his special powers would be indefensible. But the times are not normal, and, if the only alternative is acquiescence in the result of efforts openly directed against the constituted Government of the King-Emperor, I cannot for one moment doubt on which side my duty lies.

I have never been blind to the fact that in the circumstances which we are considering there would inevitably be serious clashes between the forces of Government and that section of the public which supports the movement, and that many persons would thereby unavoidably sustain physical injury. From the first moreover it was certain that during disturbances innocent persons must at times suffer with the guilty. Where this has been the case I deeply deplore it, and tender my personal sympathy to those concerned. But it is necessary to consider where the primary responsibility rests. When the fire brigade has to be called in to extinguish a fire, it frequently does serious damage, but though the fire brigade does the damage none would suggest that it was responsible for the fire which was the original reason for its being called in, least of all when the fire was due to direct incendiarism. No good, therefore, is done by shutting our eyes as to where the original blame must lie, and whatever criticism there may be of those whose task it is to put out the conflagration, speaking generally I have nothing but commendation for the servants of Government, both civil and military, who have been doing their duty with great steadiness and courage in conditions of the severest provocation and often of direct risk to their lives. Several—I speak of the police—have been brutally murdered, and in many cases they and their families are subjected daily to the grossest forms of persecution. I am glad to know that several Local Governments have sanctioned for them allowances for the extra duties which they have had to perform and have not been backward in bestowing rewards for exceptionally meritorious service.

The gravity of the present movement however does not deflect my judgment on the question of constitutional reform by a hair's breadth to the right or left. Honourable Members know that I am not fighting civil disobedience because I lack sympathy with the genuine nationalist feelings of India. I have never concealed my desire to see India in enjoyment of as large a degree of management of her own affairs, as could be shown to be compatible with

the necessity of making provision for those matters in regard to which India was not yet in a position to assume responsibility.

I am therefore bound at this time to keep two principal objectives in the forefront of my mind, and in this regard I wish to state my position and that of my Government in the clearest terms. So long as the civil disobedience movement persists, we must fight it with all our strength because, whatever may be the spirit by which many of its adherents may be animated, I believe from the bottom of my heart that it is only leading many of India's sons and daughters, in mistaken service of their motherland, unwillingly to expose her to grievous harm.

" On the other hand, so far from desiring to secure so-called victory over a nationalist movement constitutionally pursued, I desire nothing more than to be able to help India so far as I can to translate her aspirations into constitutional reality. I would ask what fairer method could be devised for this than one by which all the various points of view can be sifted in discussion, and where not by majority voting, but by the influence of mind on mind in daily personal contact, a sustained attempt can be made to discover once for all the more excellent way in which Great Britain and India, to the benefit of each, can walk together.

The date of assembly of the Conference has already been made public, and on behalf of His Majesty's Government I am now able to define its functions more precisely. After very careful consideration His Majesty's Government have reached the conclusion that it would not be right to prescribe for the Conference any terms more limited than were implied in my statement of November 1st last, and that the Conference should enjoy the full freedom that those words connote. The Conference accordingly will be free to approach its task greatly assisted indeed, but with liberty unimpaired, by the Report of the Statutory Commission or by any other documents which will be before it. It is the belief of His Majesty's Government that by way of conference it should be possible to reach solutions that both countries and all parties and interests in them can honourably accept, and any such agreement at which the Conference is able to arrive will form the basis of the proposals which His Majesty's Government will later submit to Parliament. From such a definition of the scope of the Conference it is clear that His Majesty's Government conceive of it not as a mere meeting for discussion and debate, but as a joint assembly of representatives of both countries, on whose agreement precise proposals to Parliament may be founded. The Conference will thus enjoy the unfettered right of examining the whole problem in all its bearings, with the knowledge that its labours are of no academic kind, and His Majesty's Government still hope that Indians of all schools of thought, whatever the attitude that some have hitherto taken, will be ready to share in this constructive work. I see no reason why, from frank discussion on all sides, a scheme might not emerge for submission to Parliament which would confound the pessimism of those who would tell us that it is impossible for Great Britain and India, or for the various interests in India, to reach agreement.

My Government is anxious to render to the Indian side of the Conference every assistance that it can, and for this purpose has decided to place a secretariat at its disposal, consisting of Sir Geoffrey Corbett, Mr. Latifi and Mr. G. S. Bajpai, whose knowledge of many different sides of administration will, I am confident, be of great value.

[H. E. the Viceroy.]

Gentlemen, I have only a short time left of my official term of office, and I would anticipate its end by concluding what I have sought to say, rather as a friend than as Viceroy and Governor General. As I look back over the time I have spent in India, I can recall no occasion on which I have consciously sought to work for anything but India's good. I believe I can claim to have learnt something of the feelings that fill the hearts of many Indians of all classes and all shades of thought, who have been good enough to extend to me a friendship which I shall hope to enjoy long after I have said goodbye to India and the present troubles are left behind.

India is a country the scale of whose history and physical features alike condemn those who would take small views. The monuments with which her land is enriched attest the faith and perseverance of her master craftsmen, and reprove those who would believe that any other qualities can serve the constitution builder, who builds not for himself but for futurity. I believe, as I have said often, that the right and the best solution of the riddle of India will be found only by Great Britain and India joining together in the search. But this demands faith, which we are at times tempted to think only a miracle could now give in the measure dictated by our necessities ; and many would have us believe that the age of miracles is past. Yet in India more than elsewhere there is the capacity to apprehend the spiritual power by which things apparently impossible are brought to pass, and I at least cannot doubt that, could we but recapture the spirit of mutual trust between our two countries, we should in so doing liberate invincible forces of faith to remove those mountains which have lately hemmed us round.

I am in better position than others here to know the effect that would have been produced in Great Britain, if the hand of friendship that she extended last November had been generously grasped in the same spirit by those who could speak for India. Many things said subsequently on both sides would have been said differently or remained unsaid ; new misunderstandings would have been avoided ; and the whole setting of the problem would have been favourable to a more just appreciation of the several points of views that have to be brought to harmony. It seems therefore utter tragedy that at the moment when the chances of settlement were perhaps better than they have ever been, and the stage was set for a free and unbiassed consideration of the whole problem, the party of Congress should have thrown aside the finest opportunity that India has ever had.

I would hope that it might yet not be too late for wiser counsels to prevail, by which all the political thought of India might be harnessed to the task of welding into unity the elements that compose her life, and in conjunction with Great Britain devising the best means for giving constitutional expression to them. Thus two roads to-day lie open ; one leading as I think to turmoil ; disunity ; disappointment and shattered hopes : the other guiding those who follow it to the India of our dreams, a proud partner in a free Commonwealth of Nations, lending and gaining strength by such honourable association. India to-day has to make her choice. I pray God she may be moved to choose aright.

The Council then adjourned till Eleven of the Clock, on Thursday, the 10th July, 1930.

COUNCIL OF STATE.

Thursday, 10th July, 1930.

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

MEMBER SWORN.

The Honourable Rai Bahadur Sukhraj Roy (Bihar and Orissa : Non-Muhammadan).

QUESTIONS AND ANSWERS.

NUMBER OF JAINS IN THE PROVINCIAL LEGISLATURES AND THE LEGISLATIVE ASSEMBLY.

59. THE HONOURABLE RAI BAHADUR SUKHRAJ ROY : Will Government be pleased to state the number of Jains in the Provincial Legislatures and the Legislative Assembly ?

THE HONOURABLE MR. H. W. EMERSON : The information is being collected and will be supplied to the Honourable Member when available.

NUMBER OF JAINS IN THE PROVINCIAL, CENTRAL AND ALL-INDIA SERVICES.

60. THE HONOURABLE RAI BAHADUR SUKHRAJ ROY : Will Government be pleased to state the number of Jains in the Provincial, Central and All-India Civil Services at the present time in the different provinces of India ?

THE HONOURABLE MR. H. W. EMERSON : In so far as the All-India and the Central Services are concerned, the information is being collected and will be supplied to the Honourable Member in due course.

TABULATION OF JAINS SEPARATELY IN THE NEXT CENSUS.

61. THE HONOURABLE RAI BAHADUR SUKHRAJ ROY : Will Government be pleased to state whether the Jains will be counted separately in the coming Census Report and both the Svetambar and Digambar sects of the Jains calculated under different heads ?

THE HONOURABLE MR. H. W. EMERSON : Jains will be tabulated separately throughout India and if possible separate figures will be given for the total population of Jains according to sects.

RESIGNATIONS OF MEMBERS OF THE CENTRAL AND PROVINCIAL LEGISLATURES AS A PROTEST AGAINST THE POLICY OF GOVERNMENT.

62. THE HONOURABLE RAI BAHADUR SUKHRAJ ROY : Will Government be pleased to state the names of the Members who have resigned their

seats in the Provincial Legislative Councils, Legislative Assembly and the Council of State as a protest against the policy of Government ?

THE HONOURABLE MR. H. W. EMERSON : The information is being collected and will be supplied to the Honourable Member when available.

NUMBER OF CONVICTIONS OF MEN AND WOMEN IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

63. THE HONOURABLE RAI BAHADUR SUKHRAJ ROY : Will Government be pleased to state the number of arrests in different provinces of India in connection with the present civil disobedience movement and the number of persons, male or female, separately convicted mentioning the sections under which they have been sentenced and the period and class of imprisonment ?

THE HONOURABLE MR. H. W. EMERSON : The information in my possession shows that from the 6th April to the 15th June, 1930, the number of persons convicted in connection with the civil disobedience movement is approximately 4,377. I regret I have no detailed information about the number of females convicted or the offences for which the persons referred to above were convicted or their sentences.

EFFECT OF THE BOYCOTT OF FOREIGN CLOTH ON THE BRITISH COTTON PIECE-GOODS TRADE, ETC.

64. THE HONOURABLE RAI BAHADUR SUKHRAJ ROY : Will Government be pleased to state :

(a) the effect of the boycott of foreign cloth movement in India on the British cotton piece-goods trade ;

(b) the percentage of decrease in import of cotton piece-goods in India from England from April, 1930 as compared with last year ;

(c) the number of mills that have been closed in Manchester and Lancashire for want of work ; and

(d) whether there has been an adverse effect on other British goods also ?

THE HONOURABLE MR. J. A. WOODHEAD : (a) Government are not in a position to estimate the effect of the boycott of foreign cloth movement in India on the British cotton piece-goods trade.

(b) Up to the end of May, 1930, for which period statistics are available, the decrease is 23½ per cent.

(c) Government have no information.

(d) The value of the total imports into India by sea of merchandise other than cotton piece-goods from the United Kingdom during the period from the 1st April to the 31st May, 1930, shows a decrease as compared with the corresponding period of last year, but Government are unable to say to what extent this falling off is attributable to the movement referred to by the Honourable Member.

NUMBER OF CONVICTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT.

65. THE HONOURABLE RAI BAHADUR SUKHRAJ ROY : Will Government be pleased to state the number of convictions under the Age of Consent Act, generally called the Sarda Act, since it has been enforced in India ?

THE HONOURABLE MR. H. W. EMERSON : The Honourable Member is doubtless referring to the Child Marriage Restraint Act. The Government of India have received no information regarding convictions under the Act, and it may be presumed that the number is small.

REPEAL OR AMENDMENT OF THE CHILD MARRIAGE RESTRAINT ACT.

66. THE HONOURABLE RAI BAHADUR SUKHRAJ ROY : Will Government be pleased to state whether they intend to repeal or amend the Age of Consent Act ?

THE HONOURABLE MR. H. W. EMERSON : Certain Bills for the amendment of the Child Marriage Restraint Act, which have been introduced, or of which notices have been given, by Members of this and the other House have been circulated to Local Governments for opinion. When the replies of Local Governments have been received and the actual operation of the Act for some months has been observed Government will be in a position to define their attitude towards any proposals for amendment.

THE SAINTHIA-NAYA DUMKA-BAUSI (MANDAR HILL) RAILWAY PROJECT.

67. THE HONOURABLE RAI BAHADUR SUKHRAJ ROY : Will Government be pleased to state when the work of extension of the Bhagalpur-Mandar Hill Branch Railway will commence and how far will it extend and where it will meet the East Indian Railway ?

THE HONOURABLE MR. J. A. WOODHEAD : The Sainthia-Naya Dumka-Bausi (Mandar Hill) project has, on investigation, proved unremunerative. Further consideration of this project has been postponed indefinitely.

INVITATION TO MR. GANDHI TO ATTEND THE ROUND TABLE CONFERENCE.

68. THE HONOURABLE RAI BAHADUR SUKHRAJ ROY : Do Government propose to recommend to His Majesty's Government that Mr. Gandhi be invited to the Round Table Conference ?

THE HONOURABLE MR. H. W. EMERSON : It is clear that Mr. Gandhi could not be invited to the Round Table Conference while an unconstitutional movement, of which he was one of the chief authors, is in progress.

NAMES OF PERSONS INVITED TO ATTEND THE ROUND TABLE CONFERENCE.

69. THE HONOURABLE RAI BAHADUR SUKHRAJ ROY : (a) Will Government be pleased to state the names of the persons who have been invited to attend the Round Table Conference from the different provinces of India separately; the principles on which the selection is made; whether it is done on the basis of loyalty to Government or of being real representatives of the people; on whose recommendation Government make the selection; and whether previous acceptance of such invitation is taken ?

(b) If the answer to the last part of (a) is in the affirmative, what are the names of those who have refused to accept the invitation ?

THE HONOURABLE MR. H. W. EMERSON : No persons have yet been invited to attend the Round Table Conference. With regard to the principles which will govern the issue of invitations, it was made plain in His Excellency

the Viceroy's statement on the 31st October, last, that His Majesty's Government propose to invite representatives of different parties and interests, and in His Excellency's letter to the Prime Minister, which was published on the 13th May, it was emphasised that the representation of India should be fairly distributed among those sections of thought who desire and have a title to be heard. It is intended that the invitations should be issued after consultation, where possible, with the interests concerned.

INVITATIONS TO REPRESENTATIVES OF THE JAIN COMMUNITY TO ATTEND THE ROUND TABLE CONFERENCE.

70. THE HONOURABLE RAI BAHADUR SUKHRAJ ROY : Do Government propose to invite representatives from the Jain community to the ensuing Round Table Conference ?

THE HONOURABLE MR. H. W. EMERSON : No decision has yet been reached as to the representatives to be invited to the Round Table Conference

THROWING OPEN OF RECRUITMENT TO THE ARMY TO ALL CLASSES.

71. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state whether they intend throwing recruitment to the Army open to all classes in the near future ? If not, do they intend to confine it for ever to the martial classes ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The answer to the first part of the question is in the negative. As for the second, I would ask my Honourable friend to refer to the reply given in the Legislative Assembly on the 6th September, 1927, to question No. 888.

CONSTITUTION OF THE ARMY STATIONED ON THE NORTH-WEST FRONTIER OF INDIA.

72. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :
(a) Does the bulk of the Army stationed on the North-West Frontier of India consist of Gurkhas, Mahrattas, Dogras, Rajputs and Sikhs, and are very few British infantry battalions and cavalry squadrons posted to the Frontier ?

(b) Will Government kindly lay a statement on the table of the Council giving details of the various British and Indian military units stationed at Frontier posts ?

(c) If the answer to (a) be in the affirmative, will Government kindly state whether Indian units have given every satisfaction as to their capability of defending India against foreign aggression ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) Indian troops serving on the Frontier are not restricted to the classes mentioned by the Honourable Member, since all units of the Indian Army take their turn of Frontier service. The proportion of British to Indian soldiers serving in the covering troops (that is, in the troops on the Frontier) is about one to six.

(b) The actual units posted at different stations on the Frontier vary from year to year, so that it would not convey any useful information to lay a statement of them on the table. The position can, however, always be ascertained from the current issue of the Indian Army List.

(c) Does not strictly arise, but Government are satisfied that all units of the Army in India are capable of playing their respective parts in the defence of India against foreign aggression.

NUMBER OF INDIANS GRANTED KING'S COMMISSIONS IN THE ROYAL ARTILLERY,
ROYAL ENGINEERS, ETC.

73. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state how many Indians have been commissioned and employed so far in the following: (1) Royal Artillery, (2) Royal Engineers, (3) Royal Air Force, (4) Gun and Ammunition Factories, (5) Royal Tank Corps, (6) Ground Engineers in the Royal Air Force? What rate of progress does Government intend to keep in this direction?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The Royal Artillery, Royal Engineers, Royal Air Force and Royal Tank Corps belong to the British Service and Indians are therefore not eligible for commissions in them. I presume, however, that the Honourable Member is referring to Indians granted King's Commissions in corresponding Indian formations where such exist.

(1) and (2). No Indian has yet been granted a King's Commission in the Indian Army for service with Artillery or Engineers, because until the entrance examination held last year no candidate had succeeded in passing for Woolwich. At that examination two Indians were successful. These will begin their 1½ years' course at Woolwich in September next.

(3) Steps are now being taken to draft the legislation necessary to bring an Indian Air Force into existence in order that the unit may be constituted in time to receive the first Indian cadets from the Royal Air Force College, Cranwell. At the entrance examination held last November six candidates were successful, and will begin their two years' course at the College in September next.

(4) There is one Indian under training for the appointment of Assistant Works Manager at the Gun and Metal Factory, Cossipore. I would refer the Honourable Member to the reply given in another place in February, 1930 to starred question No. 255; also to the scheme for the training of apprentices in the Ordnance Factories in India laid on the table in March, 1924, in reply to Sir Purshotamdas Thakurdas' starred question No. 229.

(5) There is at present no Indian Tank Corps unit in existence. I would refer the Honourable Member to the reply given in another place on the 20th January, last, to unstarred question No. 42. The position remains as therein stated.

(6) I think the Honourable Member is under a misapprehension here as regards Ground Engineers. These are purely civil appointments.

As regards the future rate of progress I would refer my Honourable friend to the speech that I made in another place on the 8th March, 1928 when announcing the decisions of His Majesty's Government and the Government of India on this subject.

ARTICLE IN *Young India* BY MIRA (MISS SLADE) REGARDING THE BEHAVIOUR OF THE POLICE.

74. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

(i) whether they have seen the article contributed by Mira (Miss Slade) entitled "Exemplary Behaviour of the Police" in *Young India* of June 12th, 1930 ;

(ii) if the answer is in the affirmative, whether they will institute an enquiry into the methods of the police indicated in that article ?

THE HONOURABLE MR. H. W. EMERSON : I have seen the article. I would invite the Honourable Member's attention to the communiqués issued by the Government of Bombay on the 11th and 13th of June from which it will be observed that there is no foundation whatsoever for seven of the ten allegations made and that the remaining three are exaggerations and perversions of the facts. It is not proposed to take any further action in the matter.

GRANT OF ALL THE AMENITIES SUITABLE FOR A STATE PRISONER TO MR. GANDHI.

75. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

(i) whether Mahatma Gandhi is a State prisoner so far as his present detention in Yervada jail goes ;

(ii) if the answer is in the affirmative :

(a) whether he is allowed all the amenities to which a State prisoner can be said to be entitled ;

(b) whether keeping him in complete isolation is sanctioned by the Bombay Jail Manual of 1927 or any rule in force for State prisoners in Bombay ?

THE HONOURABLE MR. H. W. EMERSON : (i) Yes.

(ii) (a) and (b). All amenities which are suitable for a State prisoner have been granted in the fullest degree, and the treatment of Mr. Gandhi is in no way in conflict with the rules governing his case.

ALLEGED POLICE TERRORISM IN RANIBASAN (CONTAI).

76. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

(i) whether they have perused all the items of news indicated under "Police Terrorism in Ranibasan (Contai)" in *Young India* of June 19th, 1930 ;

(ii) whether the Government will not be pleased to institute a searching enquiry into the charges levelled against the Police therein ?

THE HONOURABLE MR. H. W. EMERSON : (i) The Government of India have seen the article in question.

(ii) The Local Government are in the best position to judge whether these allegations deserve any attention, and the Government of India do not propose to interfere with their discretion.

PUBLICATION OF THE REPORTS OF COMMITTEES APPOINTED TO ENQUIRE INTO
THE RECENT RIOTS.

77. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state :

(i) whether it is contemplated to publish full and complete reports directly they are submitted by the Committees appointed at several places to enquire into riots ;

(ii) whether additional important facts bearing directly on the subject matter will be accepted for further consideration after the reports are published ?

THE HONOURABLE MR. H. W. EMERSON: (i) The only Committee that has been appointed by the Government of India to enquire into recent riots is that appointed in connection with the disturbances that occurred at Peshwar on April the 23rd last. The report of the Committee has been published.

(ii) Since every facility was given to the public to produce before the Committee all evidence relating to the matter under enquiry, it is not the intention of the Government of India to consider any further material that may now be produced.

FORMATION OF " WELFARE LEAGUES TO COUNTERACT THE CAMPAIGN OF CIVIL
DISOBEDIENCE".

78. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state :

(i) whether in some parts of the country organisations have been started under Government auspices known as "Welfare Leagues to Counteract the Campaign of Civil Disobedience" ;

(ii) if the answer is in the affirmative :

(a) the aims and objects in detail of such organisations ;

(b) the places where they are working ?

THE HONOURABLE MR. H. W. EMERSON: The Government of India understand that in some provinces non-official organisations have been formed to counteract the civil disobedience movement and are receiving the encouragement of Local Governments. The Government of India fully approve of such action in opposition to a movement which is fraught with disastrous consequences to the peace and welfare of the country. They have no detailed information regarding the organizations mentioned by the Honourable Member.

CLASSIFICATION OF INDIAN NATIONALITIES IN THE CENSUS REPORTS OF 1911
AND 1920.

79. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state :

(i) the main heads under which the different Indian nationalities were classified in the Census Report of 1911 ;

(ii) the main heads under which they were divided in such Report of 1921 ?

THE HONOURABLE MR. H. W. EMERSON : The Honourable Member is referred to the Census Reports of 1911 and 1921, copies of which are in the Library of the House.

AMOUNTS PAID BY THE GOVERNMENT OF INDIA TOWARDS THE EXPENDITURE OF THE LEAGUE OF NATIONS.

80. THE HONOURABLE SIR PHIROZE SETHNA : Will Government please state what are the amounts paid in each year by the Government of India towards the expenditure of the League of Nations during the last four official years ?

THE HONOURABLE SIR BROJENDRA MITTER : The attention of the Honourable Member is invited to part (a) of the reply to question No. 35 asked in the Council of State on the 4th March, 1929, which gives the desired information up to the year 1928. The net contribution of India for the years 1929 and 1930 was 1,427,175 and 1,532,865 gold francs, respectively.

APPOINTMENT OF INDIANS AS DIPLOMATIC REPRESENTATIVES.

81. THE HONOURABLE SIR PHIROZE SETHNA : (a) Will Government please state whether it is a fact that under the existing Regulations Indians are not eligible for appointment as diplomatic representatives in any Asiatic country or elsewhere although citizens of the Dominions are so eligible ?

(b) If the reply is in the affirmative, have Government considered the advisability of moving His Majesty's Government to amend the Regulations with a view to removing the bar ? If not, will they do so ?

THE HONOURABLE SIR CHARLES WATSON : (a) Yes, Sir.

(b) The Government of India are in sympathy with the spirit underlying the Honourable Member's question. They have already made representations upon the subject and are prepared to renew them when a favourable opportunity presents itself.

RESOLUTION *RE* GRANT OF DOMINION STATUS TO INDIA.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhamadan) : Mr. President, I beg to move :

"That this Council recommends to the Governor General in Council that he be pleased to urge on His Majesty's Government the necessity and the desirability of meeting India's demand for the immediate establishment of full responsible government, both provincial and national, and Dominion Status, subject only to such reservations as may be considered essential to a transitory stage and to such provisions as may be required to safeguard the legitimate interests of minorities."

It is some weeks since I gave notice of this Resolution. When I did so, it was not known that His Excellency the Viceroy intended to address the Legislature once again as he did yesterday. After His Excellency's speech, the suggestion was made to me by some friends that perhaps there was no necessity now for my moving this Resolution. I, however, hold a contrary

view. So far as His Excellency is concerned, no one in the country, not even Mr. Gandhi, has any doubt in regard to his intentions, and I would further quote, if there is any doubt in the mind of any one, what His Excellency said yesterday in this connection. He observed :

"I am not fighting civil disobedience because I lack sympathy with the genuine nationalist feelings of India. I have never concealed my desire to see India in enjoyment of as large a degree of management of her own affairs, as could be shown to be compatible with the necessity of making provision for those matters in regard to which India was not yet in a position to assume responsibility."

Later on, in the same speech, he added :

"So far from desiring to secure a so-called victory over a nationalist movement constitutionally pursued, I desire nothing more than to be able to help India so far as I can to translate her aspirations into constitutional reality."

Whilst I have said so of His Excellency the Viceroy, I am sure those Honourable Members who like myself have the honour and the advantage of knowing the present Secretary of State will also agree that Mr. Wedgwood Benn is equally sympathetic as is Lord Irwin. But we know very well that the fate of India does not rest in the hands of these two individuals. We know that there is considerable opposition, a further instance of which we find in this morning's telegrams wherein it is said :

"Lord Birkenhead in the *Daily Telegraph* expresses deep alarm at hearing that a new Viceregal proclamation or explanation is contemplated. He concludes that its only purpose can be concerned with the Simon Commission's Report which, at the present stage, requires neither explanation nor modification. Lord Birkenhead contends that on the other hand it would be entirely unconstitutional for the Viceroy to express any opinion whatever until the Report has been considered by Parliament or a delegate body. He expresses the opinion, that if the Viceroy repeats most unfortunate recurrence into the topic of Dominion self-government at the very moment when the Report is about to be debated in Parliament, he will on the whole commit one of the gravest errors of judgment which the recent history of India affords. Lord Birkenhead condemns as imbecility the suggestion of a general amnesty, and asserts that the Commission's Report must be given a chance of discussion."

This House must understand that Lord Irwin and Mr. Wedgwood Benn have to contend against opposition such as is offered by this erstwhile Secretary of State for India and others of the same way of thinking. It is therefore very necessary that the Government of India themselves, as I have asked in my Resolution, should see their way to express their definite opinion in regard to the necessity and desirability of Indian demands being met. That, Sir, is my reason for proceeding with the Resolution in spite of the speech which His Excellency made yesterday.

Sir, the importance of the question which I have brought forward by means of this Resolution for the consideration of the House can by no means be exaggerated. I have been impelled to bring forward this motion because of the inherent importance of the matter, because of the growth and development of the Indian Constitution movement, the stage which it has reached, and also because of the happenings that have occurred in this country, particularly since the inauguration of the civil disobedience movement. Every thoughtful and responsible Indian must feel it incumbent upon himself to give to the present political situation his best and most earnest consideration. On the 1st November, last, His Excellency made an announcement in which he recognised the claims of India to responsible government, both national and provincial, as also Dominion Status. He further informed the Legislature and the country that the Government at home had decided to

[Sir Phiroze Sethna.]

convene a Round Table Conference to consider the constitutional problem and to arrive at the widest measure of agreement. The Congress then asked for an assurance from the Viceroy that the Round Table Conference would meet only for the purpose of framing a constitution on the lines of Dominion Status. When that assurance was not or could not be given, the National Congress re-affirmed the resolution which it passed in Lahore in the beginning of this year for national independence, and, further, for launching the campaign of civil disobedience including the non-payment of taxes. In March, last, Mr. Gandhi started on his great trek to Dharasna, with the avowed object of breaking the salt laws. On 5th May, Mr. Gandhi was arrested under an old Regulation of the time of George IV, and he is now a State prisoner in the Yerrowda jail. It was perhaps believed by Government that after the incarceration of Mr. Gandhi this movement would die down, or that perhaps it would not be as severe as it was in the earlier days when Mr. Gandhi was a free man. Mr. Gandhi's disciples and followers have carried on the campaign with a stern resolve and with great tenacity of purpose. Men and women recognised as national leaders, men and women holding high position in the national life of the country, are not only furthering the campaign but they have offered themselves for arrest and willingly go to jail in the sincere, firm and passionate belief that by so doing they will create a great moral effect not only on England but on the whole civilised world and that they will thereby make the world perceive more keenly and vividly the necessity for meeting India's demands.

Now, Mr. President, we who call ourselves Liberals have always believed in constitutional fights. We have always opposed the civil disobedience campaign, and speaking as I did as President of the Indian Liberal Federation at the inaugural meeting of its last session held in Madras on 29th December, last, I certainly disapproved in emphatic terms of the resolutions which the Congress had just then passed or were about to pass, and I further added :

"Nor can we support a general policy of non-payment of taxes, as in our judgment such a policy, like the policy of a general strike, cannot but plunge the country into all the evils and horrors of an open conflict with Government."

Honourable Members must have noticed that His Excellency the Viceroy himself also compared the civil disobedience campaign to the policy of general strike in his speech yesterday. Further, I observed that this civil disobedience campaign would lead to the economic and financial ruin of the country. The loss which it has already incurred is not and cannot be gauged by the general public. It will be felt more and more as time goes on, and I hold that it will take us years and years to recover from what is happening just now. But while we Liberals have supported Government in these emphatic terms, we have equally emphatically asserted, through statements we issued to the Press and otherwise, that on no account were we prepared to support Government in any repressive measures they may introduce. It grieves us to find therefore that repressive measures have been introduced one after another during the last few weeks. But what grieves us more is, and I say so in spite of what answer the Honourable Mr. Emerson gave to question No. 74 this morning, that some of these measures have undoubtedly been worked in an atrocious and most brutal manner. I refer in particular to the incidents which occurred in Bombay on that fateful morning of Saturday, 21st June, last. The attitude

of the police on that day was unforgivable, and for confirmation of what I say I refer the Honourable Members of this House to those special correspondents of the English, American and French newspapers who were in Bombay at the time and some of whom were present on the spot and saw things for themselves and from whom I have had my information at first hand. One of them went to the length of saying that it reminded him of what he had read as a boy of the persecutions of the early Christians many centuries ago. These correspondents further informed me that their despatches to their respective papers, if forwarded without any mutilation by the censor, which they of course very much doubted, would prove most gruesome reading. I was therefore amazed to read what a gentleman for whom we have the highest regard, the present Secretary of State, should have, a week ago from to-day, in answer to a question put to him by Mr. Freeman, a Labour Member, made a statement which was telegraphed out as follows :

“ Mr. Benn replied that in view of the implications contained in the question he had asked for a report from India as the result of which he was satisfied that the minimum force necessary was used by the Bombay police in the execution of their very difficult duties.”

These correspondents I have referred to have a different tale to tell; they are disinterested people. I appeal to the Secretary of State to ask them personally, for four of them went back to Europe only by last Saturday's mail boat. I request the Government of India to suggest to the Secretary of State that he gets the correct information from them, and I am sure that Mr. Wedgwood Benn will be the first man to contradict what he has already stated. What is the position of Mr. Wedgwood Benn in the attitude he has adopted? Sir, the police are the accused. The Government of Bombay or the Government of India, who have submitted the report in question, are the advocates for the accused. Mr. Wedgwood Benn is the Judge. Mr. Benn has decided without hearing the other side and has relied on what the advocates of the accused themselves say. Is that fair? Is that British justice, I ask.

Sir, it is evident that there is the determination on the part of Government to give no quarter but to crush the civil disobedience movement. On the other hand the Congress is equally determined to carry it on; and they are no doubt doing it, with the result that in places like Bombay and elsewhere normal conditions have ceased to exist; there is considerable dislocation of trade and industry; the administrative machinery is put to a very heavy strain and the Exchequer will not be able to bear the extra burdens that have been put upon it. In short, there is a warfare going on between Government and some sections of the public. The actual combatants in this war at this moment are infinitesimal in proportion to the entire population of the country; but there are very clear indications that the movement can be replenished by a steady flow of recruits. Be that what it may, there is no doubt that a large section of the public are in sympathy, actively or passively, with the movement, and that sympathy receives greater stimulus because of the stern force and the severity with which several of the Satyagrahis have been treated by the police, of course under the orders of Government. There is a magic spell in Mr. Gandhi's name and personality which no one can deny here or anywhere else in the world, and that spell sways more with the masses than with the classes, and in this fight between him and Government the masses side with Mr. Gandhi, because they believe that he is fighting to redress their

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grievances and to relieve them from the very heavy burdens imposed upon them.

One thing is perfectly clear and it must be firmly grasped and that is that to-day the national movement, the struggle for Swaraj, the passion for political equality and the aspiration for national self-expression and self-realisation is universal, it is profound, it is intense and it is irrepressible. It is not correct to say that it is confined to the Hindus alone. I say it is a delusion to say so. Every community, Muhammadans, Christians, Parsees and all else, desire Dominion Status.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhammadan) : That may be only in Bombay, not in Bengal.

THE HONOURABLE SIR PHIROZE SETHNA : It may be so with this single individual from Bengal. I wish the Honourable Member would acquaint himself with facts better before he interjects.

Thanks to the awakening of India due to the teaching of Mr. Gandhi and persons like him, thanks likewise to the influence of Western culture, Western civilisation and particularly Western political education, there is no Indian who breathes who does not wish from the bottom of his heart that his country should be free, who does not demand equal political status as the other members of the British Commonwealth. Some Englishmen are of opinion that this movement has not spread to the masses. If they entertain that idea, I say that is delusion number two, for the masses to-day are swayed by the movement to a very great extent. It is absurd to say that the masses are still wrapped up in their petty, personal and village concerns and that the spirit of Swaraj has not touched them.

If we judge the situation aright, one fact emerges unmistakably and that is that all classes, communities and races without exception desire India to attain Swaraj and a position of equality with that of the self-governing members of the British Commonwealth. So far therefore as the attainment of this political goal is concerned, there is very great unity, in spite of what my friend Mr. Suhrawardy may say, in demanding responsible government and Dominion Status. They all want it: and when I say all want it I include among them even those who have passed resolutions for independence; and of course I refer in particular to Mr. Gandhi and Pandit Motilal Nehru. Have not Mr. Gandhi and Pandit Motilal Nehru both made a very clear gesture in the interviews they gave to Mr. George Solcombe, the special correspondent of the *Daily Herald* of London, the former in the month of May and the latter at Bombay on the 23rd June, exactly a week before his arrest? What grieves the supporters of Government is that they have made no attempt whatsoever in the direction of following up that gesture so far as we know. His Excellency told us in very definite terms yesterday that we are not bound in any way by the Simon Commission Report. What he said was that the widest measure of agreement ought to be arrived at at the Round Table Conference and what agreement is arrived at will be placed before Parliament. That is certainly satisfactory, and for which we are grateful to the Viceroy. Is all that however going far enough?

After saying that His Excellency desired co-operation from those who are carrying on the civil disobedience campaign, co-operation not only in the direction of attending the Round Table Conference but also rightly of dropping the civil disobedience campaign. May I ask, would it not have been better if His Excellency could have added that in the event of such co-operation Government on their part would agree to an amnesty of political prisoners? The country is sure to be disappointed that His Excellency did not give this assurance. Assuming for argument's sake that His Excellency had done so, even then I hold that would not be enough. There is a perfect deadlock at present between the contending parties. There may be a section on the Government side who think that if Government did anything more, it would amount to a surrender and affect their prestige. Such ideas of prestige, I submit, ought to be abandoned in eventualities like the present, and if they do so, instead of anybody complaining of loss of prestige the world at large will acclaim that Great Britain has shown great magnanimity, and being the great nation that she is, she ought to display such magnanimity in the present struggle. It is all very well for His Excellency to have made his speech yesterday. It is all very well that it is published throughout the length and breadth of the country. But is any emissary of Government going to treat with the opposition? Is any effort being made in that direction? I say that if no effort in that direction is made, this deadlock will continue, the country will be ruined, British prestige in the end will suffer, for as has always been the case, Britain will have to go further than it is called upon to do to-day. That is a repetition of our history. Britain has never learned to give with good grace. The proper course is to foresee, to anticipate the demand of its people. If you do that, then you get them attached to you and they remain your friends. And mark you, Mr. President, friendship between India and England is decidedly to the advantage of both countries. India without England cannot stand on its own legs. It will not advance as it ought to. But England without India will become a third-rate power in the world and nobody dare dispute that statement. I do not make that statement on my own. That statement is made by English statesmen who do not want to give India what it demands and desires—men like Lord Rothermere and many others, whom I will have an opportunity of quoting a few minutes later.

Now, when there is such an insistent and such a universal demand for Swaraj, we can very well understand why it is that nobody in this land pays any attention to the Simon Commission's Report. It is condemned on all sides. Four Honourable Members of this House served with the Indian Central Committee. One of them, my Honourable friend Sir Sankaran Nair, was its Chairman. He has not so far expressed his opinion on the Simon Commission's Report. I am glad that the other three have condemned it wholesale, as every other Indian national leader has done throughout the length and breadth of the land. But I appeal to my friend, Sir Sankaran Nair, if he is disposed to speak on my motion, to state as to what the Simon Commission has said in regard to the very Council of which he is so distinguished a Member. The Commission has treated it with scant courtesy. It has not even damned it with faint praise as it has done in the case of the Assembly. I do not propose to refer to the Simon Commission any further, but I do say this that if anybody in the country had any doubts as to the attitude we adopted in boycotting the

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Simon Commission, he will see that we have been completely vindicated. We did the right thing, as any disinterested man can now admit and must admit, as we know from the result, for if the Commission were a mixed one and not composed only of seven British Members of Parliament, the Report would surely have been a very different one from what it is. The national movement has now reached a stage when it demands the fullest fulfilment. If this is not done, then we are bound to have anarchy in the country and India will have to be ruled by the sword. I know, and everybody knows, the strength of the British sword. But, however powerful and strong it may be, even that strong sword must break before the unbreakable spirit of the country's patriotism and nationalism. The eternal verities, the eternal forces of nature, the law of Divine Providence will ultimately triumph and, as the poet says :

“Freedom's battle bequeathed from sire to son,
Though baffled oft, is ever won.”

What we now want is the immediate establishment of full national government and Dominion Status. We say the time is ripe for the establishment of such government, subject only to safeguards. The doctrine of gradualness or “graduality,” which is a newly coined word just added to the English Dictionary, should be abandoned once for all. It has now lost all contact of reality with the vital and fundamental conditions of the problem. The problem can no longer be afforded to be tinkered with, and half measures will not now avail. Progress broadening from precedent to precedent may have done in the old days. It may still do in other climes and conditions, where they have national government or where they desire in their own interests to proceed slowly. But in the present frame of mind of India, it will not do. And why ? Because the Government here is alien. Because the Government here to-day—I say to-day advisedly because it was not so twenty years ago—the Government to-day are not trusted. They are positively distrusted. There is a widespread and a firm feeling throughout the country that England will not relax its hold on India for the one and only reason that it means to continue to exploit the land and its people as long as it possibly can. Can any one blame Indians for entertaining such a belief and distrusting the British Government of the day, when you have responsible statesmen, like Sir William Joynson-Hicks, now Lord Brentford, who has no hesitation in proclaiming from the house tops :

“It is sometimes said that we are in India for the good of the Indians. That is cant. We conquered India by the sword and we will hold India by the sword, because it is the finest market for British goods in general and for Lancashire goods in particular.”

No doubt, the Secretary of State has repudiated this position. But neither Lord Brentford's party nor the Liberal Party have up to this date raised its voice against it. How can you therefore blame Indians for taking it for granted that what Lord Brentford has said is the truth, the whole truth, and nothing but the truth in spite of Mr. Wedgwood Benn's disclaimer ? Questions are very often asked by those in authority as to why in the present struggle the commercial community of all people in this land, who never before sided against Government but always with them, are now at one with Mr. Gandhi. There is no doubt that that is so. And there is likewise no doubt that the merchant classes to-day are the largest losers because of this campaign, and yet they come freely of their own accord and they join them in their hundreds. Why is that so ? The answer is to be found in such statements as the one I have quoted of

Lord Brentford's, which statements make not only the commercial sections but all sections in the country lose faith, I am sorry to say, in the honesty of the Britisher. This distrust sways the minds of the Indian people and will affect their political movement more profoundly so long as India is denied her birth-right of Swaraj and Dominion Status. It can only be removed by frankly, unreservedly and ungrudgingly meeting India's demand without the least delay.

It is not only Lord Brentford alone who indulges in such outbursts. Lord Rothermere and our former Secretary of State, Lord Birkenhead, have made speeches or written articles, the gist of which convey this idea and this idea alone, that India is the linch-pin, that India is the milching cow for England, and if you relax your hold on the country it will mean that there will be greater unemployment in Great Britain and worse still that the income of every man and woman in England will suffer appreciably.

These statements are from such responsible men, and there are many of them. To come nearer home, it seems this attitude is not confined to Lord Rothermere, Lord Birkenhead and Company at home but even extends to India. I am sure Honourable Members of this House are aware of the words used by His Excellency Lord Irwin when he issued the Ordinance in regard to picketing. These are his words :

"It is no part of the duty of my Government, and certainly it is not their desire, to take steps against any legitimate movements directed to these ends (prevention of sale of foreign goods or liquor). They are anxious to see the promotion of indigenous Indian industries, and it is perfectly legitimate for any person, in the advocacy of this object, to urge the use of Indian goods to the utmost extent of which the Indian industry is capable."

What would you expect after this ? The Viceroy is in sympathy with Indians trying to encourage Swadeshim. (*The Honourable Khan Bahadur Mian Sir Fazl-i-Husain* : "Hear, hear".) Did I hear the exclamation from the Government Benches ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Yes.

THE HONOURABLE SIR PHIROZE SETHNA : I hope what they preach they also practice. I will not say that they do not in this case for I do not know whether the leaflet issued by the Government of Bombay a few weeks ago was issued on their own or issued under the orders of the Honourable Members who sit on the Benches opposite. If it was issued under their orders, then I hope my Honourable friend Sir Fazl-i-Husain will feel bound to withdraw the words "Hear, hear" to which he gave expression.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I have not seen the leaflet.

THE HONOURABLE SIR PHIROZE SETHNA : May I take it, Sir, that the Government of India have nothing to do with it ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : I have not seen the leaflet.

THE HONOURABLE SIR PHIROZE SETHNA : That is no answer to my question. Another Department and not Sir Fazli's may be responsible. If they have done so it is most shameful. That is the least I can say about it. But I will not blame the Government of India until I know for certain that the

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leaflet was issued under their advice and instructions. I certainly will blame the Government of Bombay. What is the purport of that leaflet? I have quoted to you the words of the Viceroy. What does the leaflet say? Directly opposite. Instead of encouraging Swadeshism, instead of promoting indigenous Indian industries, as observed by the Viceroy, this leaflet made out that the idea of support to Indian goods, Indian banking, insurance and shipping institutions may be attractive but is not practicable and would inevitably lead to great harm to the consumer. What disinterested regard and what earnest solicitude for the consumer! It goes on to say—mark these words, Mr. President:

“British banks are the mainstay of our banking system in India. They provide wide facilities and the strongest security. Why should people ignore these secure concerns in favour of much less stable ones? Are there yet enough powerful Indian banking organisations to replace them?”

My Honourable friend Sir Fazl-i-Husain is a prominent lawyer. He will agree with me when I say that if a statement like this were made by a private individual he could have been dragged into court immediately. But it is the Government of Bombay, I repeat I do not know who, whether of their own accord or under instructions from the Government of India—if not from Sir Fazl-i-Husain's own Department, or from some other Department

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: Dragged into court for defamation?

THE HONOURABLE SIR PHIROZE SETHNA: I should think so and for consequent loss of income. I hope you agree?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: I have to consult the law.

THE HONOURABLE SIR PHIROZE SETHNA: These libellous attacks have not been confined to banks. They are also extended to insurance companies and others. Am I not therefore right when I say that the action of the Government of Bombay, leaving alone the Government of India for the present, deserves wholesale condemnation? I also add this, and I add it in my position as one of those who is connected in a large way with non-Indian concerns than Indian concerns, that after the publication of this leaflet far more harm has been done to us by the boycott movement than was the case prior to the publication of the leaflet. I do not wonder that a prominent European banker in Bombay should have characterised the campaign as a “most ill-advised” one on the part of the Government of Bombay.

THE HONOURABLE MR. G. A. NATESAN: That has been withdrawn.

THE HONOURABLE SIR PHIROZE SETHNA: Government were forced to, if I may say so. I say this propaganda by the Government of Bombay was a most wicked propaganda, and at the same time a decidedly stupid propaganda. I have no hesitation in saying so. I have not words enough in which to refer to their action. To say the least, they ought to be ashamed of what they have done in this connection. They have ruined their reputation in regard to both their sanity and their honesty of purpose.

Sir, does not all that I have said impress this Council with the idea that the real cause why Dominion Status is refused is nothing else than the exploitation of India? Of course, many other arguments are trotted out. One such is

that the Britisher can look after the interests of the masses better than their own kith and kin, the Indians. We simply laugh out this idea as it deserves to be. Does even the Simon Commission Report give any indication whatever in any one of its two volumes as to the limit of time when India can legitimately expect Dominion Status? They do not. On the contrary, the seven Commissioners must be laying the flattering unction to their souls that the recommendations they have made, if carried out, will doom India to a perpetual tutelage under Great Britain. I refer to the question of defence and communal differences. We have always said that the question of defence can be properly met by safeguards. Government have not approached the question in the manner and spirit in which it should be approached. As regards communal differences, if they exist, it is because of the fact that the two rival communities know that there is a third party to appeal to. Once that appeal court is gone and they have to live together, they will settle their own differences and such differences will not only diminish but they will vanish. Once Swaraj is obtained and a sense of responsibility is cultivated there is no question that the two communities will work together harmoniously, and disturbances and conflicts between them will be as rare as they are in the Indian States.

There are many other points which one can develop, but I know, Sir, with your indulgence, I have already exceeded my time, and if you will permit me, I will take only another four to five minutes. The other difficulties that are trotted out can all be met. But I shall content myself by saying that these so called obstacles are not insuperable or so formidable as to be insurmountable. What is necessary is that they should be dealt with by persons and parties with no axe of their own to grind, absolutely free from any tinge of national selfishness and with a full recognition of the basic fact that a satisfactory solution of the problem on permanent lines is absolutely necessary. In short, if there is a will there is a way. But so far as we can see, the will is not yet forthcoming.

We do recognise that in framing Dominion Status allowance will have to
 12 NOON. be made for the period of transition from the existing order to the new order which we may decide upon. Further, some peculiar shape will have to be given to it in view of the difficulties which exist. But the vital, the basic and the fundamental principle must be recognised, namely, that it is essential a Dominion Status and nothing less is granted, for India will surely reject and is in honour bound to reject anything less. If that is not done the present struggle is bound to continue. Even if it is suppressed by the power of machine guns and swords it is bound to revive. What does past experience show? A similar demand was made nine years ago; it did not succeed. But compare what is happening to-day with what happened nine years ago. If you succeed in checking it to-day, so far as one can judge from the temper of the people, they will not wait for another nine years; it may be a question of another nine months, and you may be sure it will recur again and again, and it will be stronger and stronger and more intensive each time. Surely England cannot but be impressed by this and read the lessons they teach. For all these reasons, I contend that the Government of India will be well advised if they accept my Resolution and urge on His Majesty's Government the necessity and the desirability of meeting India's demand for the immediate establishment of full responsible government with whatever safeguards may be necessary in the transition period.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative) : Sir, I happened to be one of the friends who advised the Honourable Sir Phiroze Sethna not to press this Resolution, and if possible to withdraw it. Therefore I feel that I should state why I did so. A similar Resolution came up before us in the last Session at Delhi and I tried to water it down by putting up an amendment. Shortly it was, that this is not the time to put up grievances and to carry quarrels forward. We should as far as possible forget all the unpleasant things which have happened and cultivate a frame of mind to enable us to come to an agreement, if possible unanimously. On the last occasion I gave my reasons as to why the Resolution should not be pressed and I amended it. This time I wish to do a similar service. In what my friend has said there is a good deal of truth, but there was also a good deal of what is irrelevant. However, with all due respect to him, I say, as has been said by others, let us not go on bringing up further points and stressing certain things which tend to make the position still more bitter than it is. I do not think that can serve the purposes for which we have assembled here. I think the Government of India have been doing their best, so far as one can judge from outside, to give us as much as they possibly can. I say, as much as they possibly can, because we know the state of politics in England, how the Labour Party has not got an absolute majority. For that reason whatever the Labour Party does will have to be more or less agreeable to the other two Parties, who can if they combine turn Labour out of office. So with these three opposing forces operating in England, the Government of India are doing as much as possible, and to keep on urging the Government of India to do more is I think doing us an ill-service. I remember a story in the Mahabharat of a woman who prayed to God to give her a husband. Then again on the second, third, fourth and fifth days she offered up a prayer for a husband, and God was pleased and gave her five husbands. Then those five husbands all claimed her and there was a great deal of amusing trouble about it. So, the moral is, let us not pray too much. Too much solicitude is almost as bad as too much negligence or too much indifference. We have made our request; we have discussed this proposition last Session; we have discussed it even to-day, and probably everything that can possibly be said has been said about it. It is better now to let the curtain drop on this Resolution, and I would therefore again request my Honourable friend to withdraw his Resolution.

THE HONOURABLE MR. NARAYAN PRASAD ASTHANA (United Provinces Northern: Non-Muhammadan) : Sir, I rise to support the Resolution. Last Session when I moved an amendment to Sir Sankaran Nair's Resolution, it was substantially the same proposition which has been put forward to-day. The then Leader of the House, Sir Muhammad Habibullah, told me, "Wait and see." I have waited and seen. The Simon Report has come and gone. I do not know what the present Leader has in store for this House to-day. Let us consider dispassionately the wording of the Resolution and see whether there is anything objectionable in it or anything which is below the dignity of this House to pass. The Resolution simply affirms the demand of India for full responsible government and Dominion Status, and urges upon the Government of India to represent to His Majesty's Government that that demand must be met forthwith. I cannot put the present critical condition of the country in more forceful terms than has already been done by the Honourable Mover of the Resolution. It is a juncture which requires

great statesmanship on the part of England and great sympathy from those who are in charge of the administration of this country if they are to bring about a solution of the problems that are facing us to-day. Again, the civil disobedience movement is not the result of enthusiasm generated yesterday or just a momentary outburst of enthusiasm for the country's cause. Since 1882, when the Indian National Congress had its birth, the people have been demanding their birthright. They have been begging and begging but their demands have not been met. And what is this civil disobedience movement? It is only forging sanctions to enforce that demand, and if England does not appreciate or anticipate the feelings of India, the civil disobedience movement will grow and the sanctions will be forged. It is for this purpose that all well-wishers of England and of India urge upon the Government here and upon the Government in England to meet the demand, so that the ties of friendship which have existed so long between India and England may not be suddenly torn up. It is for this purpose, to strengthen the hands of the Government of India in representing the demand of this country that this Resolution has been brought forward. Sir, in the words of Sir Francis Younghusband, India wants to increase her *izzat* in the world, she wants to blot out the stigma of a subject nation, and it is this demand that has goaded the people, and it is for this purpose that the Congress adopted the resolution which was passed in December last. Being of the same political party as the Honourable Member, I have no sympathy with the civil disobedience movement or with that resolution, but nobody who is an Indian can contemplate with equanimity the repressive legislation and the repressive policy that has been adopted during the last few weeks for the purpose of repressing the national feeling created by the enthusiasm for those ideals. Sir, it would be only in the fitness of things if this House to-day passes the Resolution and urges upon the British Government that the demands of the country must be met in a peaceful and friendly manner and in a way that the trade and commerce of England may be maintained. Is it too much to ask the Members of this Honourable House to strengthen the hands of the Government of India in representing this demand? Is it too much to ask this House to help England in coming to a statesmanlike decision at the present juncture? Sir, at the conclusion of his speech His Excellency the Viceroy said yesterday that for Indians to-day there was a choice. Indians are poor and weak; they have no choice. The choice lies with England, and I would say it is for England to make the choice, whether they are going to rule us by the iron sword or by friendship; and I pray that England may be guided wisely to rule us not by iron but by the hand of fellowship and friendship.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): If I rise to support the Resolution which has been moved by my Honourable friend Sir Phiroze Sethna, I do so because it embodies in substance the Resolution which the party to which I belong, the National Liberal Federation, has been stressing for years past. It will be a great mistake to suppose that this demand for Dominion Status or what in other words we might call India's fight for her proper place as an equal partner in the British Commonwealth is anything new. It is as old, if I may say so, as the date when Macaulay penned his famous despatch and Britain gave us a series of pledges and promises that their ultimate aim is to give India her proper place in the British Commonwealth. I would also point out for those whose memory is short that this demand for Swaraj or self-government or for obtaining Dominion Status was

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stressed in very emphatic and definite language, in very unequivocal terms, in the Congress of 1905, which was presided over by that veteran politician Dadabhai Naoroji. From the time of Dadabhai Naoroji, Sir Pherozshah Mehta and Mr. Gokhale, and I desire in this connection to mention the name of an honoured Englishman, whose name will long be remembered by Indians, Sir William Wedderburn, the people of India have been fighting for self-government. I quite admit it is because— and truth requires it to be told—for years past, there has been a tendency in the British Government and sometimes in the Government of India, not at present, because it is our privilege to have a Viceroy like Lord Irwin whose earnest, sincere devotion to India is undoubted, and it is also a satisfaction to us that we have also a Secretary of State for India actuated by great and honourable motives—and truth requires it to be told that there have been reactionaries in England and in India who have given this new movement which is now threatening the country a great deal of impetus, and the blame lies, allow me to tell you, on the shoulders of the authorities who should have long ago handled the situation better. I do not blame Lord Irwin because he has tried his best. As I said a minute ago, the loss of faith in the *bona fides* of Great Britain has been the root cause of the present trouble; and it was a good thing that Lord Irwin in addressing the Central Legislature the year before last said that it was not the intention of Great Britain to go back on her pledges, and I am glad, true to his promise, he has done his best to bring about an announcement regarding the Round Table Conference.

Sir, in asking for Dominion Status we ask for nothing new and we know exactly the difficulties under which the present Government of India is labouring; we know very well indeed that it is more or less a minority Government, which is in office but not in power. But there are occasions when it is necessary that the Government of India should identify itself with all that is best, highest and noblest in the aspirations of the people. I recollect—and I very proudly and gratefully recollect—the occasion when a former Viceroy of India, Lord Hardinge, identified himself at the risk of a lot of unpopularity and calumny at the hands of his own party on the occasion when the situation in South Africa was very serious and he declared that he sympathised with the splendid manner in which Indians were fighting their cause in South Africa. I know it is very difficult for His Excellency Lord Irwin and the Government of India as it is constituted at present to make a similar pronouncement. But in making this demand that the Government should identify themselves with the demands of the Indian people, their aspiration to be in their own country what other people are in theirs, we ask for nothing new, nothing unusual. I think it is but proper, whether this Resolution is pressed to a division or not, whether it is voted one way or the other, that the expression which has been given in this House of the demands of the Indian public may be noted carefully and conveyed to the proper authorities. Sir, it is absolutely necessary at this moment that this should be done. Whether the Resolution is supported by Government or not, at least the intense feeling of nationalism that is now convulsing the country and the feeling of disgust and disappointment with which we read constantly and almost, may I say, daily, the pronouncements of notorious die-hards in England like Lord Rothermere and Lord Birkenhead

should be communicated to the authorities. May I say that Lord Birkenhead, that evil genius of British politics, seems to have a genius for causing trouble just at the moment when peace and goodwill are required. I recollect that when negotiations were going on about some sort of co-operation with Sir John Simon's Commission, he made a most foolish speech in the House of Lords and gave endless trouble to the authorities at home and to the Government of India. I speak with some inside knowledge and I am sure that nobody will blame me for giving expression to this here loudly, because I feel that we should see that Lord Birkenhead does not pursue this campaign of vilification of which he is a past master. He uses expressions which, if I may say so, offend the soul and the honour of the Indian people. We belong to a race, Sir, which has noble traditions; we have a great history and a great past. It is because we believe that this great country is destined for something greater and nobler even than it is at present that we are agitating in this manner, and I think it is absolutely necessary that the Government of India through His Excellency Lord Irwin should communicate to the British Government at home the intensity of the demand which is now prevailing in this country for India getting her proper place in the British Commonwealth. It is all very well to say that we have this difficulty and that difficulty. And in this connection I am bound to state frankly belonging to the party to which I belong that I certainly do not like the civil disobedience movement and in my own humble sphere I have endeavoured to speak and write against it. But I may at the same time point out that it is very difficult for any Government for a long time to govern with Ordinances like those that have been promulgated. How long can you go on governing India by this method? It is high time therefore that something is done, that some way is found out to make peace, to satisfy all the legitimate aspirations of the people; and it is because I believe that my Honourable friend Sir Phiroze Sethna's Resolution leads to that, that I give it my support.

May I say one word more, Sir? "Too late" has been written across the history of the British Empire. You gave America her liberty after a very bitter fight. And the same was the case with Ireland. But could it not be otherwise with India so that some future historian might say that Great Britain, in its dealings with India, was able to achieve the unique and unprecedented distinction of giving India self-government without bloodshed? I ask that India, this great land of ours where some of you also have spent many years of your life, should not long be allowed to remain as she is. Something should be done now to promote peace and cordiality, and certainly every effort ought to be made to meet the legitimate Indian desire to become what Canada and Australia now are.

THE HONOURABLE SIR BROJENDRA MITTER (Law Member): Sir, we are obliged to the Honourable Sir Phiroze Sethna for initiating this debate, because this debate gives a chance to Honourable Members to express their informed opinions, and it may be, the collective opinion of the Parties to which they belong—opinion on the large constitutional questions which are taxing the brains of everybody interested in the welfare of India at the present moment. I congratulate him also for ventilating some of the grievances with which he is, I take it, personally familiar, although in my humble judgment some of those matters are not quite relevant to the issue which we have before us this morning.

[Sir Brojendra Mitter.]

Sir, the Honourable Sir Phiroze Sethna at the beginning of his speech said that the Government of India should now express their opinion and that is really the gist of his Resolution which runs in these terms :

"This Council recommends to the Governor General in Council that he be pleased to urge on His Majesty's Government the necessity and the desirability of meeting India's demand for the immediate establishment of full responsible Government,....."

and so on. Therefore, what the Resolution wants is this—that the Government of India should now and here make up their mind and express their opinion on the constitutional questions which they are examining. Sir, I appeal to Honourable Members whether it is fair to ask the Government, who are carefully and anxiously examining the problem in all its bearings, when they are engaged in that arduous task, to precipitate their opinion without full consideration of all the materials which are to be considered. Sir, I refer to one passage in His Excellency's speech of yesterday. His Excellency said :

"We have not hitherto been able to do more than give preliminary and tentative examination to the Report and before reaching conclusions I think it is right that I should have the opportunity of discussing the whole subject with some of those who can speak for non-official Indian opinion. I hope to have occasion to do this with some of the Ruling Princes and representatives of the States next week, and I should propose also to invite representatives of different views and interests from British India to meet me for this purpose as may be found convenient."

From this passage, Sir, it is clear at what stage the Government of India are at the present moment. They are at the stage of examining the various proposals which have been made. And the Viceroy proposes to consult and discuss these matters with Ruling Princes as well as the representatives of British India. Now, at this stage, I submit, it is not fair to the Government of India that they should be asked to express a definite opinion in the form embodied in the Resolution. By that I do not say or suggest for a single moment that the Government of India are not in sympathy with the aspirations of Indians for political advancement. But here is a ready-made panacea produced by the Honourable Sir Phiroze Sethna and does this House expect that the Government, when they are examining this matter anxiously, should accept this panacea without further scrutiny? That is my plea. I am not expressing any opinion one way or the other. The attitude of the Government of India was eloquently expressed by His Excellency yesterday in his speech. His Excellency in one passage said this :

"His Majesty's Government last year authorised me to declare that in their view the attainment of Dominion Status must be the natural completion of India's constitutional growth."

That is the point of view from which His Excellency and his Government are approaching this question. Then, His Excellency further said :

"I have never concealed my desire to see India in the enjoyment of as large a degree of management of her own affairs as could be shown to be compatible with the necessity of making provision for those matters in regard to which India was not even in a position to assume responsibility."

Sir, from these passages which I have quoted the House will have an idea of the standpoint of the Government of India. And no one will deny that they are approaching this question with sympathy. Further the scope of the constitutional advance has been to some extent formulated by His Excellency. Sir, beyond that, at this stage, without further examination, it is impossible to

go. The Honourable Sir Phiroze Sethna himself towards the close of his speech said this :

“Obstacles are not insuperable if all Parties approach them in the proper spirit. A satisfactory solution of these difficulties is essential.”

He went on to say :

“Where there is a will there is a way.”

Thus, the Honourable Member himself admits the existence of obstacles. They may be difficult, or they may be easy to get over, but whatever they be they are obstacles. Now, the Government of India are engaged in finding suitable means for conquering these obstacles. Sir Phiroze Sethna's suggestion is that they should be approached in the proper spirit. I can assure the Honourable Member that the Government of India are approaching these obstacles in the proper spirit—that is the spirit of sympathy and a determination to overcome them. These obstacles do not deter the Government of India. Sir, difficulties are triumphs, because difficulties do not thwart. They exist to be surmounted. And how they are to be overcome is the problem before the Government of India now. I am sure Honourable Members are satisfied from the character of the great statesman who is presiding over the Government of India and the Secretary of State, that all these problems will be approached and tackled with sympathy and with due appreciation of the Indians' aspirations and their wishes.

Sir, Sir Phiroze Sethna—he will pardon me—we are old friends and I am sure he will not take anything I say amiss—in his enthusiasm strayed away to some extent from the strict constitutional question which he has raised here into the administration of some of the Ordinances and some of the laws which have been put in force for fighting the civil disobedience movement.

Sir, I am a lawyer and I am used to confine myself to the issue before the Court. My humble submission is—and here I again appeal to the Honourable Sir Phiroze Sethna not to misunderstand me—that the allegations he made are more or less irrelevant to the issue which we have before us this morning. If it were necessary for me, on a proper occasion I could have dealt with those charges. But I submit that this is not that occasion. What we are concerned with now is this. A particular solution has been suggested by the Honourable Sir Phiroze Sethna and he wants the Government of India to accept that solution of the constitutional problem and to urge on His Majesty's Government that that is the only remedy. Sir, my short answer is this, that Sir Phiroze Sethna's remedy is not absent from the mind of the Government of India. From his exalted position as President of the National Liberal Federation he urged the same thing. Various Associations in the country have urged the same thing. Various other remedies have been urged by various other bodies. All these remedies are present in the mind of the Government of India, and when they are examining the problem, they are not unmindful of the authority and weight of the suggestions which have emanated from a body like the National Liberal Federation or any other Association in the country. They are all present in the mind of the Government of India. They will all be considered, and they are being considered. I am disclosing no secret when I say that the Government of India are not only considering the broad outlines of the new constitution but they are engaged in the difficult task of considering the details,—how the details will fit into the general frame work. That is not an easy task. Obstacles to

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which my Honourable friend Sir Phiroze Sethna referred have got to be solved satisfactorily. He himself said that their solution was essential. At the present moment, my submission is this, that the House will not force the hands of the Government to accept the solution which the Honourable Mover of the Resolution has suggested. Give the Government of India a chance. That is all I plead for. I would earnestly appeal to my Honourable friend to let this debate go on, but at the end, after Honourable Members have had their say, and after they have made their suggestions, which will all be taken due note of and considered with sympathy by the Government of India,—after that is done, I trust the Honourable Member may feel inclined not to try to force the hands of the Government but to withdraw the Resolution and leave it at that, which will be not only noted here, but will be made known to the Secretary of State and His Majesty's Government.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, before I support the Resolution of my Honourable friend Sir Phiroze Sethna, I should like to deal with the remarks which have fallen from the lips of the Honourable the Law Member. As far as I have been able to understand him, he does not want the recommendation or the opinion of this House expressed. The object of the Resolution is that Government might note what the opinion of this Honourable House as a body is. I was present when His Excellency delivered his speech yesterday and I felt that His Excellency really felt well for India in his heart and wanted India to be developed constitutionally as far as possible. I understood his difficulties, whether rightly or wrongly, to be that being subordinate to the British Government, all his utterances were limited and perhaps controlled. My object in supporting the Resolution is to strengthen the hands of His Excellency the Viceroy and his Government and to let the people in authority in England know what we think about this matter. So the Honourable the Law Member ought to welcome the remarks which the various Honourable Members of various shades of thought may have to express.

Now, Sir, I come to the Resolution. The recommendations of the Simon Commission are extremely disappointing and hope-killing and are retrograde. Those who co-operated with this Commission feel disgusted at the results which could not have been worse even if there had been a universal boycott of the Commission. The exclusively British composition of the Commission, I am sorry to say, has led to this result and the condemnation which this result has received is fully justified. If there had been any Indians of note on this Commission, they would never have agreed with these recommendations. The condemnation has come from all quarters and the demand of India has been focussed on Dominion Status. I strongly condemn the civil disobedience movement and the defiance of law and order. But at this critical juncture I want the Government to create an atmosphere in which a dispassionate consideration of this great problem might be undertaken with proper attention and care. The Commissioners, I am sorry to find, have ignored the interests of landlords and industrialists and commercial people, whose interests are immense. I am not going to deal here with the details of the recommendations. As I have already said, they are utterly disappointing. But now, as the Viceroy has been kind enough to say whatever more he could possibly say on the matter under the circumstances, it will be proper for leading Indians to go

and join the Conference which have been declared now to have unfettered and free scope and make the last effort to win what they consider is the birth-right of India.

THE HONOURABLE DEWAN BAHADUR A. RAMASWAMI MUDALIAR (Madras : Non-Muhammadan) : Mr. President, it is with very great hesitation that I intervene in this debate, not because I have no ideas to present on the subject of this Resolution, but because I feel that extraneous issues have been invoked into this debate and it is really difficult to escape some of those issues. I shall however try my best to concentrate my attention on the direct issue that has been raised by this Resolution, and may I say, Sir, as a preliminary remark, that I very humbly congratulate the Honourable the Law Member on the conciliatory reply that he has given this morning. It will enable us to realise that the declaration which His Excellency the Viceroy made yesterday in another place—the faith behind that declaration is shared by many of his colleagues, may I say by all his colleagues in the Cabinet. I do not know why the Honourable Sir Phiroze Sethna opened his speech with an apology for moving this Resolution ; much less do I understand my friend the Honourable Mr. Khaparde, whose allusion to the five husbands I at any rate am unable to appreciate, without experience. (Laughter.) Sir, if the Honourable Mr. Khaparde and the Honourable Sir Phiroze Sethna had listened to the speech of His Excellency the Viceroy carefully last evening—and I am glad that the Honourable the Law Member has quoted that extract which is most relevant to the discussion to-day—they would have noticed that His Excellency was anxious to have the views of individuals regarding what his Government has to recommend as a result of their examination of the Report of the Indian Statutory Commission. It seems to me that this Resolution is most opportune and is a means by which the views of Honourable Members of this House could be placed before the Members of the Government and His Excellency the Viceroy before they come to a decision as to their recommendations on the Simon Commission's Report. I am glad to see that my Honourable friend Mr. Khaparde now realises that this Resolution is an opportune Resolution and that it ought to be discussed and the views of each one of us expressed in that discussion.

Sir, there are some who think that the Report of the Indian Statutory Commission should be scrapped. There are some who reiterate, and I believe Sir Phiroze Sethna and some of the leading members of his Party are among them, that that Report should not be considered at all at that Round Table Conference which is going to meet in London in October. I am not one of those who feel or who desire that that Report should be absolutely kept out of the discussion. I know that, whether you like it or not, the English section of the deputation in any case will take out points from that Report, will ask the Indian delegation to meet those points, will confront them with arguments that have been found in that Report and will ask them to justify any advance that they want to make on those recommendations. It is not possible therefore to indulge in the talk of scrapping the Report, putting it aside and trying to say, "No, the Round Table Conference is going to discuss these questions without any reference to the Simon Commission's Report at all". I therefore do not understand all this heated talk that has been raised, either in this country or in England where there are presumably more experienced people than myself, over the question whether the Simon Commission Report will be considered at

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the discussion at the Round Table Conference or not. But, Sir, from my point of view, there is another report far more important than the Report of the Simon Commission, another document equally valuable or rather much more vital from every point of view, much more detailed and constructive, to use the exquisite language of Sir John Simon, which will hold the field at that Conference. I will direct my attention to that report or document. That document is the memorandum which the Government of India is preparing to send to the Right Honourable the Secretary of State for India, the document which I understand the members of the Government of His Excellency the Viceroy are spending their thought upon—a constructive criticism of the Simon Commission Report incorporating what they feel are the legitimate demands and legitimate aspirations of the people of India, together with a statement as to how far these demands can be met and in what direction. I was glad to hear from the Honourable the Law Member that not only are they examining the whole question from a very general point of view, but that a detailed and critical analysis is going to be made and that a constructive scheme is going to be put forward by the Government of India. I expected, Sir, nothing less from the Government of India. It is that document that we want to influence at this stage by our discussion on this Resolution; it is that document which is going to be vital to us. Sir John Simon and his colleagues—I have nothing to say against them; I have met them at social gatherings; I have exchanged courtesies with them and I have given evidence before them. I have not been one of those who have boycotted the Simon Commission; but I know that there are limitations to the value which some people in England want to be attached to the Report of the Simon Commission. The report of the Government of India, the report of members who have had 30 and 35 years of administrative experience in this country, the report of men on the spot, if that theory about the man on the spot holds good to-day, the report which will emerge from the deliberations of Indian and European members of the Cabinet—that, Sir, in spite of the Simon Commission Report, that is the report which is going to be of the greatest importance at the Round Table Conference. I want my countrymen to concentrate therefore on that report. I want every one of them to respond to the invitation so nobly extended by His Excellency the Viceroy to meet His Excellency and the members of his Government, to tell them explicitly what they wish to be done with reference to the constitution of this country and to do everything in their power before it is too late to see that the views of the Government of India are so shaped that ultimately they will satisfy our legitimate aspirations.

Sir, it is a truism to say to-day that the Report of the Indian Statutory Commission has not satisfied any section of the people, neither those who have co-operated with the Commission, nor those who held aloof, nor those who are in the happy position of Sir Phiroze Sethna and his colleagues who say, “We foretold it all and you were fools to have co-operated; this is all the result we always expected.” None of us are satisfied with the recommendations of the Simon Commission. The Party to which I have the honour to belong in Madras has stated quite courteously that the Report and its recommendations are disappointing. The Muslim Party has stated that the recommendations are retrograde, disappointing, and has used some other very courageous adjectives which

I do not recollect at the moment. Therefore it seems to me that we should examine it a little and tell the Government why we feel that this report is disappointing. Sir, take the provincial sphere, with which I am more intimately concerned and of which I claim to have some detailed knowledge. If this House should learn that the recommendations of the Simon Commission Report with reference to provincial autonomy fall far short of what the Madras Government recommended and placed before that body, they will then realize why we are repeating what has become a slogan, to use again the vivid language of Sir John Simon,—the Report is disappointing. The Madras Government through Sir Norman Marjoribanks, their senior Member who acted as Governor of that Province for some time, put forward a constructive and detailed scheme for the administration of the province. It was brushed aside. Provincial autonomy is given with one hand and taken away with another. The curtailments that are imposed, the limitations, the restrictions, the various powers given to Governors are such and so many that the system which has eventually emerged from the Report is one to which we cannot give assent. I shall in very brief terms refer to only two or three points. An official Minister, responsible to none, going out of office on a vote of no-confidence, coming back with another Ministry like a perpetual Punch and Judy show, is a thing which I cannot understand. The Madras Government suggested that responsible government is incompatible with a service recruited by another body and that the provincialisation of the services is an automatic necessity once responsible government is conceded to provinces. Sir John Simon says that the “security services”—a new and charming phrase which he has coined for the Indian Civil Service and the Indian Police Service, a phrase which is at any rate more aesthetic than the “Steel Frame” of Mr. Lloyd George—those security services will continue to be all-India Services. Point No. 2 gone from the Madras Memorandum. Imposed on our head by Sir John Simon and his colleagues is a Cabinet Secretary having direct access to the Governor, reporting discussions of the Cabinet to the Governor and the Governor relying for an accurate report—mark my words—not on the Prime Minister of the Provincial Government, but on an Indian Civil Service Cabinet Secretary who has direct access, a thing which now under the Reforms no Secretary to Government has without telling the Minister that he is going to do so. My Honourable friend Sir Fazl-i-Husain, who has been a Minister in a Provincial Government, will tell you that under the rules of business prescribed by the Governor—a confidential circular perhaps but I had an opportunity of knowing it as I was for some time connected in a humble capacity with the Government of Madras—under those rules no Secretary could approach the Governor direct over the head of the Minister or behind his back, whichever phrase you prefer. Even heads of Departments have a certain limitation imposed on their capacity to approach the head of the province direct.

THE HONOURABLE SIR PHIROZE SETHNA : It is not so in all provinces.

THE HONOURABLE MR. A. RAMASWAMI MUDALIAR : It is so in Madras and that is what I am concerned with. If it is not so in all provinces, I can only say, Heaven help those which have not got this provision.

THE HONOURABLE SIR PHIROZE SETHNA : It is their misfortune.

THE HONOURABLE MR. A. RAMASWAMI MUDALIAR : I am intimately acquainted with Madras and I say in Madras it is so. Here is a Cabinet

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Secretary, a European Indian Civil Service official obviously, who is looked upon by the Cabinet as its Secretary and its servant, who has got virtually, in effect, in working, over-riding powers over all the Ministers. Sir Fazl-i-Husain again knows better than anyone else—I appeal to his knowledge of rules—that there is one rule, Devolution Rule No. 12, which has been a matter of anxiety to all Ministers who have had anything to do with the Medical Department. I know how my leader, the late Raja of Panagal, fought heroic and Homeric fights for the way in which the rule ought to be interpreted, how he disputed that the Secretary of State has power not merely to fix the number of I. M. S. officers who ought to be in any province, but also to allocate to them the exact places where they ought to be; and we know how in the recent recommendations, I. M. S. officers have been divided into European and Indian and how particular districts, particular appointments and particular posts have been fixed by the Secretary of State for them, all the time when a Minister for Medicine is in charge and responsible charge of his office. Would you believe it, Sir, that Sir John Simon suggests that Devolution Rule No. 12 should be applied to the Indian Civil Service and the Indian Police Service. Sir, I do not want to go into details. But if there is one scheme more than another which could be riddled with criticism from beginning to end, it is—and I am prepared to accept the challenge that Sir John Simon has thrown out elaborately in his broadcast speech—the scheme which has been produced by the Simon Commission. I am perfectly certain that when the Government of India comes to do its task, to examine the report, very much more elaborate and detailed criticism will be directed to that scheme than I have been able to do.

Now, Sir, I leave the provinces alone and come to the Central Government. Years ago when I was at school I read a delightful book by Lewis Carroll, called “Alice in Wonderland”. I sometimes wish I could look behind the glass myself. In the course of that book it is described how the Mad Hatter’s Party sit at tea and evolve some very funny and, if I may say so, sound maxims. “Take care of the sense and the sound will take care of itself.” “Take care of the centre and the circumference will take care of itself.” I do not know whether inspiration came to the Simon Commission from “Alice in Wonderland”, but they have gone on the principle “Take care of the centre and the circumference will take care of itself.” We get absolutely no advance in the Central Government. Sir John Simon saw the necessity of proving that there has been no “retrogression in the Centre” and has dealt with it in a paragraph. The following paragraphs prove how effectively he has established the position that there has been no retrogression in the centre.

Now, Sir, I do not want to confine myself to the terms of this Resolution. Sir John Simon says that he does not believe in slogans; neither do I. But I have referred to constitution after constitution, and I find that most preambles contain a slogan. Take the constitution of the Irish Free State. What is it that the preamble states? “The Irish Free State or Saorstát Éireann is co-equal member of the community of nations forming the British Commonwealth of Nations.” You have here a number of slogans put together. Take the constitution of South Africa, of Canada.

Sir, Parliamentary history has been made on the basis of slogans, but I leave it aside for the time being and I resume examination of the constitution of the Central Government. Now, Sir, whether it is Dominion Status, whether it is with safeguards, whether it is a transitory provision, every Indian desires that there ought to be some potent voice for Indians in the management of the Government of India, not the present potent influence of the Assembly which Sir John refers to, but some effective voice in the Central Government. And why? The reason is very simple. Your Provincial Governments do not stand for the dignity of the nation abroad; your Provincial Governments do not count for the respect which India can maintain and demand from other nations, from other countries, from alien powers. Whoever thinks of how Massachusettes or Ohio or St. Louis or even Texas is governed? All eyes are concentrated on the Federal Government of the United States of America. So it is with India. Whatever you may give in the Provincial sphere, the honour, the dignity, the prestige of the Indian nation depends upon whether to any extent, however slight or however large, the Central Government is managed by Indians themselves; and by Indians I mean Indians responsible to the Legislature. Our position at Geneva, at Imperial Conferences—I do not at all envy the gentleman who represents India, Indian though he may be, at either of these places—depends on the way in which the Central Government is, to any extent, I urge again, under the control of elected Members of the Legislature. I do not want to know whether Sir John Simon has or has not understood this essential fact. But I appeal to the Treasury Bench, I appeal to my Indian colleagues in the Cabinet of His Excellency's Government who have got a very potent influence and who have got a very helpful Viceroy at the head, to realise by their own feelings, by their own experience, by the contact that they have with other Indian publicists and politicians that it is one of the vital things with reference to the next constitution of the country that we should so make the Central Government that our honour and dignity will be preserved.

Sir, I do not want to go into the question of the Army which Sir John Simon has referred to in his Report. One of the Prime Ministers of your country, Sir, the Marquis of Salisbury, once said:

“If we believe the doctor, there is nothing wholesome; if we believe the theologian, there is nothing innocent. If we believe the soldier, there is nothing safe.”

In fact the more brilliant the soldier, the more insecure is the world in which he dwells. To the soldier, the past and future take shape as a procession of wars. It is not the soldier's business to take into account diplomatic alliances; he must advise for every contingency. The soldier looks at the world as an endless series of wars. Frontier troubles, tribal attacks and raids, they are his picture by day and by night. It is natural. But it is the province of the politician to discount his dangers, to pare down his plans and to correct his perspective. Sir John Simon in that Chapter dealing with the Army has merely given the soldier's point of view. I do not want to elaborate it further, because of limitations of time.

Sir, in His Excellency the Viceroy's speech yesterday, there is a touching reference. He said that it was not the intention either of His Excellency or of his Government to gain a victory over the Congress. Quite true. But I want His Excellency the Viceroy to gain a victory, I want the Government of India

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to gain a victory and a victory in a different manner and by a different method than by merely putting down the civil disobedience movement. I do not visualise the situation to-day as a fight between the Congress and the Government, the civil disobedience movement on the one hand and the forces of law and order on the other. That is not the fight. The fight is between the Congress on the one side and the Government on the other to secure from the masses their allegiance each to itself.

1 P.M.

The Congress is trying to secure the allegiance of the masses to itself: Government is trying to secure their allegiance to itself. They are both rivals in this race, and I want the Viceroy and the Government of India to secure the victory in that race. I want the Government of India, by its attitude, not by putting down the civil disobedience movement, but apart from that, by its constructive effort in promoting the constitutional position, I want the Government of India to secure that victory.

Sir, as I was listening to the speeches of some of my friends, I felt that it would be a legitimate criticism from the Government Benches to state that one portion of the speech destroyed the other. I am reluctant to think that this criticism, if the Government Benches had chosen to make it, was not fair. You condemn the civil disobedience movement on the one hand, and you condemn the repressive laws on the other. The swaying of the balance on either side does not take us very much further. But I venture to suggest that the Government might ask themselves, why there is this inconsistency. Is it not because we have no responsibility in the matter? Is it not because our Ministers are not sitting there, trying to administer the law, trying to preserve peace, trying to see that the country is safe and moving in harmonious ways? What you do is all in the shadow and not given out to the world. We feel that we have no part in shaping your policy, that we have no voice in trying to make you come to right conclusions and opinions. And therefore we do not see the necessity of saying that your acts are justified. If there was a responsible Minister in the centre you would have a Party here on this side of the House supporting the Ministry, even in these repressive measures, speaking up for their beneficial effects and saying: "This is necessary and the other is right: it is only by these Ordinances that you can rule the country in the face of an unexampled position". Will not the Government of India realise this? Will not the British Parliament realise that it is impossible to govern without conceding responsibility?

Sir, one word more and I have done.

THE HONOURABLE THE PRESIDENT: The Honourable Member must make it one word or very little more.

THE HONOURABLE DEWAN BAHADUR A. RAMASWAMI MUDALIAR: I am prepared to make it one sentence. I should only like to address one final appeal. To him who believes that progress can be secured to his country by promoting disorder, to him who thinks that the most beautiful cities in India can be razed to the ground, who calmly suggests that Bombay can be wrapped in a sheet of flames so that Indians may thereafter secure Swaraj, and to him also, if there be any in this cool sequestered vale of life, who desires to have a policy of martial law and no nonsense, who believes that the *lathi* and bayonet can be the normal methods of maintaining peace, who feels confident that

“strong” Government can continue for any length of time, I should like only to repeat the eloquent words of the poet :

“ Though the mills of God grind slowly, yet they grind exceeding small ;
Though with patience He stands waiting, with exactness grinds He all,”

THE HONOURABLE KHAN BAHADUR SHAH MUHAMMAD YAHYA (Bihar and Orissa : Muhammadan): Sir, after hearing the views of the different Members of different Parties, I thought that I should also get up and tell the House the Muhammadan point of view as far as this Resolution is concerned. Muhammadans are also for Dominion Status. What they want is this, that there ought to be sufficient safeguards for their interests ; and a provision, I find, has also been made in this Resolution by the Honourable Sir Phiroze Sethna. It says “ and to such provision as may be required to safeguard the legitimate interests of the minorities.” But in his speech he has not said anything as to what these safeguards will be. I would like to hear in his reply what safeguards he is going to suggest. What he said was only this much, that those are to be seen hereafter after we have gained Dominion Status. I am sorry I do not agree with him there. I think before we get it we ought to have these safeguards—they have to be settled between the communities themselves before Dominion Status comes. Our position also is clear and we have defined what safeguards we want to have. A Resolution like this was moved by the Honourable Sir Sankaran Nair on the 19th February 1930 ; an amendment was moved to it by my friend, Mr. Mahmood Suhrawardy, in which he stated what safeguards we want. He said :

“ The Moslem public opinion will only be satisfied if proper and adequate statutory safeguards for Moslem rights, interests and religion are provided in the future constitution of India.”

And what those safeguards will be was stated at that time by my friend the Honourable Mr. Mahmood Suhrawardy, that we want those safeguards as expressed by the All-India Muslim Conference held in Delhi in January 1929 under the presidency of His Highness the Agha Khan.

Now, Sir, in this connection much has been said about the Simon Commission's Report, in which the Muhammadans have in their meetings approved of two things, namely, what is called the federal system, and the separate representation of Muhammadans. These are the only two things which have been approved by my community. But at the same time, they have not approved, rather they have condemned in very strong terms, the other recommendations of the Commission, such as not granting the same privileges to the North-West Frontier Province as to the other provinces and not having said anything about Sind which the Muhammadans want to be constituted into a separate province. They have left the two provinces, that is, the Punjab and Bengal, which have got a majority of Muhammadan population, not to enjoy the fruit of their majority. They have said only this much, that the Muhammadan separate representation will depend on what has been decided at the Lucknow Pact, without knowing that the Lucknow Pact has absolutely been disregarded by the other communities. Now, there ought to have been something definitely said about the Muhammadan representation in the light of the evidence before them. I had the honour of also appearing as witness before the Commission at Patna and we made it clear there and also in the other provinces of India they had made it clear what proportion they wanted and their only demand was that it ought to be adequate so that they may be able to keep up the balance either between the Parties or between the communities. So much, Sir, about the Simon Commission's Report, as far as the Muhammadans are concerned.

[Khan Bahadur Shah Muhammad Yahya.]

Now, Sir, there have been certain things said about the civil disobedience movement, which is now going on. Well, I do not know what has been happening in Bombay, but, as far as I am aware, in my own province, which is Bihar and Orissa, there have been no such complaints as have been alleged about Bombay.

Now, what is civil disobedience ? Civil disobedience is nothing but a perverted show of feeling towards the Government for not satisfying either the legitimate or imaginary demands of the people, while the Liberal Federation wants to fight by constitutional means. I quite agree with the Honourable Sir Phiroze Sethna in his method of fighting the battle of Indian freedom, and that is the only means by which we are sure to get to the goal that we all aspire to.

As regards the question whether this is an opportune moment to bring forward this Resolution, I think it is a very opportune moment, because the flow of sympathy and the feeling with which His Excellency the Viceroy delivered his speech yesterday require that we, the Members of this Council, should show to the English public that we are at one with the Viceroy in his desire that we should have Dominion Status. It is the right thing we are doing when we are expressing our views in the manner that we are all doing here.

Sir, with these words, I support the Resolution which has been moved by my Honourable friend Sir Phiroze Sethna.

THE HONOURABLE SARDAR SHAHDEV SINGH UBEROI (Punjab : Sikh) : Sir, at this late hour, I do not like to detain Honourable Members very long. What I feel is this, that the Honourable the Mover of the Resolution should not only be congratulated on bringing forward this Resolution and having a debate on it, but we owe a debt of gratitude to him for moving this at such a critical and most opportune moment. I feel that the Government Members should receive this sound warning and advice with open ears and open heart. I have heard with great attention what has been said by the Honourable the Leader of the House on behalf of the Government. I fully realise that the Government of India is considering the matter to the best of its ability and in the light of the best Indian opinion. But at the same time I do not feel that this Resolution, if passed by this Council, would interfere in any way with the judgment of the Government of India. What I feel is that this Resolution would add strength to the Government of India in coming to a conclusion which would be conducive to the best interests of the country and which would reproduce the voice of the whole of a united India. I do not think I can add much force to the arguments which have been advanced by the Mover of this Resolution except to say that every political body in India, of all communities and all interests, are for getting Dominion Status as the future constitution of this country, and by bringing this Resolution to the notice of the Government, if the Government accept it, I think they would play the rôle of bringing peace and prosperity to the country which is in a very disturbed condition nowadays. Let me remind the Honourable Members on the Government Benches that it is felt that there is a danger of times becoming worse than they are at present if timely help is not given to improve the situation. I do not find any other solution than that at the Round Table Conference the details of Dominion Status should be considered. We had great hopes in the Simon Commission. I do not wish to go into details because they have all been dealt with by the Honourable Members on the other side. But those hopes have all been shattered. Unless the Government of India

comes to the rescue of Indian ambition, there is no other hope of promoting better relations between Indians and the British people. I for one do not at all endorse the view of civil disobedience. I realise that it is fraught with many dangers as have been exhibited during the last two or three months, and they will become much worse if the policy of both the parties is continued any longer in this way. But at the same time I do not find any other solution of this deadlock which has been created by the civil disobedience movement on the one side and the forces of law and order to keep law and order in the country on the other side, except that the Government of India should come to this conclusion that from every quarter of India, from every society, from Muhammadans, Christians, Hindus and Sikhs, and other parties and interests, there is a unanimous demand for Dominion Status for India. If in spite of this unanimous demand the eyes are shut and the heart is not opened, I do not see a bright future for the country. Let me remind you, Sir, of the words of Lord Rothermere. He has said that the loss of India is the loss of the British Empire. He has advocated a policy of firm administration in India and those who stand for law and order are of the opinion that the disorders in the country should be quelled with a firm hand. But at the same time the real diagnosis of the disease must be found out. The real diagnosis of the disease is that there is no wish to break the law, but it is done for getting Dominion Status or full representative government for the Indians. According to the opinion of those who have launched this movement, they have failed to bring about the desired result when constitutionally raised, they have become rather impatient, and have started this movement. But one should not close one's eyes to the real issue that their object is to get full representative government for India. This Resolution merely means that the wish of this House should be expressed to the Government of India, that the Members of this House wish that full Dominion Status should be the subject of consideration at the Round Table Conference and should be urged on the British Government. If the Government Members feel that the Government of India is conscious of this and is considering this, there would be absolutely no harm if a Resolution passed by this Council is submitted to the Government of India for their consideration and acceptance. This Resolution would merely add to the united voice of the country that Dominion Status is the proper goal for India in future.

With these words, Sir, I wholeheartedly support this Resolution.

* THE HONOURABLE MR. SATYENDRA CHANDRA GHOSE MOULIK (West Bengal : Non-Muhammadan) : Sir, the demand that this Resolution embodies, namely, the immediate establishment of full responsible government in India, both in the centre as well as in the provinces, is one that the whole of political India voices forth with a united voice. Even the most level headed of our leaders, even the most sober of our Liberal politicians, have declared in no uncertain terms that nothing short of full Dominion Status, and that immediately, will satisfy legitimate Indian aspirations.

And the reason is obvious. The last ten years of working under the Montford constitution have convinced everybody that, if responsible institutions are at all to be adopted, they must be adopted to the fullest extent. Partially giving responsibility and partially withholding it has simply had the effect of inducing a spirit of irresponsible criticism and of hostility towards

[Mr. Satyendra Chandra Ghose Moulik.]

the departments not transferred to popular control. Even the Simon Commission has had to admit the truth of this obvious fact of political experience. If that be so, then since there can be no going back on representative institutions at this time of the day, the true path of statesmanship obviously lies in granting full popular control over the entire field of administration, both central and provincial.

Such a sweeping change might seem too risky to our reactionary bureaucrats and other vested interests. They would be harping *ad nauseum* on safeguards and checks, which alone could keep the British connection intact. But these reactionaries and timid men forget that there are occasions in the history of nations when a great gesture, a magnanimous gesture, you may call it a magnificent gesture, can alone really and truly save the situation. Such greatness alone can radically alter the aspect of affairs, can usher in confidence and faith in an atmosphere surcharged with distrust and suspicion, can instil a passion of love and gratitude in a nation hitherto burning with the passion of hate and hostility. Timidity, distrust, tinkering and the like are absolutely out of place in such a situation. And it is in such a position that India stands to-day in her relations with England.

I, therefore, associate myself wholeheartedly with the Resolution. The Round Table Conference that is to meet should meet professedly to give effect to this spirit of magnanimous statesmanship, and should result in the creation of an Indian Dominion on the same footing as the other Dominions of the British Commonwealth of Nations. And it goes without saying that if the Conference is to meet in this spirit and with this programme, it must automatically be preceded by a general amnesty of all political prisoners, from Mahatma Gandhi downwards, for, such an amnesty alone can bring about the atmosphere necessary for the success of the deliberations of the Round Table Conference.

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

The Council re-assembled after Lunch at Twenty Minutes to Three of the Clock, the Honourable the President in the Chair.

THE HONOURABLE SIR SANKARAN NAIR (Madras: Non-Muhammadan): Sir, I rise to support this Resolution. I shall say only a very few words at this stage. After what has been said by His Excellency yesterday and after the speech made by the Government spokesman to-day, it might be deemed ungracious on my part to make any remarks on those speeches. But I cannot help thinking that the position would have been improved very much if His Excellency had spoken out what I cannot help thinking was in his mind; if he had said, for instance, "You complain of the Ordinances that I have issued. I have been here now more than four years; I believe what you have been saying of me that you had a good opinion of me. Do you think in the closing months of my career in India I would have resorted to such a step with a light heart? I issued those Ordinances because I felt they were absolutely necessary in the public interests; that in the interests of the future India I should issue those Ordinances. You say that the police in the provinces have been very

harsh, that your women have been subjected to unmentionable indignities, that there has been a good deal of police terror and of pressure. Well, I can only say that my heart bleeds when I hear these things. If true, do you think I would have allowed these things to go on if I could see my way to stop them? Let me ask you a question. You want the Ordinances withdrawn and a political amnesty to all prisoners. What is all this due to? It is due to the civil disobedience campaign. Have you not been condemning that? If that is so, why do not you advise the Congress Party to call off the civil disobedience movement, and go to the London Conference with you and assure them that though you cannot promise a political amnesty they will in all probability get it and the Ordinances will be withdrawn. You ask for Dominion Status. I realise the strength of your demand. I realise the national feeling. You do not want any further evidence of it than Sir John Simon's Report. But you also understand that there are men even in India who raise objections to the grant of Dominion Status immediately. You yourself have been saying that there are powerful men in England, men who can put a lot of difficulties in your way, to say that Dominion Status cannot be granted. When that is the case how can you ask me to say now without discussing these questions that my Government should promise you Dominion Status? I can consult with you, men out here. You can come to me. I can discuss these questions with you. But what about these men in England? Have they not to be convinced? Why do not you ask the Congress, why do not you urge the country to call off the civil disobedience movement and come to the joint Conference and let us talk about it all together. Do you want any better place than that? It is the metropolis of the Empire. We will be heard by all the world, by the English world certainly. So call off the civil disobedience movement, then we shall grant an amnesty to you. We shall get rid of the Ordinances; there will be no necessity for them; and come to the London Conference". There would be no further trouble after that. If His Excellency had seen his way to speak some words of that kind, I cannot help thinking that, his speech would have immensely improved the situation. At any rate, he would have placed the Congress Party, I cannot help thinking, in the wrong. If the Government spokesman to-day had said practically the same thing and told my friend Sir Phiroze Sethna, "You have been condemning, no doubt on behalf of your Party, the civil disobedience movement. You have been condemning in words that only men sitting round you could hear and I scarcely heard. Contrast it with the way in which you attacked the Government. You were heard not only in this Council but also outside. Now, why don't you tell the Congress Party to call off the civil disobedience movement with the emphasis and the strength with which you have been attacking us? But you are timid; you fear to come to the support of the Government. What a grand thing you would have done if you had faced the Congress openly, if you had brought about meetings and told those Congress men: 'Call off the civil disobedience campaign. We are going to London; we have resolved to go to London; why do not you promise to come with us? The Ordinances then will go. The prisoners will be released. Go to London, join the Conference and let us knock the nonsense out of the heads of Lord Birkenhead and others. Let us tell them what the situation of things in India is'. But instead of that, you remained inactive, as your Liberal Party has

[Sir Sankaran Nair.]

always been doing. But you do not speak to your Congress men, you dared not fight them, but when you attack the Government, you are very brave". Such words would not have converted the Liberal Party, but they would have improved the situation.

Then, there is only one other matter. A challenge was thrown out to me by Sir Phiroze Sethna. He said, " Now, look at the attitude of us who boycotted the Simon Commission and look at the Members in this Council who supported them—four of them. Two of them are here to-day ; two of them have not even had the courage to come here to-day. And are they not ashamed ? Our position has been fully justified. Do they now venture to support the Simon Commission ? Do not they now feel that they have made fools of themselves in going there ? Everybody in India has given out his opinion except their Chairman ". Well, the fact is that, in spite of these people, I am not disappointed at the Simon Commission Report, because we never expected anything from the Simon Commission. When India heard of the appointment of the Simon Commission, it is well-known that our political leaders never expected any good to come out of that Commission, because when we heard at that time the names of those who had been appointed to the Commission and who were responsible for the selection of the majority our impression was and has always been that they are trying to get rid of the Montagu-Chelmsford Reforms. Really, therefore, we never expected anything from them, and therefore they were boycotted by the country.

THE HONOURABLE MR. G. A. NATESAN : But you did not say all this before.

THE HONOURABLE SIR SANKARAN NAIR : Did you ask me ?

THE HONOURABLE MR. G. A. NATESAN : But you were so silent.

THE HONOURABLE SIR SANKARAN NAIR : Be quiet then. Well, that was our attitude. Now, I find that there are some good things in the Report. They may not be effective, as my friend here says. To a man like me who never expected anything from them, I cannot say that the Report is altogether disappointing. And the reason why I went there as Chairman of the Central Committee was to act as a brake, and I believe the Committee succeeded beyond my expectations. I thought that the Simon Commission would be in a better position to write their Report if we, the Members of the Central Committee, followed them, discussed with them, saw them every day, and told them our estimate of the position. It was no doubt partly the pressure of Indian opinion, the consciousness that national feelings have been roused, that swayed them. But I venture to think and I am confident that our efforts—the efforts of the Central Committee—and our Report has not been without its effect. I believe it has had its effect. It would have been far more effective than it has proved to be if after the publication of our Report the India Government or the Home Government had taken the same steps to popularise it as they have done with the Simon Commission Report. If they had done that, it would have been far more effective. I am not therefore sorry that the Central Committee was formed and that I went there and that I acted as the Chairman of the Central Committee.

I fully support the Resolution.

THE HONOURABLE SIR JAHANGIR COOVERJEE COYAJEE (Bengal: Nominated Official): Sir, I am in the happy position of speaking not only by your kind permission but on the express invitation of my Honourable friend, the Mover. He has encouraged me to put forward the doubts and difficulties which I had been keeping to myself this morning for fear of breaking upon the felicitous unanimity which had prevailed. With his permission, then, I am going to put to him some of my difficulties. In the first place, I recognise that the Resolution is a well-meant and well-intentioned one. In effect it is the expansion of a well-known formula which has been put forward very recently with the praiseworthy object of securing unanimity of opinion and of uniting suffrages. Whether, however, either the Resolution or the formula is logically consistent or fully adequate for the purpose of achieving real unanimity, is another matter. For unanimity of opinion of a desirable and lasting character must be based on clear-cut principles and on their unambiguous presentation. Applying this rule to the case of the Resolution now before us, we feel that any unanimity of opinion brought about by us can only be of a transient and unreal character, nor can the Resolution prove a safe guide to political action. Of the two schools of political thought which at present divide India, one will certainly emphasise and underline only one part of the Resolution, namely, the words "immediate Dominion Status"; while the other section, and in particular the minorities, will pin their faith to the provision and safeguards referred to. As soon, however, as any serious attempt is made to translate the Resolution into a practical policy, those inconsistencies which are inherent between "immediate and full Dominion Status" on the one hand and the provision of a number of reservations and safeguards on the other, will become obvious. A reference to such authoritative works as Professor Keith's "Sovereignty of the Dominions" or to the Report of the Imperial Conference of 1926 will show that what appears to be a well-balanced Resolution might really be only a self-contradictory one.

My second difficulty, which I present to my Honourable friend, is that the Government is being asked to undertake and to *anticipate* the greatest and most important part of the work of the Round Table Conference. If the Resolution is adopted and carried out, the most responsible and weighty portion of the work of that historic Conference, which is going to form the most important milestone on India's road to nationhood, will be taken out of its hands.

The proposal will in fact stultify the Conference, deprive it of its proper task, and will leave to it merely the working out of details.

My third difficulty, Sir, is that we are being asked in the Resolution to give the go-by to the important recommendations and careful constitutional inquiries even of the Indian Central Committee—a Committee on which some of the most eminent Indian statesmen have worked and have given of their best. Such bodies must have laboured in vain if their proposals could be summarily overridden by way of Resolutions like the one now before us. In a word, the Resolution we are debating is *the shortest of short cuts*.

Sir, many of us are at the present time studying the constitutions of Dominions like Canada and Australia, and several of our schemes for constitutional progress are avowedly based on the models of those lands. This is quite as it should be, for we are going to follow in their footsteps. But we might

[Sir Jahangir Cooverjee Coyajee.]

with advantage go a little further and imitate the procedure adopted by these older Dominions in forging their constitutions. In those countries at the formation of federations and Dominions, representative persons and parties who genuinely held and avowed different and opposite opinions met together in successive conferences to hammer out constitutional schemes by well-considered compromises. No attempts were made to anticipate the results of such conferences by constitutional and political short cuts. Ample time was taken for such common deliberations and conferences and all parties came together with their respective programmes in order to pool their ideas and proposals. It is to be hoped that our own country will adopt the same paths and methods of common deliberations and will achieve the same lasting political progress and success.

But then, Sir, we are told that some important sections of politicians will refuse to attend the Conference unless the principle incorporated in the Resolution is accepted in advance. But it is scarcely an attitude worthy of politicians and statesmen to refuse to join the Conference unless the results of it are virtually predetermined and prejudged in their favour. Politics, it is well-known, is a game of give and take and of compromise. Let us consider a well-known and apt precedent. Between 1864 and 1867 Conferences were held in Canada in order to rear the fabric of Canadian Federation and Dominion Status. The champions of the policy of federation were fully aware that there were many opponents of the idea. That did not make them shrink from going to the Conferences—nor did they ask that the issue should be prejudged in their favour. And what was the result? The Canadians of to-day admire and even venerate the members of these Conferences as national benefactors. Is it not the business and the duty of our politicians to derive lessons from the history of the evolution and organisation of Dominion Status abroad?

Sir, the debate of this morning went very much beyond the Resolution, and the Simon Report has come in for much criticism, especially from a brilliant speaker like Mr. Mudaliar who has detected an Alice in Wonderland mentality in most of the proposals. I have no call to defend the Simon Report. But I can say this that that mentality is not the exclusive property of that Report. Thus, one of the speakers has justly complained that the Honourable Mover had referred in his Resolution to safeguards and provisos but that they were conspicuous by their absence in his speech. In a word, we were left to admire only the grin of the Cheshire cat. Then again, it is the same set of critics who emphasise the necessity of safeguards and yet who condemn the accumulation of abnormal powers in the hands of Governors. Now, it is universally admitted that such safeguards are necessary. As a humble member of an humble minority community I must point out that they must reside somewhere. They must have a local habitation and a name, and they must be lodged somewhere. And where could they be? Could they be lodged with the Secretary of State? Then it would be said that the India Office is constantly interfering. Could they be lodged with the civil services? The services are to be relegated to a position of inferiority. They can only reside in the Governor.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Go to South Africa.

THE HONOURABLE SIR JAHANGIR COOVERJEE COYAJEE: I will stay here, Sir, the minorities are determined to stick to India. Therefore, there is nothing strange in such abnormal powers being granted to the Governors. They are abnormal and to be rarely used, and their meaning will be made fully clear.

Sir, I hope the Honourable Mover, after seeing all these difficulties of others as regards his Resolution will see his way to appreciate and accept the suggestions and statements of the Honourable Sir Brojendra Mitter. As the lawyers would say, the Government is fully seized of the idea of Dominion Status, and their one aim is to overcome the great difficulties in its way as early and as well as they can. The assurances of a person of the conciliatory and thoughtful character of Sir Brojendra should go far to reassure Sir Phiroze Sethna that the Government is working at the problem which he has so ably emphasised and indicated in his Resolution.

THE HONOURABLE MR. H. M. MEHTA (Bombay : Non-Muhammadan) : Sir, I endorse every word that Sir Phiroze Sethna has so ably said in moving the Resolution in this Council. Sir Phiroze Sethna has given a vivid picture of what is going on in India, more especially in the Bombay Presidency and still more in the town of Bombay. If the Honourable gentlemen have any doubt in their mind, if they can only come to Bombay and see things for themselves, they will soon find what chaos this movement of civil disobedience has brought about. There seems to be such a large volume in favour of Mr. Gandhi's civil disobedience that in spite of what Sir Sankaran Nair and others have said, one thing is certain that there is no man in Bombay who can be heard if he has anything to say against Mr. Gandhi. The only man who can be heard is he who is speaking for Mr. Gandhi. Therefore, the war is pitched between the Government of India and Gandhi's troops headed by Mr. Gandhi. The consequence is that the economical condition of the country is reduced to such an extent that I wonder if the Government of India realise the situation that is created by the boycott of foreign goods, especially British and other foreign goods, which will bring an income of at least 15 to 20 crores less than what was got last year. I understand the Central revenue comes to about 62 crores by way of import duties. If this falls by 15 to 16 crores, I should like to know from the Honourable gentlemen on the Government side how they are going to finance their Budget and how they are going to find this money.

Even the Provincial Governments will be hit by the non-payment of taxes by raiyats. The liquor and toddy shops are being given up and a great deal of income will be lost on that account. So they will be also at their wit's end as to how to manage and carry on the government of the province. These are the things going on in the country, and that is why it is necessary that a policy of conciliation should be adopted. The people can stand any amount of repression because their temper is such that they have no fear of jail, they have no fear of lathi charges or anything else that can be done to repress this movement. The movement is there and it is going to last until something definite is done. As a business man I cannot understand why the Government does not make it plain, if its intentions are the same as those of Mr. Gandhi, that the

[Mr. H. M. Mehta.]

Government of India intends to give self-government. Why not say so in so many words ; or alternatively, say that the country is not prepared for it now and say that it will be given self-government in 10 or 15 years, with certain reservations regarding minorities. A definite statement of that character should be made. To carry on as we are doing now means that no one knows whether self-government will come in 50 or 100 years.

*THE HONOURABLE SARDAR CHARANJIT SINGH (Punjab : Nominated Non-Official) : Sir, I have carefully listened to the eloquent speeches of my Honourable friend Sir Phiroze Sethna and other Honourable Members who followed him. The points raised by this Resolution are of the utmost importance and it is to my mind absolutely necessary that as far as possible a harmonious decision should be arrived at. It is very fortunate that at present we have in Lord Irwin a Viceroy who has proved himself to be a sincere friend of India. No one who listened to His Excellency's admirable address yesterday could fail to be impressed with the genuine sympathy of His Excellency for this country and with the fact that he is trying his best to help India. Moreover, we heard from the Honourable the Leader of the House this morning that this matter is now being considered by the Government of India. I would therefore advise my Honourable friend Sir Phiroze Sethna to withdraw this Resolution and not to press it to a division.

THE HONOURABLE MR. M. D. DEVADOSS (Nominated : Indian Christians) : Mr. President, I regret I am unable to support the Resolution as it stands. If the Honourable Mover had put forward the Resolution that the whole of India demands Dominion Status, no doubt all of us would have been inclined to agree with him ; whether we come from the South or the North or the East or the West of India we are for Dominion Status. But to force the hands of His Excellency the Viceroy at this stage, is, I think, not at all proper. It is like giving a decree in favour of the plaintiff and then trying to hear evidence afterwards. As the Law Member said, the Government of India are considering very carefully the various points that have to be considered and are willing to listen to and converse with persons who are likely to put forward different points of view. That being so, Sir, it is not proper that we should now ask His Excellency the Viceroy to urge upon His Majesty's Government the immediate grant of Dominion Status. The question of time, how and when and under what safeguards it should be granted ought all to be considered before we rush to the conclusion that it should be so. We know that in India opinion is not unanimous. We had a dissentient voice coming from there, and there are a number of things to be reconciled and a number of obstacles to be overcome. No doubt obstacles could be overcome if we went about it in the proper way. Further, any precipitate action on the part of the Government of India at this stage might prejudice our cause when the question is considered by the Round Table Conference, because opinions in England differ in regard to the grant of Dominion Status, and any hasty action here might prejudice our case, especially in view of recent utterances of some of the prominent men in England. With these few remarks I would ask the Honourable Mover not to press this Resolution to a division.

* Speech not corrected by the Honourable Member.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras : Non-Muhammadan) : With reference to the Resolution moved by my Honourable friend, Sir Phiroze Sethna, I would like to say that there are no two opinions about India's fitness for full responsible government. I only feel that responsible government should be by stages and not immediately. If the Honourable Member would delete the word "immediately"; he would have my support. There is the question of minorities whose interests have to be adequately safeguarded. All that has to be settled at the Round Table Conference. There is no school of political thought in India to-day which differs in any main points about having full self-government or Dominion Status. The only thing is that it should be by gradual stages. It is most unfortunate that some of these political parties in India have boycotted the Simon Commission. If they had only presented their case, I am sure their case would have received the sympathetic and careful consideration of the Commissioners. I fear their case has gone by default. But it is not yet too late and I hope better counsels will prevail and all schools of political thought will put up their case at the Round Table Conference, where the Simon Scheme may be among many others that may come up for discussion. I feel that necessary safeguards for minority communities should be provided in the future constitution. The political goal ought to be unambiguous and the edifice must be well built. For these reasons I would say that all parties should see their way to co-operate with the Round Table Conference. As the Resolution stands it is very difficult for me to support it. I can only support it with the reservation I have made. In view of what various Members have urged, I hope the Honourable Member will kindly withdraw his Resolution and not press it to a division.

THE HONOURABLE SIR PHIROZE SETHNA : Sir, I am glad the Honourable the Leader of the House has not taken exception to my bringing forward this Resolution. On the contrary, if I heard him aright, he observed that the discussion on it would give him and the Government an idea as to the views which different Members would express on the subject. The Honourable Sir Brojendra Lal Mitter then proceeded to say that he hoped that the observations I made were based on personal knowledge. I suppose he referred to what I said in regard to the police and to the Ordinances. In regard to what I said about the manner in which the Bombay police treated people on the 21st of June, I quoted my authorities, namely, the special correspondents of newspapers from England, America and France. As regards the attitude of the police towards picketers, I did not refer to the same in my speech and I consequently cannot refer to it at any length now. But I would like to say in passing in connection therewith that we in Bombay have felt that the attitude of the police, due evidently to the instructions they must have received from Government, is certainly objectionable as being unduly severe. As regards the Ordinances, the Honourable Sir Brojendra Lal observed that my reference to them was irrelevant. If anybody is more anxious that irrelevant matter should not be introduced it is our Honourable President. He having allowed me to go on, I take it that he considered the reference relevant. At the same time with due deference to my Honourable friend, the Law Member, I would like to explain to him why from a layman's point of view I consider that my reference to the Ordinances was by no means irrelevant.

THE HONOURABLE THE PRESIDENT : I think the Honourable Member is labouring a point of which he made a great deal in his opening speech. He has brought the Chair into the discussion in regard to the relevancy of these points, and so I think I should explain my position. I am very loath to interrupt an Honourable Member who is moving a Resolution on an important subject, because I know how disturbing it is to be called to order in the middle of a speech. The points which the Honourable Member has dealt with and which it has been suggested from the other side were not entirely relevant were in my opinion just relevant ; but I did think that the Honourable Member laboured them unnecessarily, that he spoke possibly with unnecessary heat and that he devoted an inordinate portion of his speech to them. As a matter of fact, nothing has been said by any Honourable Member on those points at all, except that there has been a hint from one or two Members that there were certain matters in the Honourable Member's speech which were irrelevant. I presume that these were the matters that he is now again attempting to deal with ; and there is nothing that calls for a reply.

THE HONOURABLE SIR PHIROZE SETHNA : If that is the desire, I will say no more on that point.

Now, Sir, the next point to which my Honourable friend, the Law Member referred was the obstacles in the way of agreeing to our demand and he referred to myself as saying that I recognise there were obstacles but that they could be met if approached in the proper spirit. These obstacles have also been referred to by my friend, Sir Jahangir Coyajee and Khan Bahadur Yahya. I certainly admit that there are difficulties in the way, but there is no reason why those difficulties should not be surmounted. Then, may I point out that the question of Dominion Status is not one of to-day, yesterday or the day before yesterday. These difficulties have also existed for years and years. Have they been looked into during all these years and what are the conclusions that Government have come to till now ? Therefore, they do require to be looked into pretty quickly if the demand of India is to be satisfied. Sir, these difficulties are frequently trotted out with a morbid emphasis and an over-weaning sense of the hallucinations which are conjured up by persons who are victims of neuraesthetic psychosis. Are these difficulties real, imaginary or, may I say, pretended. If they are real or imaginary, they must be removed. If John Bull has the courage and the idealism to consider questions in regard to disarmament or the peace of Europe, if Mr. Ramsay Macdonald is enthused with the idea of Anglo-American solidarity, of bringing about the peace of Europe, and of the United States of Europe, surely British statesmanship can overcome the difficulties which lie in our way. It is only when the question of giving Dominion Status to India comes up, that the difficulties appear to them to be insurmountable. In regard to such difficulties, my friend Khan Bahadur Shah Muhammad Yahya and also Sir Jahangir have said that I referred to safeguards but did not say what those safeguards should be. I need hardly remind these Honourable Members that it is hardly possible for me in the short space of half an hour or three-quarters of an hour to deal with them. That of course will be for the Round Table Conference to take up.

In order to assure the House and in particular my friend Sir Sankaran Nair that we Liberals have not been sitting idle may I inform the House that during their last session held in the last days of 1929 at Madras the All-

India Liberal Federation recognised and suggested that these difficulties and how to safeguard the interests of minorities could be best considered by an All-Parties Conference. The All-Parties Conference has met more than once but I am sorry to say that no definite agreements have yet been arrived at and therefore the question will have to be taken up by the delegates who go to the Round Table Conference.

My Honourable friend on my right again referring to the Liberals said "Why do not they go to the Congress people and persuade them to drop the civil disobedience campaign?" I am afraid my Honourable friend is not in touch with what is happening. In this connection too the Liberals are doing what best they can. Is my Honourable friend the Honourable Sir Sankaran Nair aware that we tried to hold meetings in the city of Bombay for the purpose of explaining that the civil disobedience campaign was going to lead the country to anarchy and ruin. I was Chairman of two such meetings. It will surprise the House to know that the meetings were so rowdy that even when shouting at the top of one's voice one could not be heard at a distance of even five to six feet. The hall on both occasions was packed with hundreds of youngsters belonging to the Youth League which is an off-shoot of the Congress. We therefore did make attempts but failed. My friend wants us to tell the Congress people to stop the campaign. What are our credentials. Have we the authority of the Government of India to approach them? If we had such authority, they would give us a hearing and not until then, and that is exactly the reason why in the course of my remarks this morning I expressed the hope that we should not rest content with His Excellency's speech of yesterday but that Government should endeavour to negotiate through whatever channel they like, and I am confident that the other side will not be unreasonable. The question is, who is to begin? If Government authorise some of the Liberal leaders, or better still one or more of those who have been in the confidence and enjoy the friendship of Mr. Gandhi and Pandit Motilal Nehru, I am sure some satisfactory arrangement can be arrived at before conditions in the country get from bad to worse.

The Liberals have always supported Government when they have believed them to be in the right, but I doubt very much if Government themselves have given the Liberals their due. In that connection, if you will allow me, Sir, I shall read a few lines from an article contributed by the Right Honourable Srinivasa Sastri to the June number of the Labour Magazine, which explains the situation very clearly :

"In the beginning of the Montagu-Chelmsford Reforms Government and the Indian Moderate Party worked in harmony, but soon Government resumed its old habit of regarding all politicians in India, extreme or moderate, anti-British or pro-British, as tainted with the same brush. To neglect friends in security and to court them in danger has been an incurable vice of Government policy. One has only to remember the protestations made during the war and compare them with the chilling hesitations of a later day."

That is the position the Liberals find themselves in. Because of the attitude of Government in connection with their repressive measures one of our ardent staunch supporters, Dr. Besant, has, as the House knows, just rejoined the Congress. As the telegram stated, she has decided to do so, because of Government declaring the Working Committees of the Congress illegal. As the Leader of my Party for this year, I have no hesitation in informing the House

[Sir Phiroze Sethna.]

that our numbers are thinning, distinctly thinning. There were some wobblers in the beginning of the year and all of them have gone over to the side of Mr. Gandhi because of the many actions of Government.

My Honourable friend, the Law Member, has explained the reasons from his point of view as to why I should not ask for this Resolution to go to a vote but that I should withdraw it. I have pondered over his suggestion. I have come to this conclusion that if I press my motion, I will put Government on the horns of a dilemma. Government, as His Excellency stated in his speech yesterday and repeated by my friend Sir Brojendra Lal Mitter this morning, have not yet had time to study the Simon Commission's Report to be able to express their final recommendations one way or the other. They therefore cannot say "Yes" at the present moment. On the other hand, I feel sure that they cannot say "No", because they must recognise that the whole country demands Dominion Status, and the last testimony in that regard is from no other source than from the Simon Commission Report itself. The Commissioners at the conclusion of the first Volume of their Report, acknowledge that fact in these words :

"All alike are in sympathy with the demand for equal status with the European and proclaim their belief in self-determination for India".

Government at present can neither say "Yes" nor "No". I think the expression which my Honourable friend used this morning was : "It is not as if we are not in sympathy". I wish he had said, "We are in sympathy". However, that is a small matter. I do trust they will look into our requests very sympathetically. I have now decided to withdraw my motion and before formally doing so I would like to tell Government that they should take their courage in both hands and no longer hesitate. England in the past by such hesitation has made severe mistakes. In 1770, no English officials could believe that the American colonies could ever govern themselves. A century and a half later, in 1921, they thought likewise in regard to Ireland. Were there not very many in England who till quite lately doubted if ever the Labour Party would possess the men and the ability to govern their country ? All these prognostications have been belied. They will be equally belied in regard to India. I do hope that Government will consider every point that has been brought out in to-day's discussion very sympathetically. I now ask for permission of the House to withdraw the Resolution.

The Resolution was, by leave of the Council, withdrawn.

RESOLUTION *RE* TRANSPORT BY RAILWAYS AT CONCESSION RATES OF AGED AND DISABLED HORSES AND CATTLE TO ASYLUMS AND FREE GRAZING CENTRES.

THE HONOURABLE MR. SURPUT SING (Bihar and Orissa : Non-Muhammadian) : Sir, the Resolution that I have to move to-day runs thus :

"This Council recommends to the Governor General in Council that Railways should allow concession rates for the transport of horses and cattle, when disabled or past milching, to free pasturing places or cattle asylums."

In moving this Resolution I am actuated by no other consideration than a purely humanitarian one. The House will agree with me when I say that even while they continue to give us service such dumb and useful domestic animals as horses and cattle do not receive all the humane treatment and sympathetic consideration that they deserve at our hands. Our treatment and consideration for them are apt to become more indifferent and apathetic when they have outlived their usefulness. It is at that time that considerations of humanity demand for those animals greater thought and attention on our part. At that time it behoves us to send them away to some such places where they can find a refuge or be allowed to graze freely at random without being required to perform any sort of service. To keep these decrepit animals on the establishment on the off-chance of getting occasional grudging service from them in order to be treated shabbily—nay cruelly—was absolutely unjustified. Unlike people in the West, we in this country cannot think of shooting old and useless animals inasmuch as that idea itself is horrible and quite repugnant to our faith and traditions. Then again, hospitals and asylums for diseased and decrepit animals are few and far between in our country. Public munificence has hitherto been characteristically shy and meagre in this matter. In spite of our persistent outcry for years, the Government of the land have also remained quite indifferent to the establishment of such institutions. On the top of this comes the difficulty of having free grazing facilities for the cattle as they are daily becoming restricted throughout the country. It is because landed interests everywhere have been systematically robbing our cattle of their hitherto free pasturage and reconverting the village pastures to their own use and occupation, although we know that in a highly congested place like Great Britain where the price of land is admittedly very dear, the tendency of late has been to throw more and more the cultivated areas into pastures for the benefit of cattle. Thus when we cannot procure a sufficient number of hospitals and asylums for our cattle and again when we cannot afford them the facilities of free pasturage, it is incumbent upon us to send them, when disabled, to localities where either or all those facilities exist. Nobody, I make bold to say, would care to transport his old and useless cattle-stock at full railway fares to those places. To transport them on foot by road would mean deliberate cruelty as those infirm animals are sure to drop off on the way through sheer exhaustion. I would propose therefore that our railway systems—most of which are now owned by the State—should come to our rescue and provide concession rates for the transmission of our aged, disabled and maimed horses and cattle to asylums and free grazing centres. As to the Company-owned Railways my claims to the concession rates from them would arise in this way: All the lands through which their systems pass have been acquired for them by the State through the money of Indian tax-payers and it is just and proper that they should also join hands with the State-managed systems to afford us the desired relief for the sake of our useless and disabled animals. I need hardly repeat that if the railway systems will see their way to accept my proposal they will on the one hand achieve popularity and on the other earn the gratitude of millions of dumb creatures. I may add here that the concession rates will not affect prejudicially their revenues as the cheap fares would tend to afford sufficient inducement to the public at large to transport their useless stock of animals wholesale to asylums and free pasturing places through the

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Railways. Besides the growing number of disused cattle-trucks and horse-boxes on the Railways will find some more scope for use for carrying the cattle and horses in these days when those vehicles are being put out of use daily by the rapidly increasing motor vehicles.

To safeguard misuse of the privilege which the Railways may grant I would propose the taking of a proper certificate from the Government Veterinary Surgeon of the nearest district or sub-division in which the animals for whom the concession is sought remain.

With these words, Sir, I beg to move my Resolution for the consideration of the House.

THE HONOURABLE MR. J. A. WOODHEAD (Commerce Secretary): Sir, when I first read this Resolution, I experienced a small difficulty which I have not yet been able to overcome, and that is as regards the exact bearing of the words "past milching" with reference to horses and cattle. (Laughter.) Apparently it seems to apply to horses and bullocks as well as to cows. But apart from that initial and perhaps minor difficulty, I am afraid I must oppose the Resolution. In the first place, the charges for the carriage of cattle are already very low. Presumably the Honourable Member is referring to carriage by goods train and not by passenger train. I presume he does not wish to urge that disabled horses, and bullocks or cows which are beyond milching should be given the privilege of travelling by a fast passenger train instead of by a slow goods train. I will therefore only deal with the rates as regards goods trains. The rate per head at the present moment works out to about 6 pies per head per mile. It is not, I think you will agree with me, a very high charge. In fact, the charge is so low as to allow only a small margin between actual expenditure and receipts. The charge for a cattle truck on a broad gauge railway is 4 annas per mile and on a metre gauge $3\frac{1}{2}$ annas per mile, whereas the actual cost of haulage excluding interest on capital varies between a little under 2 annas to a little over 3 annas per mile. Again, there would be serious administrative difficulties. The Honourable Mover has recognised that, and recommends that it should be overcome by a certificate given by a Government Veterinary Surgeon. But I would ask him how a station master is to connect that certificate with the particular animal which is brought to the station. He cannot take the animals' thumb impression nor can the animal write, and I hope the Council will agree with me that the station master would experience great difficulty in determining that the animal brought to the station for despatch was the animal covered by the certificate. Then again, Sir, there is the difficulty of ensuring that the animal which is booked for a particular station is bound for a free pasturing ground or hospital. The free pasturing ground is not at the station, nor is the hospital. The owner would book his animal to a station near the free grazing ground or the hospital, but what guarantee is there that, having taken delivery of it at the station, he takes it to the free grazing ground, or having got it there, he keeps it there? The administrative difficulties would be enormous, and it would, I fear, be impossible to prevent abuse. On these grounds, Sir, I am afraid I must oppose the Resolution.

THE HONOURABLE THE PRESIDENT: The question is:

“That the following Resolution be adopted, namely:

‘ This Council recommends to the Governor General in Council that Railways should allow concession rates for the transport of horses and cattle, when disabled or past milching, to free pasturing places or cattle asylums ’.”

The motion was negatived.

CATTLE PROTECTION BILL.

THE HONOURABLE MR. SURPUT SING: Sir, with regard to my Bill to prohibit the export trade in cattle meat I made my intentions sufficiently clear to the House when I moved for leave to introduce it in March last. I shall not to-day repeat the arguments that I put forward on that occasion although I stand by them yet.

From statistics to hand it is abundantly clear that the figures for the export trade of cattle meat are steadily on the increase. A few years ago, during the Viceroyalty of Lord Chelmsford, the All-India Cow Conference of Calcutta collected figures of dried meat exported *via* Howrah from the then Agent of the East Indian Railway. The figures which that official was pleased to supply to the Association showed that about two lakhs of maunds of dried meat were annually exported *via* Howrah. It must be borne in mind that those figures related only to what passed through Howrah. There can be no gainsaying the fact that the trade which is popularly known as *Biltong* was also largely carried on in other provinces in respect of which Howrah did not form the exporting centre, such as the Central Provinces, Berar, the Punjab and Bombay; there is every reason to suppose that the total figures of all the exporting centres amounted to over five lakhs of maunds a year about those times. Again, during the four years of the Great War, when India helped England with men, money and munitions, she had also to send cattle meat for her abroad. A reference to the official statistics of those years will show that Bombay itself exported daily about 150 tons of cattle meat and Karachi about 120 tons, besides Calcutta. Those figures themselves are quite formidable when we take into account the grand total of the four years. Now, it is for the House to judge the very great extent to which our cattle life was devastated during the time of the last European War only. All this was about a decade or so ago. Figures on that head have all along been increasing by leaps and bounds for want of any check or restriction. Believe me when I say that in areas where the dried meat trade flourishes the number of cattle has been steadily on the wane. In fact, Bombay, Gujerat, Cutch and the United Provinces showed a decline of cattle stock from 2 per cent. to 10 per cent. in the course of the 20 years from 1890 to 1910. The figures must have been much more distressing in the years after the Great War when it is evident there had been enormous shipments of dried cattle meat.

I believe I have somewhat been able to convince the House from figures collected not at random but from railway and official sources of the extent of the great mischief done to the country by the export trade in dried cattle meat.

Again I want to be perfectly clear at this stage as regards my object in bringing this Bill. My Bill aims simply at the stoppage of the export of cattle meat. It does not mean to stop the slaughter of cattle for religious purposes

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of my Moslem brethren or for their own use. My endeavour is to stop only that much slaughter of cattle as is made into dried meat for the purposes of the export trade. I believe that if we can stop only that slaughter it will go a long way to solving our agricultural difficulties about plough-cattle, and will also ameliorate the crying need for more milk for our infants and invalids. When we remember that each individual in British India gets less than $\frac{1}{4}$ pint of milk, whereas the need for each individual is reckoned at 2 pints a day, we can easily account for the early decay of our female lives and the appalling infant mortality. I think I have amply made my proposition clear to the House. In the above circumstances I earnestly appeal to the House to accord my Bill the support it deserves.

Sir, I move.

THE HONOURABLE SIR JAHANGIR COOVERJEE COYAJEE (Bengal : Nominated Official) : Sir, I cordially and wholeheartedly recognise the humane motives which animate the Honourable Mover of this Bill. But alas! the promptings of the heart cannot in this world solely dictate the economic policy of a great country. I first venture to draw the attention of the Honourable Mover of the Bill to certain facts and figures, which will show that the importance of the aspect of the cattle problem which he emphasised has been in great measure exaggerated. The annual exports of meat amount to about 78,000 cwt. per annum. If we assume that each cattle yields one cwt. then the trade accounts for 78,000 head of cattle, most of them old and worn out. Compare with this the figures for cattle in India, which, according to the census of 1924-25, were 151 millions.

Let us now consider the bearing of the proposals in the Bill on the general cattle problem of India. It is not as if we were not better off than other countries as regards the total number of cattle in India, or that we are at all badly off even as regards the number of cattle per head of population. There are several difficulties in the way of the adoption of this Bill--the interests of private trade for one thing, and the fact that the exports of meat are to Burma, a part of India. Purely then looking to the supply side, the export figures cannot be of very great importance.

What is of far greater economic importance to the country is the consideration of the quality of the cattle and of the improvement of the milk supply of the country. What India obviously wants is not *more* cattle but *better* cattle. This matter has been of late receiving due attention; for, in order to promote the welfare of livestock, the Royal Commission on Agriculture suggested that one of the whole-time members of the Council of Agricultural Research should represent the interests of animal husbandry. This suggestion has been accepted by the Government of India and an animal husbandry expert has been appointed to the Council. Various suggestions of the Agricultural Commission as regards the improvement of the milk supply are also receiving attention. The welfare of cattle is a matter of paramount importance to India and we are all interested in achieving it. But success along this line is to be achieved only on sound economic lines. In this case the heart must be guided by the head; and we shall do our best for cattle, for whom we are all justly solicitous, by following a line of economic policy which will give us fewer but better cattle.

which will be too valuable to be killed and exported. In this way, the problem put forward so ably by the Honourable Member will be permanently and adequately solved.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member) : Sir, I also wish to congratulate the Honourable Mover of this motion on his keen desire to see that his country has cheap cattle for ploughing purposes and good milk for the people. There can be no dispute whatsoever that both these objects are highly desirable. It has now ever been pointed out that it is only one cattle out of 2,000 that we possess that finds its way as dry meat to Burma and other places outside India. It does seem to me that the number of cattle thus used is so small that it is not worthwhile proceeding to legislation, especially when we see that the proposed legislation is of a nature that does not achieve the object in view, not only the ultimate object but the immediate object, namely, saving the cattle from being killed. The Honourable Member will see when he refers to clause 3 of his Bill that the owner of a cattle has only to take it to an Indian State to kill it and he will not be liable to any punishment. That, however, is a minor point. What we want, Sir, is that India should have cattle of which we Indians are not ashamed. When we travel from one part of India to another by train or by car we see a large number of cattle moving about but barely able to move. They are not impressive to look at, but miserable, badly fed and badly kept. What I want to see is cows that look like Cheshire cows—fine animals that you cannot help appreciating and admiring. If you were to put one of the average cows in India alongside the English cow you would soon realize that with the pasture available, the poor feeding which alone the owners of cattle can afford, it is almost a sin to keep too many cattle alive. Therefore, Sir, I have not the slightest doubt that the object in view would be better achieved by improving the breed and improving the feed of the cattle that we possess, rather than by carrying on poor breeding, in such large numbers that neither the keepers of the cattle nor the pastures available in India can maintain them suitably. It is for this reason, Sir, and for this reason alone that I oppose the motion. I have not the slightest doubt that the Honourable Mover who has placed his motion on an economic basis will appreciate the point of view I have tried to place before the House.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to support the motion made by my Honourable friend Mr. Surput Sing. Being the President of the Provincial Sanathana Dharma Prativedhi Sabha of Punjab, I have to give to this proposition religious consideration also, and not only the economic consideration. My esteemed friend, the Honourable Sir Fazl-i-Husain, has put in a lot of sympathy and desire for improving the cattle breed. Some time back when I moved a Resolution asking for the stoppage of the export of oil-cakes, bones and manures, the response from the Government of India was very meagre and they opposed the Resolution. At one time the advocates of Government say that they want to improve the breed of cattle and to make the cattle worthy of the name. On the other hand, they deprive the cattle of the cheap food which gives them strength and power to work more and thus stop them from being benefited by the abundance of produce of the soil which is caused by the use of manures. I expected that this time, while opposing the motion on

[Lala Ram Saran Das.]

purely economic grounds, the Government would have come forward with an assurance that the ways and means which tend to the improvement of cattle and in which the help of the Government would go a great way, would be brought into effect. I am sorry, Sir, that in his observations the Honourable Sir Jahangir Coyajee has said that only those animals are slaughtered which are economically worthless. Sometime back, when the price of bones went up very high, for the sake of the sale of bones alone animals were being slaughtered. Then thorough enquiries were made on the subject and it was found that even good and useful cattle were killed simply for the sake of bones. Whenever there is a fodder famine, the case is the same. So, I think, Sir, that my Honourable friend Sir Coyajee is not right in saying that only those animals are killed which are unfit otherwise.

With these remarks, Sir, I support the motion.

THE HONOURABLE MR. SURPUT SING : Sir Fazl-i-Husain, the Member in Charge, has appreciated my Bill, but he has put forward the difficulties he has in supporting the Bill. The Honourable Member's statement is that only incapacitated and old animals are slaughtered for meat. But I would in this connection mention that Justice Woodroffe, sometime a Judge of the Calcutta High Court, headed the deputation to Lord Chelmsford as President of the All-India Cow Conference, and in the memorial that was submitted to His Excellency one of the reasons put forward for child mortality and early female deaths was the export trade in dried meat. As regards the number of cattle slaughtered for the export of dry meat, it is not one in 2,000 as suggested but much more than that. My Honourable friend Sir Jahangir Coyajee has said that the quantity is about 78,000 cwts., but the figures supplied by the Agent of the East Indian Railway are as follows :—

					Maunds.
For the year 1917	..	..	..	..	166,849
In 1918	..	..	..	..	158,000
In 1919	..	..	..	..	174,000

and in 1920 from January to June it was 95,000 maunds.

These figures relate to Howrah centre only. There are other centres like Bombay, Karachi, etc. As regards the number Sir Jahangir says that each cattle yields one cwt. of meat. But my information is that for every cwt. about two or three animals are required to be slaughtered, and the annual wastage of cattle comes to nearly six lakhs of cattle. We have not counted the number that is slaughtered for local use. The Bill is only meant to check the export trade in meat from India as every year the number of cattle is decreasing. In this connection I would refer to the figures, and ask for a comparison of the number of cattle in India with that of other places. We shall then find that we have much less according to the population. India has got 58 cattle per 100 inhabitants.

THE HONOURABLE THE PRESIDENT : Order, order. The Honourable Member must realise that he is exercising his right of reply. I have not heard

any Honourable Member suggest that the number of cattle per head of population here is greater than that of other countries. The Honourable Member must not introduce new arguments at this stage.

THE HONOURABLE MR. SURPUT SING : My point is that not only old and useless cattle are slaughtered but a great many prime cattle are slaughtered for this purpose ; and it is for this reason that I have put forward this Bill for the consideration of the House.

With these words, Sir, I beg to ask the House to consider this Bill and pass it.

THE HONOURABLE THE PRESIDENT : The question is :

“ That the Bill to prohibit the export trade in Cattle Meat be taken into consideration.”

The Council divided :

AYES—10.

Asthana, The Honourable Mr. Narayan Prasad.	Pakrashi, The Honourable Mr. Suresh Chandra.
Chetti, The Honourable Dewan Bahadur G. Narayanaswami.	Ram Saran Das, The Honourable Rai Bahadur Lala.
Ghose, Moulik, The Honourable Mr. Satyendra Chandra.	Sinha, The Honourable Kumar Nripendra Narayan.
Khaparde, The Honourable Mr. G. S.	Sukhraj Roy, The Honourable Rai Bahadur.
Nirmal Kumar, The Honourable Mr.	Surput Sing, The Honourable Mr.

NOES—16.

Ansorge, The Honourable Mr. E. C.	Johnson, The Honourable Mr. J. N. G.
Brij Lal, The Honourable Rai Bahadur.	Megaw, The Honourable Major-General J. W. D.
Coyajee, The Honourable Sir Jahangir Cooverjee.	Mitter, The Honourable Sir Brojendra.
DeSouza, The Honourable Dr. F. X.	Shillidy, The Honourable Mr. J. A.
Devadoss, The Honourable Mr. M. D.	Souter, The Honourable Mr. C. A.
Emerson, The Honourable Mr. H. W.	Townsend, The Honourable Mr. C. A. H.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.	Woodhead, The Honourable Mr. J. A.
Henderson, The Honourable Mr. J. S.	Yahya, The Honourable Khan Bahadur Shah Muhammad.

The motion was negatived.

The Council then adjourned till Eleven of the Clock on Monday, the 14th July, 1930.

COUNCIL OF STATE.

Monday, 14th July, 1930.

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

MEMBER SWORN.

The Honourable Mr. Thomas Everard Tichborne Upton. (Legislative Department : Nominated Official).

QUESTIONS AND ANSWERS.

OBTAINING OF ADVICE OF MEMBERS OF LOCAL ADVISORY COMMITTEES FOR RAILWAYS ON MATTERS AFFECTING FEEDER LINES, ETC.

82. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA : Will Government be pleased to state :

(a) whether members of Local Advisory Committees for main railway systems are asked to advise on matters within their province affecting the feeder lines of those systems ;

(b) whether the members are allowed opportunities to inspect and examine the system of working of traffic and goods and other matters relating to the railway ?

THE HONOURABLE MR. J. A. WOODHEAD : (a) In the memorandum which was sent to Railway Administrations in October, 1922 regarding the constitution and working of Local Advisory Committees, it was mentioned that among the subjects which might suitably be placed before them were proposals in regard to new projects and extensions. I understand that by "feeder lines" the Honourable Member refers to new projects.

The proceedings of Local Advisory Committees held in 1929-30 show that on five of the important Railways these Committees held discussions regarding new lines to be constructed ; and it is always open to members to apply to the Chairman for such a subject to be entered on the agenda of a meeting.

(b) I do not entirely understand the Honourable Member's question, but if the Honourable Member wishes to suggest that members of the Advisory Committees should be afforded opportunities to investigate the working of a railway it is not clear what special opportunities are required.

INVITATION TO MR. GANDHI TO PARTICIPATE IN THE DELIBERATIONS OF THE FORTHCOMING ROUND TABLE CONFERENCE.

83. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA : Will Government be pleased to state whether Mahatma Gandhi will be invited to participate in the deliberations of the forthcoming Round Table Conference ?

THE HONOURABLE MR. H. W. EMERSON : The Honourable Member is referred to the reply which I gave to the Honourable Rai Bahadur Sukhraj Roy's question No. 68 on the 10th instant.

INVITATION TO REPRESENTATIVES OF ZAMINDARS TO ATTEND THE ROUND TABLE CONFERENCE.

84. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA : Will Government be pleased to state :

(i) whether representatives from the Zamindar class will be invited to the Round Table Conference ?

(ii) If the answer is in the affirmative :

(a) whether separate representatives will be selected for Bengal, Bihar and Orissa ;

(b) what the number would be of such representatives ?

THE HONOURABLE MR. H. W. EMERSON : The Honourable Member is referred to the reply which I gave to the Honourable Rai Bahadur Sukhraj Roy's question No. 70 on the 10th instant.

ADULTERATION OF PURE GHEE WITH VEGETABLE PRODUCTS.

85. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state what action they have taken or intend to take to safeguard the public from vegetable compound or product being mixed and sold as pure ghee in areas directly under the control of the Central Government and in provinces where no legislation identical with or similar to the Punjab Pure Food Act has been passed and enforced ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : In April, 1930 it was suggested to Local Governments and Administrations that regulation of the sale of ghee so as to ensure that what is sold as ghee is pure ghee, must be effected by means of local or municipal rules and bye-laws framed under provincial Statutes. It was also added that adequate grounds existed for prohibiting the application of the term ghee, or any term suggesting that the product is a kind of ghee, to solidified vegetable oils, and that the Government of India would be prepared to consider the question of central legislation prescribing conditions as to the nomenclature of vegetable product at the time of import, should a measure of this nature appear necessary to render provincial legislation effective. No proposal has, however, so far been received from any Local Government or Administration on the subject. Local Administrations are being asked what action, if any, they have taken or propose to take in the matter.

NON-DELIVERY OF POSTAL REGISTERED INSURED LETTERS, PACKETS AND PARCELS FOR SEVERAL DAYS AFTER CONTINUOUS POSTAL HOLIDAYS.

86. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is hardship caused to the public by non-delivery of postal registered and insured letters, packets and parcels for several days whenever there are continuous postal holidays. If so, does Government intend to remove this hardship ? When and how ?

THE HONOURABLE MR. J. A. SHILLDY : Continuous postal holidays for several days are extremely rare and Government do not therefore consider

that any real hardship is caused by registered and insured articles not being sent out for delivery on such few occasions.

The latter part of the question does not therefore arise.

INFLATION OF THE CURRENCY DURING THE MARKETING OF THE *Rabi* CROP.

87. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether they intend to inflate the currency during the marketing of the *Rabi* crop in order to finance the Imperial Bank of India to discount trade bills and thus to keep the rate of interest down? If so, when and to what extent?

THE HONOURABLE SIR ARTHUR MCWATTERS: Government's actions in their capacity as currency authority are guided by the needs of India as a whole and are dependent on general financial conditions. The existing powers of the Government and the practice hitherto followed by them provide for adequate expansion of the currency to meet genuine trade requirements. Due account will always be taken of such requirements, but it is impossible at present to foresee what precise action will be needed. Even if Government could now foresee what the nature of such action might be, they would not be prepared to make a preliminary announcement on the subject.

RESTRICTIONS ON THE EXPORT OF BONES AND OTHER ARTICLES OF AGRICULTURAL MANURE.

88. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether they intend to stop or restrict the export from India of bones and other articles of agricultural manure in the interests of Indian agriculture? If so, when? If not, why not?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The Government have accepted the recommendation of the Royal Commission that neither an export tax nor the total prohibition of the export of oilseeds, oilcakes, bones, bonemeal or fish manures can be justified. In this connection, the attention of the Honourable Member is invited to the debate on the Honourable Dr. Rama Rau's Resolution in the Council of State on the 23rd September, 1929. The whole question of the conservation and development of indigenous manurial resources is now engaging the attention of a Committee appointed by the Imperial Council of Agricultural Research, and its report is awaited.

HOLDING OF AN ANNUAL CONFERENCE OF THE MEMBERS OF ALL RAILWAY ADVISORY COMMITTEES.

89. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether they intend to hold a Conference annually of the members of all the Railway Advisory Committees at a central place to allow the discussion and exchange of views on railway matters of public interest?

THE HONOURABLE MR. J. A. WOODHEAD: The answer is in the negative.

ABOLITION OF SMALL GOVERNMENT TELEGRAPH OFFICES AT SMALL PLACES.

90. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is there any necessity of keeping Government telegraph offices at small places ? Has Government considered the advisability of transferring their work to combined post and telegraph offices ? If so, when ? How many such offices have been thus abolished ? Will Government lay a list of offices so abolished on the table ?

THE HONOURABLE MR. J. A. SHILLIDY : Ordinarily it is not necessary to maintain a departmental telegraph office at a small station. The policy of closing down Government telegraph offices at such stations and transferring their work to post offices has been steadily pursued since 1925-26. Fifty-four such offices have been closed. A list of these offices is placed on the table.

Statement showing names of small departmental telegraph offices either closed or whose work has been transferred to post offices since 1925-26.

1925-26	Kamptee. Murree.
1926-27	Khargpur. Barrackpore. Comilla. Myitkyina. Meiktila. Madras Fort. Trimulghery. Nowshera. Lahore Cantonment. Chaubattia. Poona Wanowrie. Hyderabad Sind.
1927-28	Dinapur. Manikganj. Calcutta Armanitola. Bhamo. Prome. Bolarum. Guntakal. Wellington. Mount Abu. Abbottabad. Allahabad Fort. Bombay Umarkhadi. Devlali. Dinapore Cantonment.
1928-29	Narayanganj. Dibrugarh. Toungoo. Tavoy. Taunggyi. Salem. Hyderabad Deccan. Jaipur. Amraoti. Dalhousie Cantonment. Fyzabad. Allahabad Cantonment. Bombay Kalvadevi. Myitta. •Elephant Point.

1929-30	..	..	..	..	Calcutta Store-Yard.
					Calcutta Fort.
					Barisal.
					Mymensingh.
					Lyallpur.
					Delhi Old Secretariat.
					Meerut Artillery Lines.
					Gorakhpur.
					Dehra Dun.
					Ranikhet.
					Taungup.

DESPATCH BY PEONS TO TELEGRAPH OFFICES OF TELEGRAMS BOOKED AT
COMBINED POST AND TELEGRAPH OFFICES.

91. THE HONOURABLE RAI BAFADUR LALA RAM SARAN DAS: Is Government aware that in big towns where there are Government telegraph offices the combined post and telegraph offices have generally no signalling instruments and so send at intervals telegrams booked there by peons to Government telegraph offices for being signalled? Will Government kindly state what is the basis of fixing such intervals and are such intervals exhibited to the public at the combined offices concerned? If not, why not?

THE HONOURABLE MR. J. A. SHILLIDY: Yes; but only in the case of a few offices the traffic of which can be conveniently disposed of by being transferred by hand.

The intervals at which the messages are so transferred are fixed with due regard to the requirements of each individual office. These intervals are not exhibited for public information as it is purely an internal arrangement of working of the office.

TOTAL COST OF ELECTRIFICATION OF THE SALT MANUFACTURING CENTRES AT
SAMBHAR, PACHBHADRA, DIDWANA, KHEWRA, ETC.

92. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state:

(i) the total cost of electrification of the salt manufacturing centres at Sambhar, Pachbhadra, Didwana, Khewra, Wardha and Kalabagh;

(ii) whether the first three places and the last three places stated above were grouped together for purposes of electrification or the electrification of each of these centres was done separately;

(iii) the total cost originally estimated for electrification;

(iv) the total cost actually incurred for electrification;

(v) the names of firms entrusted with the work of electrification;

(vi) the amount of recurring expenditure by Government which this scheme of electrification has involved;

(vii) the cost of production at each manufacturing centre for two years since the inauguration of the system of electrification and for two years prior to it;

(viii) the total annual output at each centre for two years after electrification and two years prior to it?

THE HONOURABLE SIR ARTHUR McWATTERS: (i) The total cost of electrification at Sambhar and Khewra up to date is Rs. 8,07,615 and Rs. 5,58,172 respectively. There is no electricity at Pachbhadra, Didwana, Warcha and Kalabagh.

(ii) Only Sambhar and Khewra are electrified.

(iii) Sambhar Rs. 4,93,708 and Khewra Rs. 6,40,000.

(iv) This has already been stated in reply to part (i).

(v) *Sambhar*.—The work was done departmentally and through the agency of local contractors, but the engines and certain materials were purchased from Messrs. Vickers Petters, Metropolitan Vickers Electric Company, Ltd., and the General Electric Company.

Khewra—

1. Messrs. Mirrlées, Bickerton and Day.

2. Metropolitan Vickers Electric Company, Ltd.

3. The English Electric Company.

(vi) The recurring expenditure due to the electrification has been:

					Sambhar.	Khewra.
					Rs.	Rs.
1924-25	..	..	..	..	84,683	..
1925-26	..	..	..	..	1,02,889	..
1926-27	..	..	..	..	87,000	..
1927-28	..	..	..	..	1,07,139	1,44,372
1928-29	..	..	..	..	95,983	1,32,653
Total					4,77,694	2,77,025
Average per year					95,539	1,38,512

(vii) and (viii). Two statements giving the desired information are laid on the table.

Statement showing the cost of production at each manufacturing centre for two years since the inauguration of the system of electrification and for two years prior to it.

Year.			Khewra.		Warcha.	Kalabagh.
1923-24	..	..	0/4/1·50		0/1/11·30	0/2/8·50
1924-25	..	..	0/3/5·14		0/2/6·52	0/3/9·64
1925-26	..	..	0/5/9·66	} under cons- truction.	0/5/5·26	0/5/11·67
1926-27	..	..	0/4/10·53		0/4/9·97	0/5/5·93
1927-28	..	..	0/6/5·59		0/4/1·28	0/4/3·32
1928-29	..	..	0/5/2·36		0/3/5·45	0/3/11·37
Year.			Sambhar.		Didwana.	Pachbhadra.
1920-21	..	..	0/2/11·90		0/2/3·01	0/2/3·83
1921-22	..	..	0/3/8·12		0/1/4·80	0/3/0·07
1922-23	..	..	0/3/7·66	} under cons- truction.	0/1/8·78	0/6/7·29
1923-24	..	..	0/2/11·00		0/1/6·75	0/2/10·46
1924-25	..	..	0/3/5·23		0/3/10·55	1/4/2·69
1925-26	..	..	0/2/7·27		0/3/3·65	0/5/2·98

Note.—It appears from the Honourable Member's question that he required the information about those sources only which have been electrified but for facility of comparison cost of production at other sources also have been given.

Statement showing total output at all the centres for two years after electrification and two years prior to it.

Year.	Khewra.	Warcha.	Kalabagh.
	£Mds.	Mds.	Mds.
1923-24	16,87,371	5,39,345	95,668
1924-25	36,98,389	12,50,156	2,54,500
1925-26	20,14,260	8,91,944	1,56,019
1926-27	27,66,606	5,44,509	3,00,975
1927-28	26,95,776	5,47,463	3,38,436
1928-29	30,56,478	6,51,716	4,32,062
•	Sambhar.	Didwana.	Pachbhadra.
Year.	Mds.	Mds.	Mds.
1920-21	63,57,195	2,71,576	12,99,862
1921-22	51,36,273	6,92,682	7,25,347
1922-23	57,85,743	7,49,334	1,62,391
1923-24	*87,37,080	3,22,773	10,51,146
1924-25	†53,01,827	2,97,242	95,530
1925-26	89,34,721	1,23,213	6,62,822

* Good output due to the electrification scheme being well in hand.

† Low output due to the heavy rain of 1924, hence only low density brine was available in 1924-25 and manufacture was hampered.

Note.—It appears from the Honourable Member's question that he required the information about those sources only which have been electrified, but for facility of comparison figures of total output at other sources also have been given.

PROHIBITION OF THE WEARING OF GANDHI CAPS.

93. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state whether the wearing of Gandhi caps is prohibited anywhere?

THE HONOURABLE MR. H. W. EMERSON: The Government of India have no official information regarding any such prohibition, but in view of statements they have seen in the Press they are making inquiries from the Madras Government.

CATTLE AND OTHER ACCIDENTS BETWEEN AZIMGUNJ AND BARHARWA ON THE BANDEL-BARHARWA SECTION OF THE EAST INDIAN RAILWAY.

• 94. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state the number of cattle and other accidents that have occurred between Azimgunj and Barharwa (Bandel-Barharwa Section, East Indian Railway) between February, 1929 and March, 1930?

THE HONOURABLE MR. J. A. WOODHEAD: I am making enquiries and will let the Honourable Member know in due course.

TIME TAKEN FOR THE JOURNEY BETWEEN AZIMGUNJ AND HOWRAH BY NOS. 117 AND 118 LOCAL TRAINS.

95. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state the time which it takes to do a journey by Nos. 117 and 118 local trains from Azimgunj to Howrah?

THE HONOURABLE MR. J. A. WOODHEAD: Six hours and 55 minutes in one case and 7 hours and 54 minutes in the other.

RATES OF COOLIE HIRE FROM PLATFORMS AT RAILWAY STATIONS TO THE CARRIAGE STAND OR STEAMER GHAT.

96. THE HONOURABLE MR. S. C. PAKRASHI : Will Government kindly state :

(a) Whether lists of rates of coolie hire from the platform to the carriage stand or steamer ghat, as the case may be, are kept hanging at railway stations for convenience of reference of passengers ?

(b) If the answer to (a) is in the negative, have Government considered the desirability of maintaining tables of such rates at prominent places on railway platforms as well as in railway compartments ?

THE HONOURABLE MR. J. A. WOODHEAD : (a) In November, 1929 all Railway Administrations were asked to arrange, if this had not already been done, for suitable notices in the vernacular to be posted at stations showing the charges which station coolies are entitled to make. Government presume that this is now being done.

(b) In view of the answer to part (a) these questions do not arise.

COMMUNICATIONS BETWEEN DACCA AND JAGANNATHGUNJ.

97. THE HONOURABLE MR. S. C. PAKRASHI : Will Government kindly state :

(a) Is 27 Up Passenger the only through train available from Narayangunj to Jagannathgunj ? Can passengers from Dacca avail themselves of any other train to reach Jagannathgunj or stations beyond Mymensing between 10-42 P.M. and 23-58 A.M. (Standard) ?

(b) Is there any train from Jagannathgunj to Dacca and from Dacca to Jagannathgunj, corresponding to the Up and the Down steamer respectively of the Goalundo-Bahadurabad service ?

(c) Do passengers for the Down Goalundo steamer who travel by the 27 Up train have to wait at Jagannathgunj for more than five hours ?

(d) Have Government considered the desirability of facilitating communications between Dacca and Jagannathgunj ?

THE HONOURABLE MR. J. A. WOODHEAD : (a) The reply to the first part of this question is in the affirmative and to the second part in the negative.

(b) No.

(c) Yes.

(d) The preparation of time-tables is not a matter in which Government can take part, but I am having a copy of the question sent to the Agent of the Eastern Bengal Railway.

INTERMEDIATE CLASS COMPARTMENTS ON THE 27 UP PASSENGER TRAIN FROM NARAYANGUNJ.

98. THE HONOURABLE MR. S. C. PAKRASHI : Will Government please state whether it is a fact that only two small size intermediate class compartments are attached to the 27 Up Passenger train from Narayangunj ? If so, how many passengers can they accommodate ?

THE HONOURABLE MR. J. A. WOODHEAD : Government are not aware of the composition of this particular train, but on receipt of information from the Agent of the Eastern Bengal Railway, I will communicate with the Honourable Member.

CONVENING OF A CONFERENCE OF INDIAN LEADERS TO CONSIDER THE PRESENT POLITICAL CRISIS.

99. THE HONOURABLE RAI BAHADUR SUKHRAJ ROY : Do Government propose to convene a conference of Indian leaders to consider the present political crisis in India in order to prevent a more serious situation ?

THE HONOURABLE MR. H. W. EMERSON : The position of Government was clearly defined in the recent speech of His Excellency the Viceroy, to which I have nothing to add.

GRANT OF GENERAL AMNESTY TO ALL POLITICAL PRISONERS BEFORE THE ROUND TABLE CONFERENCE BEGINS.

100. THE HONOURABLE RAI BAHADUR SUKHRAJ ROY : Do Government propose to grant a general amnesty to all political prisoners before the Round Table Conference begins ?

THE HONOURABLE MR. H. W. EMERSON : While the civil disobedience movement is in progress, no question of this nature can arise.

MORTALITY AMONG INDIAN LABOURERS ON BOATS BOUND FOR BRITISH GUIANA.

101. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

(i) whether they are aware that so far back as 1839 Lord Brougham referring to the mortality among Indian labourers on boats bound for British Guiana said that the mortality on the voyage far exceeded that on the sea voyage between Africa and America ;

(ii) what steps they have adopted since to avoid such fatalities during the transport of labourers ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (i) The Honourable Member has quoted the substance of Lord Brougham's remarks correctly. That noble Lord's language, I may add, grossly exaggerated the facts which were that out of 414 Indians who had gone to British Guiana, 18 died on the voyage.

(ii) There is no emigration now for the purpose of unskilled labour from India to British Guiana. If the Honourable Member is referring to the return voyage from British Guiana, I would refer him to the answer given by me to his question No. 13 last Wednesday.

RESOLUTION *RE* REPORT OF SIR MUHAMMAD HABIBULLAH AND OTHER MEMBERS OF THE INDIAN DELEGATION TO THE LEAGUE OF NATIONS.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muhammadan) : Sir, I beg to move :

" That this Council recommends to the Governor General in Council that steps should be taken to give effect to the recommendations made in their report by Sir Muhammad Habibullah and other members of the Indian Delegation to the session of the League of Nations last year ".

[Sir Phiroze Sethna.]

In March, 1924, I brought forward a Resolution for the first time in this House in connection with the Indian Delegation to the League of Nations, suggesting that it should be pre-eminently Indian and that the Leader should be an Indian. The Honourable the then Leader of the House, Mian Sir Muhammad Shafi, replied in terms which signified that Government were in entire sympathy with the idea underlying the Resolution. From this the House expected that Government would accede to the request made by it. As however no action appeared to be taken, I thought it necessary to press the matter not once but often by subsequent Resolutions until such a Resolution became almost a hardy annual in this House. On 13th March, 1929, I pressed the motion again and urged that Government should give practical effect to the admitted principle that there was no bar to an Indian leading such a Delegation and that therefore for the year 1929 the Delegation should be headed by an Indian. In reply the Honourable Mr. (now Sir Lancelot) Graham said in the course of a statement which he read out :

“ I am authorised to state that in selecting the Leader for the coming session of the League of Nations, Government will make it their earnest endeavour to meet the wishes of the House by securing the services of an Indian who may worthily uphold the high traditions which previous leaders of the Delegation have established. It must however be clearly understood that for subsequent years Government retain and will exercise full discretion to entrust the leadership as may seem to them most appropriate to an Indian representative from British India, or to an Englishman or possibly to a Ruling Prince, though this last alternative would raise questions of a different nature which would require careful consideration ”.

In making this statement, the Honourable Sir Lancelot added that the principle underlying it was that eventually the Delegation from India would represent different sections, would in fact be a partnership and the idea was that the partners should take it in turn to lead the Delegation. On the assurance contained in this statement I withdrew my Resolution. In doing so, I remarked :

“ I do not say that the millenium will be brought about just because the head of the Delegation will be an Indian or that the heavens will fall, but I do say that this is a step in the right direction. It behoves Government to pursue a truly liberal policy and conciliate public opinion. It is only by doing that you will weaken the force of extremism which is so rampant in the country to-day and for which I for one, lay the blame on Government themselves for not listening to the voice of those of us, who call ourselves Moderates or Liberals.”

As a result of the constant pressure thus brought to bear upon Government they decided that the Indian Delegation to the League of Nations for 1929 should be predominantly Indian and that it should be led by an Indian, namely, Sir Muhammad Habibullah, the then Leader of this House. The Leader of the Indian Delegation this year is to be a Ruling Prince, His Highness the Maharaja of Bikanir. Sir Lancelot Graham had said that the appointment of an Indian Prince would require careful consideration. The Indian public would naturally prefer an Indian commoner to lead but there will be no objection from any quarter to His Highness of Bikanir, and if even during the next few years an Indian Prince is appointed again there will be no complaint if such Prince is one who has the ability, the knowledge and the sympathy for the aspirations of British Indians and Indian Indians as a whole as the Maharaja of Bikanir has evinced.

Sir Muhammad Habibullah led the Delegation at the League of Nations last year with ability and dignity and fully vindicated our claim to lead such international Delegations. It must not be forgotten that he had similarly led a very important Delegation from the Government of this country to that of the Government of the Union of South Africa in 1926 and with much success. One good result of such Indian leadership has been, perhaps for the first time, the Delegation to the League of Nations gave its most earnest thought to the question of what measures must be adopted, what changes and improvements must be made in order that India may derive the greatest possible benefit from its membership of the League of Nations. The Delegation has submitted a report which I am sure Honourable Members must have read with great interest. In that report, which is a unanimous one, Sir Muhammad Habibullah and his colleagues, the Maharaja of Kapurthala and Sir Ewart Greaves, have made certain recommendations which I am asking Government by means of this Resolution to carry out. Those recommendations have the full support also of the substitute delegates, namely, Sir Chunilal Mehta, Sir Geoffrey Corbett and Mr. Syed Raza Ali. Surely the House and the Government cannot fail to realise that suggestions and proposals unanimously made by six such eminent men must carry great weight and receive the most careful and sympathetic consideration of Government. The object of my Resolution is that this House should set the seal of its approval upon those recommendations and ask Government to take action accordingly. Let me briefly state those recommendations in order that the House may realise how reasonable they are and that Government also on their part realise that it is their duty to do all they can to give effect to them.

One of the most important recommendations made by the Delegation is that steps should be taken with a view to secure for India by election a seat on the Council of the League of Nations. Out of 65 countries in the world, 54 are members of the League. The House is aware that under article 2 of the Covenant of the League of Nations the executive machinery of the League consists of an Assembly and a Council. The Council consists in all of 14 members, five of whom, namely, Great Britain, France, Italy, Japan and Germany have permanent seats, and nine have non-permanent seats being elected from among the other members of the League. Election for these non-permanent seats is for a term of three years and three places fall vacant every year. Now though India is an original member of the League and her contribution to its expenditure is greater than that of any other member not having a permanent seat on the Council, she has never yet been elected to the Council. There is no reason why this should continue to be the case. It is due to the fact that probably no effort has hitherto been made to seek election to the Council. The Delegation therefore has rightly urged that "steps should be taken on the first suitable occasion to make it known that India is to be regarded as a candidate for a seat on the Council".

The next two important recommendations relate to the composition of the Delegation and continuity in its composition. The report urges that the Delegation should ordinarily be Indian and the House will note that even the two British delegates, Sir Ewart Greaves and Sir Geoffrey Corbett, have also endorsed this recommendation and supported what we have been urging in this House since 1924. The report goes on to say that one or more of the full or

[Sir Phiroze Sethna.]

substitute delegates should be chosen from the Indian Legislature, and further that the importance of maintaining continuity in the composition of the Delegation should be borne in mind, no one being appointed a delegate unless he is prepared to serve for at least two or three consecutive occasions. The proposal that some of the delegates, full or substitute, should be members of the Indian Legislature is so obviously reasonable that there can be no objection to it at all. I will only add this that some times a Member of a provincial Legislature, who possesses the necessary qualifications, has evinced keen interest in the League of Nations and is known to have studied the several problems that come up before it, particularly those with which India is concerned, might also be appointed as a member of the Delegation. It is desirable that interest in the work of the League should be as general and widespread as possible, and one of the means by which this object can be gained is to appoint a member of the right stamp of a provincial Legislature to the Delegation. As regards maintaining continuity in the composition of the Council, it may not be quite possible always to have the same six members even for two or three years running. Practical difficulties may arise. Nevertheless the principle is thoroughly sound and followed by other countries. The advantage will be that those members of the Delegation or as many of them who serve on it more than once will gradually become experts in the problems coming up before the League and as such their views will carry much greater weight than might otherwise be the case.

As regards the suggestion that the composition of the Delegation should ordinarily be Indian, I have no doubt that the House will attach the greatest importance to it. Sir Lancelot Graham, while making the statement to which I have referred, said that the Delegation from India would represent different sections, would in fact be a partnership among the British, the Indians and the Indian Princes. The present anomalous and defective character of India's constitutional status, national or international, is brought home by such considerations and necessities as these. The fact that the Indian Delegation must not be purely and completely Indian, but must include one or two Englishmen and a representative of the Indian Princes gives quite a different character to our Delegation from that possessed by the Delegations of the Dominions and the independent nations. It creates the impression particularly among foreign Delegations that Indian members of the Delegation are still in leading strings, that they cannot and do not act independently on their own initiative and responsibility, that they cannot or do not represent and voice the views of the people of British India. This impression may not be justified, it may have no basis in fact. But be that as it may, it is necessary that any such impression should be avoided. And that can only be done by the Indian Delegation being as a rule composed of Indians and of course led always by an Indian.

The next important recommendation of the Delegation is that permanent representatives should be appointed at Geneva, the headquarters of the League, so as to keep the Government of India better informed of affairs at Geneva. This recommendation means that the Government of India should be permanently at the headquarters of the League. Such permanent representation would no doubt be useful in watching the interests of India.

Another recommendation of the Delegation is this. They say :

"The number of Indians employed in the Secretariat of the League and the positions which they have so far occupied are conspicuously inferior to the relative importance of India as a country and to the place which India should rightly occupy among the States. This acts as an unfavourable influence on the spirit in which India contributes to the work of the League. No effort should be spared to find and put forward candidates with the highest possible qualifications".

This is certainly a recommendation which might have been given effect to even before now. I have already pointed out to the House that India contributes by far the largest amount of any of the non-permanent members of the League. On the 10th instant, I put a question to which the Honourable the Law Member replied that the contribution by India towards the cost of the Secretariat of the League of Nations in the year 1929 amounted to a million and odd gold francs. I believe in sterling the amount came to about £54,000, or in our currency a little over 7½ lakhs of rupees. I understand Great Britain contributes not more than double of what India pays. And I further understand that the total expenditure of the Secretariat of the League of Nations is a little over a million sterling per annum. Therefore, if we pay £54,000, we are contributing 5 per cent. or over of the total expenditure. I said a little while ago that there are 54 countries out of the 65 in the world that have joined the League of Nations. This would mean, therefore, that the average contribution should be somewhere about £2,000 but, as I have pointed out, our contribution in 1929 was as much as £54,000. Therefore, the number of appointments, particularly the higher appointments, which Indians might hold might certainly be more than what they are at the moment, and I trust Government will pay due heed to this recommendation which the Delegation have made.

Another suggestion of the Delegation has for its object the creation and stimulation of interest in the League and its work in this country. It would be no exaggeration to say that at present the interest taken in the League and its activities by the people of India is very little. Very few people may have read the Covenant of the League of Nations and just as few or less read the reports annually submitted by the Indian Delegation. There is no doubt a good deal of distrust of the League in this country as in all other countries. Recently in the *New India* of May 8th, I remember reading that "the great majority of people in Ireland regard the League as a 'bonnet' behind which the predatory nations, England and France, stand always prepared to use the League to cover some cynical audacity". This, I believe, represents the view of many people also in this country. The fact that America is not a member has created the feeling that there must be something radically wrong with the League. I do not think that this impression or feeling is really justified and it is interesting to note that the late Mr. Tilak had faith in it and thought well of it. In the manifesto of the Congress Democratic Party which he formed in 1920 a short time before his death he said :

"It (the Party) welcomes the League of Nations as an instrument for enforcing the peace of the world, integrity of States, freedom and honour of nations and nationalities and for ending the exploitation of one country by another".

And the House will remember that Mr. Patel, ex-President of the Assembly, soon after his resignation declared that he intended to press the cause of India upon the consideration of the League of Nations.

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The cynical view about the League to which I have referred is fortunately not shared by all our best men and it is indeed a view which is really not justified. What is wanted is unceasing interest in its work and activities. But as things stand, Government have hitherto done very little even to interest the Legislature in the League and its work. The Delegation therefore rightly recommends that a Standing Advisory Committee of the Central Legislature be constituted for the purpose of considering and advising upon all important matters arising out of India's membership of the League.

"This",
says the Delegation,

"would increase the interest of the Indian Legislature in the work of the League, and sustain and stimulate India's participation in International affairs. This Committee would examine the reports of delegates from India with their collaboration as far as possible. It would also consider and advise as to what extent their attitude should be maintained or developed. It would receive information as to matters which are expected to be considered by the Assembly and other League Conferences. While acknowledging that in certain circumstances the delegates may have to act under direct instructions from the Government without consultation with the Committee, the fullest possible use should be made of the Committee, and normally instructions to delegates should be in accordance with public opinion".

Such are the main recommendations made by the Delegation. I do not think that any reasonable objection can be taken to any of them. If it is urged that they will involve additional expenditure, the reply is that it must be incurred if India is to derive the fullest benefit from her membership of the League. Already we spend a considerable amount of money on account of the League but we do not get the full benefit of the money which is already expended because all that ought to be done is not being done to make India's membership of the League the most fruitful. The only way to make it the most fruitful is to carry out as far as possible the recommendations of the Delegation. And therefore the additional cost they involve must be willingly incurred. It would not be much and it must not be grudged. The House owes a deep debt of gratitude to Sir Muhammad Habibullah and his colleagues for their excellent report and for the very valuable and important recommendations they have made. I sincerely hope and trust that Government will take steps to give effect to those recommendations. Anything that will raise India's international status will react on her internal status. The elevation of her international status cannot but lead to the elevation of her national status just as if her national status is raised it must result in raising her international status. The two must act and react upon each other. I entertain the sincerest hope that the influence of this country will always be exercised so as to make the League of Nations a real and powerful force making for the peace of the world, for making the reign of freedom and self-government universal and impregnable and for promoting the highest ends of human culture, civilisation and unity so that difficulties that exist at present in the way of the human race realising more and more its moral and spiritual ideals may be removed.

THE HONOURABLE SIR BROJENDRA MITTER (Law Member): Sir, I am obliged to the Honourable Sir Phiroze Sethna for moving this Resolution as it affords an opportunity to the Government of India to explain their attitude in the matter of India's membership of the League of Nations. Sir, I think we can claim that this House is probably the only body in India which takes

an active interest in this matter and I am glad to acknowledge that the credit for that is mainly due to my Honourable friend, Sir Phiroze Sethna. (Applause.) From 1924 onwards it is Sir Phiroze Sethna who has kept up a steady pressure and whatever little we have been able to do to improve India's position in that International Assembly has been to a large extent due to that pressure. Not that we would not have done so even if the pressure had not been exerted. At any rate, that was a stimulus to us. Sir, it was by reason of that persistent pressure that last year the leadership of the Delegation was vested in an Indian who performed his function, as Sir Phiroze Sethna has said, with dignity and ability. (Applause.) I can only hope that this year we may be able to follow that excellent precedent and I will not anticipate the decision of His Excellency the Viceroy in the manner Sir Phiroze Sethna has done, because...

THE HONOURABLE SIR PHIROZE SETHNA : I referred to the statements made in the Press.

THE HONOURABLE SIR BROJENDRA MITTER : I am thinking of authoritative statements and not of statements in the Press. Anyhow, Sir, we hope that the excellent precedent created last year may be followed this year.

Before dealing with the Resolution itself, I crave the indulgence of the House to remind it of two fundamental facts, recognition of which largely determines the attitude of the Government of India. The first is that India, which is a member of the League of Nations, is not merely British India. It consists of British India as well as the States. Sir, I emphasise this fact for the reason that the Honourable Sir Phiroze Sethna, in the course of his speech, seemed to assume, although I admit that he is fully cognizant of that fact, but seemed to assume, in some of his remarks that it is British Indian representation only which matters and the representation of the States can be ignored. I hope I am not doing any injustice to the Honourable Member, but I will refer to one passage in his speech in which he said that an impression was apt to be created at Geneva that the Indian Delegation did not really represent British India. Honourable Members will remember that our Delegation there represents not merely British India but also the States. The second fact, Sir, which I wish this House to remember is that the Indian Delegation receives its instructions from the Secretary of State who has the constitutional right of supervision over the Delegation. It is a very important fact, Sir, in the Report that our delegates submitted last year, there is this passage :

"As soon as those of us who came from India were assembled in London, a meeting was held at the India Office when the position which we were to occupy was explained to us on behalf of the Secretary of State on lines similar to those which have been reported by our predecessors and we afterwards discussed and settled amongst ourselves the arrangements for the distribution of work".

Sir, this fact whatever its implications may be, is, I submit, inevitable, because after all, the Secretary of State is the nexus between British India and the States, and, therefore, in the representation of India on the International Assembly, it would, under the present constitution, be proper for the Secretary of State to exercise control over the Delegation. Sir, it follows from these two postulates, namely, first, that India means British India and the States, and, secondly, that the Secretary of State is the controlling authority so far as the Indian Delegation is concerned,—it follows from these two postulates that while on the one hand the Indian Delegation cannot be under the control of the

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Central Legislature because the States are not represented in the Central Legislature, so on the other hand, the existing Indian constitution cannot but to some extent impair the influence and usefulness of the Indian Delegation. India no doubt is an independent member of the League of Nations, but her delegates derive their authority not from the representatives of the people in the Legislature but from the Secretary of State, which, as I have already explained, is inevitable in the nature of things, whereas the delegates, say of the Dominions, derive their authority from their own Legislatures. There is that distinction and we have got to recognise it. It makes no difference in the status of India in the International Assembly because India is as much an independent member of the League as, say, Great Britain, or any of the Dominions. Our status is equal. But having regard to the nature of our constitution, and having regard to the fact which I have explained, our influence and position there are to some extent impaired.

Sir, I do not wish to labour the point, but I refer to it in order to explain the attitude of the Government of India on the recommendations made by the delegates of last year. In view of the facts which I have explained, it is not possible for us to give immediate effect to all the recommendations, however much we sympathise with the spirit underlying them. We do sympathise with the spirit underlying the recommendations, because in my view, Sir, these recommendations embody the aspirations of India in an International Assembly. But having regard to the peculiar constitutional position of India, it is not possible for the Government of India to give immediate effect to all the recommendations.

Sir, this again leads me to observe that the Government of India are somewhat in a dilemma with regard to the Resolution which has been moved. We sympathise with the Resolution. We should like to accept the Resolution, but there are practical difficulties in the way which compel us to take up this position that however much we may sympathise with the recommendations, we are not in a position to accept them at the moment. I agree with much that my Honourable friend Sir Phiroze Sethna has said, but I am afraid I am not in a position to guarantee on behalf of the Government of India that we are able to give immediate effect to all the recommendations. I shall take the recommendations in their order and show in what respects we can give effect to them, in what respects we have given effect to them, and are giving effect to them, and in what respects the recommendations are in my judgment premature. The recommendations are seven in number. The place of honour has been given by my Honourable friend to the one relating to the Council of the League. I accept the facts which the Honourable Member has stated. The recommendation is :

"That an active policy should be pursued in regard to the possibility of India being elected to membership of the Council of the League".

Connected with this is the recommendation for the appointment of permanent representatives at the headquarters of the League. These two go together. Sir, the Government of India desire as much as my Honourable friend does to secure for India a place in the Council of the League, and also to provide the machinery for keeping India in close touch with the affairs of the League which I think it is the object of the second recommendation to achieve, that is to say, permanent representatives should be at Geneva to keep the Government of

India in close touch with the affairs of the League. Those two recommendations go together—India's place in the Council and permanent representatives at Geneva. Sir, I feel some difficulty in accepting these recommendations at the moment—I emphasise "at the moment". Not that it is an absolute impossibility, but having regard to existing circumstances it is a practical impossibility. It is highly improbable that India can secure a place in the Council at the present moment. Sir, I should explain what I mean. Having regard to the constitution of India, although India's status is that of absolute equality with the other members of the League, having regard to our constitution, our authority there and our influence there cannot be the same as the authority or influence, say, of the Dominions. In regard to this I wish to correct a slight inaccuracy in my Honourable friend's statement that no Dominion has up to now found a place in the Council. Canada is represented in the Council of the League, although I believe Canada's term will be over this year. Now take the concrete case of India putting herself forward as a candidate for election to the Council. Does any Honourable Member imagine that she will get much support, particularly in view of the fact that the constitution of India is under revision? What the position of India will be as the result of that revision is quite a different matter. But at a time when the constitution of India is under revision it is hopeless to expect that India will get sufficient support at Geneva for a place in the Council. Sir, the Government of India cannot accept this recommendation at the moment for the reason that the Government of India do not wish India to court a rebuff. If we do get a rebuff now that will prejudice India's position in the near future when India may be able to assert her right. Of course theoretically she can assert her claim now, but if she met with failure her position would be prejudiced when she could more effectively assert her claim. It is for that reason I submit that my Honourable friend should not press that recommendation, at any rate in the Year of Grace 1930. What the position will be in 1932 I do not know, but at the moment I submit it is not wise for us to press that recommendation. If that recommendation is unacceptable at the moment, it follows that the location of permanent representatives at Geneva is not necessary, because the controlling authority being the Secretary of State, he has all the machinery required to keep him in close touch with affairs at Geneva and since we are to receive our instructions from the Secretary of State it is no use duplicating the machinery. Further, it may create an anomaly, because if we have representatives at Geneva, from who are these representatives to get their instructions, from us here or from the Secretary of State in London? That may create an anomaly. I submit that for the reasons which I have adduced the Honourable Member should not press upon the Government of India the acceptance of these two recommendations with a view to attempting to give immediate effect to them.

Sir, the next recommendation refers to India's under-representation in the Secretariat of the League having regard to India's contribution to the expenses of the League. We fully realize the importance of proper representation in the Secretariat, but Honourable Members will remember that appointments are exclusively within the discretion of the Secretary-General of the League. We have no voice in the matter. It is absolutely at the discretion of the Secretary-General, who I am glad to say—and our delegates have repeatedly called our attention to the fact—is very sympathetic towards India's claim. All w

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can do is to bring pressure to bear upon the Assembly year after year for recognition of India's claim to larger representation in the Secretariat. Sir, this has been done and it is being done year after year. I may refer the House to the speeches which Lord Lytton and, last year, Sir Chunilal Mehta made on this very subject. Every year our delegates are pressing for larger representation in the Secretariat. The Secretary-General is sympathetic and I dare say in course of time, if we keep up the pressure, we shall get our due. In this matter the Government of India cannot take any steps for the simple reason that it is a matter in the discretion of the Secretary-General.

I come next to the recommendation for the appointment of a Standing Advisory Committee of the Legislature. Now, with regard to this matter I entirely agree with the Honourable Member that the Central Legislature should be better informed about the activities of the League and should take more interest in them than it does. To this recommendation there are two objections which are at once suggested by the delegates' own appeal to the analogy of the existing Departmental Advisory Committees. In the first place, the matters of greatest importance which come before the Assembly are for the most part matters with which the Home Department, the Foreign Department or the Army Department are primarily concerned. Many of

12 NOON. these matters are outside the jurisdiction of the Indian Legislature under the present constitution, and doubtless for this reason Advisory Committees have never been attached to the Foreign or the Army Department, while the Advisory Committee formerly attached to the Home Department perished, I understand, from the lack of sufficient material which could suitably be placed before it. In respect of matters relating to these Departments, that is, the Home, the Foreign and Army Departments, Government cannot but think that it would be anomalous to set up a League of Nations Committee and thus place the Legislature in a position to exercise through this Committee a form of influence over Government, in respect of matters to be brought before the League of Nations, which it cannot exercise directly in respect of the same matters when they are to be brought before the Indian Legislature itself. The Indian Legislature cannot exercise the authority and the corollary of the recommendation is that that Advisory Committee which will be a Committee of the Legislature would exercise that influence which the Legislature itself cannot exercise. That will be the anomaly. In the second place, Sir, in respect of matters coming before the League which are within the purview of the Departments to which Advisory Committees are already attached, namely, the Commerce Department, the Department of Industries and Labour and the Department of Education, Health and Lands, I cannot see that the fact that a particular matter is to be brought before the League of Nations constitutes any reason either for ousting these Committees in favour of a League of Nations Committee, as the means by which Government should be brought into contact with non-official opinion in the Legislature, or for superimposing a League of Nations Committee on the existing Committees, which my Honourable colleagues in the Departments concerned are, subject to the limitations imposed by the considerations of time and space, free to consult in respect of matters pertaining to their Departments which are expected to come before the Assembly of the League or a League Conference. In regard to matters which appertain

to the Departments of Education, Commerce or Industries, we have already got Committees. If any of such matters come before the League of Nations, we have got the machinery by which non-official opinion may be ascertained and pressure may be put upon the Government of India to accept non-official views. It is not necessary therefore to set up another Committee whose activities must necessarily overlap the activities of existing Committees. Sir, the express object of this recommendation, namely, the finding of means for increasing the interest of the Indian Legislature in the work of the League would, in the opinion of the Government of India, be best met not by setting up a special League of Nations Committee to advise Government, but by the establishment by non-official Members themselves of an organisation on the lines of the League of Nations Union Committee of the British Parliament.

Sir, the next recommendation is for the attachment of a whole-time officer to the appropriate Department, that is, the Department over which I have the honour to preside. The delegates themselves clearly view this recommendation as a corollary to the recommendation for setting up a League of Nations Committee, and as for the reasons already explained, Government do not see the immediate necessity of setting up a League of Nations Committee of the Legislature, it is enough for me to say that the existing system under which the Legislative Department functions in matters relating to the League of Nations as the co-ordinating Department works quite satisfactorily in practice and no necessity is felt at the moment for the creation of a special post. But, while I say this, I am not opposing the recommendation—my Honourable friend will kindly not misunderstand me. All I am saying is this, that the Legislative Department is functioning in this matter and the work is going on smoothly and at the present moment we do not feel the necessity of a separate special post for this, but if the Members of the Legislature take an increasing interest in matters of the League and the volume of work increases and if it is found that the present arrangement is not adequate to deal with that, surely Government will give this recommendation due weight and a separate special post may then be created. At the present moment the interest taken is very small, the work is not heavy and I can inform Honourable Members that a Secretary in the Legislative Department, who has exclusive charge of the League of Nations matter, is thoroughly conversant with all that is going on and any Honourable Member wishing any information has only to come to my Department and we shall be only too pleased to place all materials at our disposal before him.

Sir, that disposes of five of the recommendations. There are two more recommendations with which the Government of India are not only in full sympathy but they have been carrying them out in spirit and in letter. One is for the maintenance of some degree of continuity in membership and the other is that the full delegates should ordinarily be Indians and that one or more of the full or substitute delegates should be chosen from the Indian Legislature. Sir, we are always mindful of the importance of continuity. It so happened that last year's Delegation was particularly unfortunate in this respect. Other previous Delegations had contained a larger proportion of members with previous experience of Geneva and, as time goes on, the field of selection from among persons with previous experience will naturally widen. We feel, however, that the specific proposal of the Delegation, namely, that

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no Delegate should in future be appointed unless he is prepared, if called upon, to serve on at least two or three consecutive occasions, seems to me to be impracticable. In the first place, it would put Government in an invidious position, if for any reason it were undesirable to include delegates who had given such a guarantee in a subsequent Delegation. You take a guarantee from delegates that they would serve for two or three years ; that involves a corresponding obligation on our part to appoint them for two or three years. Suppose for some reason it is undesirable that any such delegate should be a delegate in a subsequent year, what happens to our obligation ? The guarantee remains, but we can not carry out our obligation. That places us in a very invidious position. In the second place, it would seriously restrict the field of selection in that many men pre-eminently suitable for inclusion in a particular Delegation might be excluded by reason of their inability to give the required guarantee. Then, as to the other proposal that the Delegations should be predominantly Indian, the natural tendency on the part of Government is to give effect to this recommendation. Year after year this recommendation has been increasingly given effect to ; but Government cannot at the present moment bind themselves to exclude an Englishman on racial grounds if he possesses special qualifications which make his appointment desirable. Sir, I do not suggest that the Honourable Mover of the Resolution wanted to introduce any racial discrimination in the matter. I understood him to suggest that a predominantly Indian Delegation is desirable in order to give the delegation a purely national character, so as not to give other nations an opportunity of saying that we are a mixed crew. That is, I take it, at the bottom of the suggestion. There is no question of racial discrimination, but the Honourable Mover will recognise that there are matters in which at the present moment, whatever the reasons may be, we may not be able to get suitable Indians to represent Indian interests. Take the Army, for instance. Have we got any Indian at the present moment who can adequately deal with Army matters, say, reduction of armaments, a thing which may be discussed at Geneva ? Similarly, take a matter involving Public International Law. We have got eminent lawyers in India but we do not get opportunities to study Public International Law in the same way as lawyers in European countries do. Now, questions involving Public International Law are constantly coming up before the League of Nations. It may be necessary, in a particular year when such questions are on the agenda, for the proper representation of India's interests, that somebody familiar with that branch of the law should form part of the Delegation. We cannot find a suitable Indian at the moment. We have got to select a suitable Englishman. Therefore, all I am submitting is this—although Government are in full sympathy with the object of giving the Indian Delegation a really national complexion, at the moment it is not possible to exclude Englishmen because they are non-Indians—on racial grounds. To exclude persons because they are non-Indians is a very drastic step at the moment, for the simple reason that we may not find suitable Indians to represent Indian interests.

As regards that part of the recommendation which suggests that some member of the Delegation should be a member of the Legislature, Sir, we keep that constantly in view and we always try to get one or more Members of the

Legislature to form part of the Delegation. Well, I will not disclose any secrets but I may inform the House that for this year's Delegation we are trying our very best to secure one or more Members of the Legislature to go to the League.

Sir, I have dealt with all the seven recommendations and from what I have said the House will recognise that the Government have entire sympathy with the spirit underlying the Resolution. We are giving effect to some of the recommendations. Some of the recommendations are not possible to be given effect to immediately and with regard to one, it is not wise to attempt to give effect to it because that may prejudice India's claim in the near future. Sir, for these reasons I repeat that the Honourable Mover of the Resolution has placed us in a dilemma. We do not wish to oppose his Resolution. At the same time, we do not find ourselves in a position to accept it. Is it too much for me therefore to appeal to my Honourable friend to feel that we are not obstructive, that we are not unsympathetic, and that we are trying our best to carry out the purpose of the recommendations, and in view of these facts, may I not ask him to withdraw his Resolution?

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma : General) : Sir, as one who used to make his humble contribution to the hardy annual, I have great pleasure in supporting this Resolution. This House has reason to be gratified with the fact that, after years of fighting, last year's Delegation to the League of Nations was headed by Sir Muhammad Habibullah, and in the current year it is being headed by a Ruling Prince. We hope and trust that the Government will in future years keep this principle in view and select an Indian to lead the Delegation to the League of Nations. Coming to the Resolution, as pointed out by the report, India having been admitted as an independent member of the League of Nations, it is both her right as well as her duty to make that membership as real and effective as possible. For this purpose, India unfortunately is not in a position now to impress upon the world the reality of her independent membership in the League, though theoretically she has got the same rights as any other member of the League of Nations. The proposals which have been made will go far to make this representation of India at the League of Nations as independent as possible. I attach very great importance to the first recommendation. That is the constitution of a Committee of the Central Legislature as a body to consider and advise on all matter relating to India's representation at the League of Nations. I am conscious of the fact that the representation at the League of Nations is the representation of the Governments concerned and not of the popular representatives. But there is this difference between the representation of a self-governing country and the representation of a country like India. In a self-governing country with an Executive fully responsible to the Legislature, there is a guarantee that the instructions issued by the Government to the representatives would be in accordance with the public opinion of the country. It may not be so in the case of instructions issued by a Government like the Government of India which is not responsible to the Legislature and which is not removable by the Legislature, and there is a danger that the instructions issued by the Executive of a Government like this would not be in accordance with public opinion. Whatever may be the technical view of it, in order to make the best use of our membership in the League of Nations it is eminently desirable that the Government should act in

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accordance with public opinion and, as the Delegation's report rightly points out, the Legislature of India is the constitutional embodiment of public opinion in India. Unless the Government of India wish to slight public opinion in India, I do not see any earthly reason why they should not accept a simple recommendation like this to make India's membership really useful.

Then, coming to the other recommendations, I attach the very greatest importance to securing a place in the Council of the League of Nations. As has been pointed out by the Honourable Mover of this Resolution, India is making the largest contribution among the States which have not got permanent seat in the League Council. India should strive at least to get a place commensurate with her importance as a country and the heavy contributions which she makes to the League Budget. We have been told by the Honourable Member in charge of the Resolution on behalf of the Government that we are likely to get rebuffs. But such considerations should not stand in the way. As the report points out, there may be rebuffs, but it is always desirable to make an impression upon the other State Members by striving to secure as many votes as possible even though we may not succeed in securing a place in the League Council. By constant efforts we may be in a position to achieve our object in getting a place in the League Council. We ought not to be afraid of rebuffs. Rebuffs are inevitable whenever we make efforts for the first time. But still we ought not to be scared by the chance of there being rebuffs.

Then, as regards the Indian personnel in the League Secretariat, I am afraid that the Government of India has not been fully alive to its duty towards India in this matter. There is no doubt that the appointments are in the hands of the Secretary General, but there is such a thing as exerting pressure by the State Members concerned. It can be done, as has been done by the representatives of India in the League Assembly. It may also be done by the Government concerned by putting pressure and by making representations as regards the inadequate representation of Indians in the personnel of the League. It is also the duty of the Government of India to see that Indians in the League secure prominent positions so that problems which are peculiar to Eastern countries and peculiar to India may receive adequate attention. Then, as regards the machinery recommended to be set up in India, I agree with the Honourable Member for the Government that there may not be a present need, as the Law Department has probably enough time to look into all the questions connected with the League. But as regards the necessity for the establishment of a permanent representation in Geneva I think the recommendations of the Delegation should be immediately given effect to. No doubt there is the Secretary of State who can look after the affairs of the League in that part of the world. But we are afraid that because the Secretary of State's duties are manifold and onerous, he may not be in a position to be in continuous touch with the affairs of the League. We also find that other countries nearer Geneva are having their representatives in Geneva so that there may be continuity of work and sustained work. I think it is highly desirable to emulate the example of other countries which have got permanent representation at Geneva.

Then, there is the other recommendation which is very important and which we have been urging from time to time in this Council. In order to impress upon the League Assembly the true Indian character of the represen-

tatives going to Geneva on behalf of India, it is necessary that they ought to be impressed that India is not a sort of second fiddle to Great Britain and that India has got her own rôle to play and that the membership of India is not a device on the part of Great Britain to have a second vote in the League's deliberations. I am glad that the fact that India's Delegation was for the first time led by Sir Muhammad Habibullah and that he signed the optional clause on behalf of India should have impressed the League as to the essentially Indian character of the Delegation. But it is also necessary that the impression that India is only a subsidiary voting machinery on behalf of Great Britain should be entirely removed by making the personnel of the Delegation entirely Indian and not merely predominantly Indian as proposed in the report. It will not be difficult to get suitable Indians to be full delegates as well as substitute delegates to the League. I believe the Honourable the Law Member has been somewhat modest and humble—over-modest I think—in stating that there are not people available in India with sufficient knowledge of International Law to deal with international problems that may arise there. I am sure that he will do justice to any question on International Law as much as any European lawyer, and there are sufficient distinguished lawyers in India who can deal with international legal questions. They may not have had many occasions to deal with International Law as often as the jurists of other countries. But the judicial training and the legal acumen which they have got by long years of training and by a distinguished career at the Bar would enable them to overcome any legal difficulty in the matter of dealing with questions of law, which are of a purely international character, and I think this lame excuse to include Europeans for representing India readily falls to the ground.

As regards technical and army questions, it is high time that Indians should be given an opportunity to learn to be in a position to deal with them when the occasion arises in the League. For this purpose it is desirable to give them an opportunity. There is the Army Department of the Government of India. They can give suitable instructions, and it is only the representation of the case of the Government in the Army Department that will arise in the course of the discussion there. There are any number of Indians with the requisite qualifications, anxious to grasp the view-point of the Army Department and to represent it in the League of Nations. So, the objection to giving effect to a predominantly Indian personnel in the representation to the League is after all a mere excuse to retain the partial British character and the hybrid character of the Indian Delegation to the League of Nations.

Sir, the speech of the Honourable the Law Member has given me an impression, and I am always conscious of it, that India cannot take her rightful place in international affairs unless she has her rightful place as a nation here in India and unless the noble words of Mr. Ramsay Macdonald uttered before the League of Nations Assembly, quoted in paragraph 16 of the report, are translated into action by the British people and the British Parliament. Until that is done Indians in India will regard the representation of India as an original member of the League of Nations as a mockery. It will become a reality if those noble sentiments about the relationship between Europe and the nations of the East are translated into action. I hope and trust.....

THE HONOURABLE THE PRESIDENT: The Honourable Member has exhausted his time.

THE HONOURABLE MR. P. C. DESIKA CHARI: I am concluding.

THE HONOURABLE THE PRESIDENT: I am not prepared to allow the Honourable Member any latitude whatever. I think he must have observed as well as I have that the House is not interested.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan): Sir, I rise to support the Resolution which has been so ably moved and argued by my esteemed friend Sir Phiroze Sethna. The reply of the Honourable the Law Member gives us some hope as regards some recommendations, and as regards others we are told there are constitutional defects which prevent them being considered. Therefore, Sir, in order to remove the inferior status of India, I would request the Government of India to get the constitution so altered—in the course of the re-making of the constitution—as to remove the constitutional defects which prevent the Government of India from accepting or considering the other recommendations.

THE HONOURABLE SIR PHIROZE SETHNA: Mr. President, I have now had the good fortune of serving on this Council for close upon 10 years. I have had the opportunity during that time of bringing forward some Resolutions. It has been interesting work for me to study the replies given by Government on the different occasions. I divide those replies under three heads. In the first place there are replies where Government have flatly refused to accept the recommendations made by the representatives of the people and which convey the views of the general public. They have done so because they have not seen eye to eye with us as they are an alien Government and cannot appreciate the points we have brought up in the manner that we ourselves do. In the second category fall those replies in which Government have offered cart loads of sympathy although they have known all the time that they would not be able to carry out the recommendations or that they had no intention of doing so. There is lastly the third kind of reply, and the reply this morning falls under that head, namely, a free, frank and candid statement of what Government can do and what Government cannot do. And, Sir, I think I am echoing the voice of the House when I congratulate and compliment the Honourable the Law Member for the exposition of his side of the case that he has made so lucidly this morning. (Applause.) He referred to the recommendations in the Report one by one. I do not propose to refer to them in the order in which he dealt with them but I hope I shall refer to every one of them and as briefly as possible.

In the first place, in regard to an increase in the number of Indians employed in the Secretariat of the League of Nations, he explained that it does not rest with the Government of India but entirely with the Secretary General of the League of Nations but that at the same time the Secretary General is well disposed towards that idea, and that idea was forcibly put forward in the speech made by one of the substitute delegates last year, Sir Chunilal Mehta. All, therefore, that I have to press on the notice of the Honourable the Law Member to-day is that he will try to impress upon one or more of the delegates going this year to repeat the request and to go on putting pressure in the same way year after year until the Secretary General appoints a number of Indians commensurate with, as I have pointed out, the share that we have to meet in the payment of the expenses of the Secretariat of the League.

In regard to the composition of the Delegation, the Honourable the Law Member expressed the hope that there is nothing in my speech to indicate anything racial. He is perfectly right. That is not my intention. I had in mind the very sinister remarks that are made at times by members of foreign Delegations in regard to the inclusion of non-Indians in the Indian Delegation. I am sorry I have not my previous speeches with me here to refer to. I believe it was an Irish member who spoke in most disparaging terms publicly some years ago, which the Indian members of the Indian Delegation felt very bitterly. The Honourable Sir Brojendra Mitter observed that in so far as the Home, Foreign and Army Departments are not under Indians, and because of the safeguards we ourselves have suggested in connection with those Departments, even if we get Dominion Status, it follows that for a number of years to come we must have one or two Englishmen. But I trust that the hope expressed by the Honourable the Law Member will be realized, that the number will be gradually reduced for the reasons I have already given. There were last year two Englishmen. I do not know how many are going to be appointed this year, but I trust that even if there are two this year the number will be reduced to one next year.

The Honourable the Law Member also pointed out some difficulty in regard to continuity in the composition of the members. He observed that if he took a promise from a member to serve for two or three years he felt that Government in its turn ought also to give a guarantee to appoint him for that time, and there might be reasons why he should not be so appointed. I do not know what reasons the Honourable Member foresees. It may be that Government may not like to send him for a second year because he has not proved his ability or for some other reason. But I would ask Government to keep themselves perfectly free in regard to re-appointment. They should not be bound to re-appoint a member and should retain such discretion to themselves. At the same time they could take an assurance from the member that if required by Government he would make it convenient to go for two years or more. I repeat that this practice is followed, and followed with great advantage, by other nations.

I now come to the question of a Standing Advisory Committee. I accept Sir Brojendra's explanation that his Department is able to and has the machinery to carry on whatever work is required to be done and that at the present moment the appointment of such a Committee is not necessary.

The next important item is about a permanent representative at Geneva. In regard to this, the Honourable the Law Member has pointed out that because we are at present working under the orders of the Secretary of State, it will be a perfect anomaly to have our representative there for he would be in a fix as to whose instructions to follow and therefore it is advisable to wait to give effect to this recommendation until some change is made in our constitution.

Lastly, in regard to the point to which the Delegation attach very great importance, namely, that India should have a seat on the Council by election just as any other non-permanent member, Sir Brojendra Lal has pointed out the difficulties that strike him. In this connection I thank him for the correction that he has made in regard to what I said, namely, that no other Dominion has so served. I understand from him that Canada is at present so serving.

[Sir Phiroze Sethna.]

That would be a greater reason for India to have a seat on the Council, but I admit, to our regret and to our shame, perhaps, that situated as we are under the existing constitution we would be helpless even if we had a seat and perhaps the ridicule that is poured forth against Indian delegates will be very greatly intensified. My Honourable friend expressed the hope that because the constitution is at present under revision, and whilst there cannot possibly be any change in 1930, the constitution might be so changed by 1932—he advisedly skipped the year 1931—that India would then be in a position to claim a seat from amongst the non-permanent members.

Mr. President, what does this all lead to? It leads to this, that our inferior position disables us from coming into our own even in the League of Nations where we are one of the original members and where, I repeat, we pay the largest amount of any other non-permanent members as our contribution; and therefore this is a further argument which my Honourable friend has himself advanced to strengthen the claim that the country has made for Dominion Status. More than that, from the speech which he has made, I think I am perfectly right in assuming, and I think my Honourable colleagues will agree with me that from the speech Sir Brojendra has made he has given us a clear indication of what his own views are and we trust that he will be one of those who will strongly support the Viceroy and the Secretary of State in getting us Dominion Status with safeguards, (Applause) and I likewise hope that the other Honourable Member of the Executive Council, my friend the Honourable Sir Fazl-i-Husain, will also avail himself of an opportunity either to-day or later in this Session to give us an assurance to this effect for himself. Speaking as an Indian, I would like to say that the whole country has a right to expect that all the three Indian Members will support the Viceroy for all that they are worth. It seems to me therefore that for the reasons given by the Honourable Sir Brojendra it is best to put forward our claim after the new Reforms come in and not press them to-day for, as Sir Brojendra Lal has said, my requests in this direction are premature.

Now, Sir, one of the leaders of the Conservative Party, Mr. Winston Churchill, has declared in a speech he made yesterday at Waltham Abbey and which is reported in this morning's telegrams that:

"No responsible person supposes for a moment that the forthcoming Round Table Conference can produce a Dominion Status for India or that a Dominion Status is likely to be obtained within the life-time of anyone now living. If that is true there is no advantage in encouraging false hopes, the only result of it is to weaken confidence. . . ."

THE HONOURABLE THE PRESIDENT: The Honourable Member seems to be dragging in something which the House is fully aware of; I do not see its direct relevancy to the Resolution, in view of what he has already said; in particular it has nothing to do with the exercise of his right of reply.

THE HONOURABLE SIR PHIROZE SETHNA: I will then only point out that if a child born this year lives to be a centenarian, according to Mr. Winston Churchill, we are not to get Dominion Status within the life-time of that child. If that is to be so, let us drop our connection with the League of Nations immediately and save the heavy annual contribution we are now making to it.

I repeat that the House, like myself, must feel satisfied with the fully explanatory statement made by the Honourable the Law Member, and I consequently ask for leave to withdraw my Resolution.

THE HONOURABLE THE PRESIDENT: Is it your pleasure that the Honourable Member be given leave to withdraw his Resolution?

HONOURABLE MEMBERS: Yes.

The Resolution was, by leave of the Council, withdrawn.

THE HONOURABLE MR. SURPUT SING (Bihar and Orissa: Non-Muhammadan): Sir, I beg to ask permission of this House to withdraw the Resolution* which stands in my name to-day.

THE HONOURABLE THE PRESIDENT: If the Honourable Member does not move it, he does not require the permission of the House to withdraw. I take it he has withdrawn.

CHILD MARRIAGE RESTRAINT AMENDMENT BILL.

THE HONOURABLE MR. SURPUT SING: Sir, I beg to move that the Bill to amend the Child Marriage Restraint Act, 1929, be taken into consideration.

Sir, let me tell the House at the very outset, so that I may disarm all opposition to it, that my chief object in bringing this Bill before this House is not to frustrate in any way the salutary provisions of the Act. What I simply want is the sanction of the House to two very reasonable propositions. In complicated human affairs, situations must always arise which will demand exceptional treatment. My first proposition is only to provide for such exceptional cases. For instance, a father or a widowed mother or a loving and conscientious guardian, while on his or her death bed, out of love or actuated by genuine well-being, may piously desire that a girl who is under 14 should be wedded to a young man of choice or *vice versa*. Such an exceptional case must, in all conscience, be taken out of the category of the Act, and wisdom dictates that due allowance should be made to meet such instances. My next proposition is that due regard for liberty of conscience should be made in such a legislation as affects very tender domestic relations, such as marriage. I need not repeat to the House that even the well-known sponsor of the Bill made clear provision for meeting cases of exceptional nature. But to our great surprise and regret, the Lower House in their extreme exuberance to get through the measure left out that salutary suggestion. My appeal to the House is to consider seriously these two propositions and accord their support to the amendments so that the Act may be a perfectly wise measure and be acceptable to all parties.

I now turn to the practical application of the Act itself. It is about ten months now since the Act was passed and we all know what reception it has been accorded by the public at large. The drastic nature of the legislation, without ample safeguards for liberty of conscience or exceptional circumstances,

* "This Council recommends to the Governor General in Council that Railways should charge a special concession rate for the carriage of stud bulls, buffaloes and cows for breeding purposes."

[Mr. Surput Sing.]

has made it absolutely unpopular. We also know from first-hand knowledge to what a ridiculous extent the public at large went in order to avoid the provisions of the Act before it was actually enforced. Human ingenuity will always forge ways and means to provide for such instances as I have enumerated. So it is better that we, legislators, should forestall them and make due allowance ourselves for such situations. With these words, I beg to move my Bill for the consideration of the House.

Sir, I move.

THE HONOURABLE MR. H. W. EMERSON (Home Secretary): Sir, in moving the amendment that the Bill be circulated for opinion, I wish to make clear the position of Government without any chance of misunderstanding. On the 19th of March, Sir James Crerar, in reply to a question in another place, gave an undertaking that certain Bills relating to the Child Marriage Restraint Act which had been introduced or of which notice had been given would be circulated for opinion to Local Governments by executive order. In pursuance of that undertaking this and the other Bills concerned have been circulated for the opinion of Local Governments. The Government of India await the receipt of these opinions and in the meantime they have formed no final opinion in regard to the merits of this Bill or of the other Bills. Nor indeed are they in a position to do so. In these circumstances, it will be necessary for Government to oppose this Bill if the Honourable Member insists on it being taken into consideration, and I would therefore request him to accept the amendment that stands in my name and which I now move, that the Bill be circulated for opinion.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, before I deal with this motion, I should like to put before the House some of the Hindu Shastric authorities which made me support the Sarda Act. It is laid down in the fourth verse of the 35th Sukta of the second Mandal of the Rig Veda that a young girl should accept the hand of a youth in marriage in the same way as rivers are united with the ocean.

THE HONOURABLE MR. NARAYAN PRASAD ASTHANA (United Provinces Northern : Non-Muhammadan) : Sir, I rise to a point of order—whether the amendment is being discussed or the consideration of the Bill is being taken up. If the amendment is being discussed, then speeches must be confined to the amendment.

THE HONOURABLE THE PRESIDENT : The motion before the House for the moment is the amendment. If the Honourable Member who has been quoting from the Shastras can show the relevance of his quotations to the amendment, I shall be able to allow him to proceed.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : What does the expression “ young girl ” mean here ? The Shastras lay down that if the male child....

THE HONOURABLE THE PRESIDENT : I asked the Honourable Member to enlighten the House as to what the relevancy of his quotations from the Shastras was to the amendment which is before the House—the amendment being that the Bill be circulated for the purpose of eliciting opinions thereon.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, my object in quoting these authorities is that in case the Bill is circulated for opinion these authorities may be of some use to those who have to express their opinions.

THE HONOURABLE THE PRESIDENT : In that case I think the Honourable Member had better leave those who have to express an opinion to make their own researches.

THE HONOURABLE DEWAN BAHADUR A. RAMASWAMI MUDALIAR (Madras : Non-Muhammadan) : Mr. President, I feel I am overwhelmed with diverse feelings today in getting up to oppose the amendment that has been moved by the Honourable Mr. Emerson. My reasons I shall try to place before this House in a very brief form. Sir, I must confess that the Government has given a very step-motherly treatment to the Act that has been placed on the legislative records of the Central Legislature. When it is remembered that the Child Marriage Restraint Act was passed only in September last year, when it is realised that it came into force only on the 1st of April, the suggestion of the Government that this particular Bill along with other Bills of a like nature should be circulated for opinion, takes my breath away. What is the object of this circulation ? Is it to get more opinions on these matters which have been referred to in this Bill ? They have formed the subject of discussion for months and for years. I should like, Mr. President, to appeal to the Government to re-read the history of this legislation. For years it has occupied the floor of this Legislature. It has had a very chequered career indeed. It was referred to a Select Committee. It was re-referred to another Select Committee. The very provision which my friend has suggested today, that particular amendment was considered by the Select Committee and was ruled out by that Select Committee. After the Select Committee's Report was presented to the Lower House, it was circulated for opinion at the instance of the Government to all Local Governments and to all public bodies. There was an opportunity then for these public bodies and for the various Local Governments to give their opinions on these particular provisions which my friend the Honourable Mr. Surput Sing has tried to introduce in this measure. I ask, what is the need for this re-circulation again ? And, Sir, what will be the effect on the public mind if this circulation motion is carried out ? I do not know whether any speeches from the non-official Benches generally divert the course which Government have mapped out for themselves. I am a man who perpetually lives in hope—and I still hope that what I am about to say today may have some little influence on the Treasury Benches, that my Honourable friend, Mr. Emerson, and the Government Members who are present here may still reconsider their position. Sir, by this motion for circulation you commit havoc so far as the Child Marriage Restraint Act is concerned. You must realise that there has always been an opposition, a determined opposition, an opposition of a small character but none the less persistent, and when the Act was carried out there was jubilation among those most concerned who wanted to place this country on a firm basis with respect to its human material. But the opposition continued and my Honourable friend referred to the number of marriages that were carried out before the 1st of April. I rely on that fact to show how, in spite of this opposition, the people of the country came to realise that the Act was

[Dewan Bahadur A. Ramaswami Mudaliar.]

there on the legislative records and could not be repealed. I would refer to those numerous marriages that have taken place as evidence, indisputable evidence, of the fact that they thought the Government of India had made up its mind once for all and that they were not going to play fast and loose with the measure. It is because they felt that the repeal of the measure had no chance, that any serious amendment of the Bill would practically be ruled out, that marriages in their thousands and tens of thousands of children six months and one year old were carried out. And now you are suggesting to them by this measure of circulation that there is a chance, that there is more than a chance that some portions of the Act may be amended and that certain other portions of the Act may be repealed. Is it fair to those who have carried on an intensive agitation for this measure, is it fair to those who have voted for this Act, that you should give the opportunity once more for these forces of reaction, for these forces of social obscurantism to assert themselves again, to undo all the good we have done by carrying out a tremendous agitation? Sir, I do not know how it happens but with reference to any of this social legislation, where the question to be considered is in the slightest degree alleged to be connected with religion, the great Government of India, firm, determined, disciplined as it has always been, becomes absolutely nervous. It is a trite saying in my part of the country that the social obscurantist has only to say "Boo, religion is in danger" for the Government's knees to start trembling.

THE HONOURABLE THE PRESIDENT: The Honourable Member has made a most ingenious attempt to convince me that the remarks he is making are relevant to the amendment, but he has not convinced me. The Honourable Member is clearly making the speech that he intended to make on the original motion of the Honourable Mr. Surput Sing, and I think he had better reserve his remarks for that motion in case it does come before the House.

THE HONOURABLE DEWAN BAHADUR A. RAMASWAMI MUDALIAR:

Sir, I have always felt it very difficult to make my speech
1 P.M. in this House. Not that I have not been accustomed to speak elsewhere. I was a Member of the Provincial Legislature for six years. But in this House—I do not know how it happens—I am finding it very difficult to follow its special rules of procedure. As a new Member, you will pardon me, Mr. President, for the limitations under which I am suffering.

I am opposed to the circulation of this Bill because it will give the impression in the country that this Act is going to be repealed.

THE HONOURABLE THE PRESIDENT: This is what the Honourable Member said before. I cannot allow him further latitude to repeat his own arguments.

THE HONOURABLE DEWAN BAHADUR A. RAMASWAMI MUDALIAR:
Then the best thing I can do is to resume my seat.

THE HONOURABLE SIR SANKARAN NAIR (Madras : Non-Muhammadan) :
Sir, I rise to object to the motion to circulate the Bill for opinion because the question in issue has already been discussed by the House. This matter was brought before the House in various forms and it was disallowed by the House. The Bill is to the effect that the District Judge should be empowered to grant permission to the parents of two children, however young they may be, to

solemnise a marriage between them and if that permission is granted, then they should not be punished and the provisions of the Child Marriage Restraint Act should not apply to them. That is the Bill. I say that on the face of it this Bill is objectionable, and whatever be the opinion of the country—even if the whole country from one end, the Himalays, to the other end, Cape Comorin, were to say that this Bill should be passed—it is the solemn duty of the Government to refuse to pass it. Do I understand the Honourable Mr. Emerson to say that the Government keep an open mind on a subject like this and that the Civil Court would grant permission to a boy who is two years old to marry a girl who is one year old? Yet that is what this Bill allows. Am I to understand that? I cannot conceive it. I cannot imagine that any Government which calls itself a civilised Government could have an open mind on the question that a boy of two years of age may be allowed to marry a girl one year old or six months old. Yet that is what this Bill allows, and that is what Mr. Emerson says is the point on which we should ask the opinion of the people of the country. It is absurd—it is literally absurd that any Government should venture to say that they would ask the opinion of the country on the question whether a marriage should be solemnised between a boy of two and a girl of one. So, this Bill should never be circulated. What was the point taken last time in the debate in the Council here on the Child Marriage Restraint Bill? There was an amendment brought forward, Mr. President, to this effect that it shall not apply to the case of a marriage of a girl who has attained the age of 12 but not of 14 years of age if the judge in the interests of the girl or baby or on account of religious objections may grant permission. Here, now, they go further in this Bill. In this Bill the words are “both or one of whom are yet children”. I say that is a point which should no longer be left open. It is a point which should never be left to popular opinion. We know that public opinion has sanctioned such marriages recently between children of one or two years of age in some places. The Government should never be influenced by that. The Council of State may be forced to pass this Bill by the Government Members, but there is not the slightest chance of its going through the Assembly. The only result will be that it will give a handle to Mr. Gandhi and to Pandit Motilal Nehru to say that this is the sort of Government you have to deal with, a Government that has an open mind on the question whether marriages between children of two years and one year may be performed. That is the first argument.

The next argument is that the Government have said, both in the Legislative Assembly and here, that this is not a matter which can be left to the District Judge. Because that spokesman of the Government is not here and another man comes, we should not be asked to eat our own words. I would just like to read to you what Sir James Crerar said, and in the face of that statement, on which we acted, I wonder how anybody can ask us now to reconsider the matter. This is what Sir James Crerar said:

“I should submit that it is extremely important in the case of any law, more particularly in the case of any penal law, and more particularly still in the case of a penal law newly enacted in a sphere which has hitherto not been the subject of penal law, that that law should be clear, that its application should be precise and the principles on which it is administered should be uniform. Now, what does this amendment propose to do? It proposes to place in the hands of hundreds of District Judges throughout India the substantial decision in each case as to what the law means, what is the principle behind it, and in what manner it ought to be applied and administered. I say, Sir, that it is an essentially vicious feature of the amendment. It makes the law uncertain, it deprives it of uniformity and it delegates in point of fact to an individual judicial officer what is the duty of the Legislature, namely, to lay down the principle of the Bill. What

[Sir Sankaran Nair.]

then would happen ? It might very well happen that, in cases of a similar character, you would obtain the most diverse decisions from the various District Courts throughout India. It might even happen that cases occurring in one district would be dealt with and decided on entirely different principles from similar cases in adjoining districts, according to the prejudices or the idiosyncracies of particular District Judges."

THE HONOURABLE THE PRESIDENT : Order, order. The Honourable Member at the moment seems to be adducing a very good reason in favour of the amendment that the Bill should be circulated. He has followed the previous speaker's example by starting with his reasons for opposing the amendment and then proceeding to make the speech which he intended to make on the original motion.

THE HONOURABLE SIR SANKARAN NAIR : Well, Sir, I have very nearly done. I have nothing more to add. The Bill, when it was passed, was passed for the reasons stated by the spokesman of the Government which did not depend upon popular opinion and it has nothing to do with popular opinion. I object to its circulation.

THE HONOURABLE MR. SURPUT SING : Sir, after hearing the Honourable Mr. Emerson I beg to accept the amendment moved by him.

THE HONOURABLE THE PRESIDENT : The original question was :

"That the Bill to amend the Child Marriage Restraint Act, 1929, be taken into consideration."
Since which an amendment has been moved :

"That the Bill be circulated for opinion."

The question I have to put is that the Bill be circulated for opinion.

The Council divided :

AYES—32.

Akram Hussain Bahadur, The Honourable Prince A. M. M.

Ansorge, The Honourable Mr. E. C.

Brij Lal, The Honourable Rai Bahadur.

Charanjit Singh, The Honourable Sardar.

Commander-in-Chief, His Excellency the.

Coyajee, The Honourable Sir Jahangir Cooverjee.

Desika Chari, The Honourable Mr. P. C.

DeSouza, The Honourable Dr. F. X.

Dudhoria, The Honourable Raja Bijoy Sing.

Emerson, The Honourable Mr. H. W.

Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.

Ghose Moulik, The Honourable Mr. Satyendra Chandra.

Henderson, The Honourable Mr. J. S.

Jaffer, The Honourable Sir Ebrahim Haroon.

Johnson, The Honourable Mr. J. N. G.

Khaparde, The Honourable Mr. G. S.

Megaw, The Honourable Major-General J. W. D.

Mitter, The Honourable Sir Brojendra.

Pakrashi, The Honourable Mr. Suresh Chandra.

Ram Saran Das, The Honourable Rai Bahadur Lala.

Shillidy, The Honourable Mr. J. A.

Sinha, The Honourable Kumar Nripendra Narayan.

Souter, The Honourable Mr. C. A.

Spence, The Honourable Sir Reginald.

Suhrawardy, The Honourable Mr. Mahmood.

Sukhraj Roy, The Honourable Rai Bahadur.

Surput Sing, The Honourable Mr.

Townsend, The Honourable Mr. C. A. H.

Uberoi, The Honourable Sardar Bahadur Shivdev Singh.

Upton, The Honourable Mr. T. E. T.

Woodhead, The Honourable Mr. J. A.

Yahya, The Honourable Khan Bahadur Shah Muhammad.

NOES—9.

Asthana, The Honourable Mr. Narayan Prasad.

Chetti, The Honourable Dewan Bahadur G. Narayanaswami.

Devadoss, The Honourable Mr. M. D.

Mehta, The Honourable Mr. H. M.

Mudaliar, The Honourable Dewan Bahadur A. Ramaswami.

Nair, The Honourable Sir Sankaran.

Natesan, The Honourable Mr. G. A.

Nirmal Kumar, The Honourable Mr.

Sethna, The Honourable Sir Phiroze.

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Tuesday, the 15th July. 1930.

COUNCIL OF STATE.

Tuesday, 15th July, 1930.

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

QUESTIONS AND ANSWERS.

MURAL DECORATION OF GOVERNMENT BUILDINGS IN NEW DELHI.

102. THE HONOURABLE SIR PHIROZE SETHNA: Will Government state if they propose to issue a report on the work of mural decorations done by artists and students of the Schools of Art in the Secretariat Buildings at New Delhi and when?

THE HONOURABLE MR. J. A. SHILLIDY: The whole question of the further action to be taken in connexion with the mural decoration of Government buildings in New Delhi is under the consideration of Government.

LEAFLET ISSUED FROM THE GOVERNMENT CENTRAL PRESS, BOMBAY, ENTITLED "BOYCOTT OF BRITISH GOODS".

103. THE HONOURABLE SIR PHIROZE SETHNA: Are Government aware:

(a) of the publication of a leaflet issued from the Government Central Press, Bombay, entitled "Boycott of British Goods";

(b) was such leaflet issued in pursuance of any circular issued by the Government of India;

(c) had the leaflet the approval of the Government of India and if not are they prepared to make investigations and publish the results?

THE HONOURABLE MR. H. W. EMERSON: (a) I have no official information, but it appears from the newspapers that a leaflet under the title mentioned was issued by the Director of Information, Bombay, and subsequently withdrawn.

(b) The Government of India have addressed Local Governments from time to time in regard to the need of propaganda to counteract the political and economic fallacies involved in the civil disobedience movement and have made suggestions in regard to the general lines of such propaganda.

(c) In order to avoid any possible misunderstanding regarding their attitude towards legitimate movements in favour of Indian industries, which is one of encouragement and support, the Government of India have informed Local Governments that they desire them to avoid propaganda which may be interpreted as conveying any disparagement, however indirect, of Indian industrial and financial institutions and products.

TOTAL COST OF THE INDIAN STATUTORY COMMISSION.

104. THE HONOURABLE SIR PHIROZE SETHNA: Will Government please state :

(a) the total cost of the Indian Statutory Commission including the printing of the two volumes of the Report ;

(b) if the total cost has been borne by the Government of India ; and

(c) if not, what is the proportion of the cost borne by the Home Government ?

THE HONOURABLE MR. H. W. EMERSON: (a) £146,000 or roughly Rs. 19½ lakhs.

(b) and (c). In August, 1928, the Home Government paid a subvention of £20,000 towards the cost of the Commission and this sum was credited to the Indian revenues. As announced in a press communiqué issued by the Home Department on the 28th February, 1930, His Majesty's Government subsequently reviewed the position, and decided to invite Parliament to provide an additional grant of £60,000 towards the cost of the Commission. This second subvention will be paid into the general revenues of India. Thus His Majesty's Government have agreed to contribute £80,000, and the balance of £66,000 has been shared by the Government of India and the Provincial Governments which met approximately Rs. 6½ lakhs of the total cost. It has been arranged that when the second subvention of £60,000 is received, one-third of their expenditure will be refunded to the Provincial Governments.

NUMBER OF PERSONS ARRESTED AND IMPRISONED FOR BREACHES OF THE EXISTING LAWS AND OF THE SIX ORDINANCES ISSUED SINCE APRIL LAST.

105. THE HONOURABLE SIR PHIROZE SETHNA: Will Government please give the numbers of the persons in each of the different provinces who have been arrested and sent to prison between 6th April and 30th June :

(a) for breach of the existing laws under the civil disobedience campaign ; and

(b) for breach of each one of the six Ordinances issued since April last ?

THE HONOURABLE MR. H. W. EMERSON: (a) The Honourable Member is referred to the answer given on the 10th July, 1930, to the Honourable Rai Bahadur Sukhraj Roy's question No. 63.

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

TOTAL COST OF THE CONSTRUCTION OF THE KANGRA VALLEY RAILWAY.

106. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state :

(a) what has been the total cost of construction of the Kangra Valley Railway ;

(b) what has been the total cost of its locomotives, rail motors and rolling stock ?

THE HONOURABLE MR. J. A. WOODHEAD : (a) Up to 31st March, 1930 approximately Rs. 290·29 lakhs. A completion estimate amounting to Rs. 295·78 lakhs will shortly be submitted by the Agent, North Western Railway.

(b) Approximately Rs. 16·38 lakhs.

STANDARDISATION OF RAILWAY COACHING VEHICLES.

107. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state with reference to the standardisation of railway coaching vehicles and particularly passenger coaches whether the views of the various Railway Advisory Committees have been taken ? If not, does Government intend to do so before adopting finally any standards ? If so, when ? If not, why not ?

THE HONOURABLE MR. J. A. WOODHEAD : Members of the Central Advisory Council for Railways inspected a number of the latest type of passenger coaches which were collected in Delhi in March, 1925. The recommendations and criticisms then received were taken into consideration by the Carriage and Wagon Standards Committee in preparing designs for the Indian Railway standard carriages.

Recommendations made, from time to time, by the various Railway Advisory Committees on the question of rolling stock design are considered by the Railway Board and, where necessary, are referred to the Carriage and Wagon Standards Committee.

EXPENDITURE BY STATE RAILWAYS ON NEW RAISED PLATFORMS AND SHELTERS FOR PASSENGERS AT ROADSIDE STATIONS.

108. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state what amount each State Railway is to spend during the present financial year on new raised platforms and shelters for passengers at roadside stations ? What was the amount thus spent last year ?

THE HONOURABLE MR. J. A. WOODHEAD : I would refer the Honourable Member to paragraph 5 of Appendix I of the Explanatory Memorandum of the Railway Budget of the Government of India for 1930-31. The statement there shows the amount which it is proposed to spend in the current year on raised platforms and also on waiting rooms and halls.

The actuals for 1929-30 are not available, but the latest estimated figures for raised platforms and for waiting rooms and halls were Rs. 5,07,000 and Rs. 11,26,000 respectively. Separate figures are not available for shelters at roadside stations, the expenditure on which is included in that given for waiting rooms and halls.

QUANTITY OF FOREIGN SALT IMPORTED INTO INDIA DURING THE YEAR ENDING 31ST MARCH, 1930.

109. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state what quantity of foreign salt was imported to India during the year ending 31st March, 1930 ?

THE HONOURABLE SIR ARTHUR McWATTERS : The total amount of salt imported into British India from countries outside India proper including

Aden during the year ending March 31st, 1930, was 1,76,82,424 maunds. From Aden 58,95,961 maunds were imported into Calcutta and Chittagong during the same year, but I cannot give the quantities of Aden salt imported at other ports in British India in the same year.

MAXIMUM PRODUCTION OF SALT IN INDIA IN ONE YEAR.

110. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state what maximum quantity of salt can be produced in India in one year?

THE HONOURABLE SIR ARTHUR MCWATTERS: I am afraid it is impossible to state a figure, but the question of increasing indigenous supplies of salt has been considered by the Tariff Board and is now being considered by the Government of India.

DECISIONS OF THE RAILWAY RATES TRIBUNAL ON CASES REFERRED TO THEM.

111. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly lay on the table of this House a detailed statement of representations and cases so far referred to the Railway Rates Tribunal and the various decisions of the said Tribunal thereon? How far have the Railways concerned abided by these decisions?

THE HONOURABLE MR. J. A. WOODHEAD: I lay on the table a statement which gives the information required by the Honourable Member.

Statement showing cases referred to the Railway Rates Advisory Committee for investigation and report and the action taken on the Committee's recommendations.

Serial No.	Subject.	Railways concerned.	Committee's report or recommendation.	Action taken on Committee's report or recommendation.	Remarks.
1	Concession rate for food grains for the Bombay, Baroda and Central India Railway Indian Co-operative Association.	Bombay, Baroda and Central India.	That the concession rate be withdrawn.	Concession rate withdrawn.	
2	Rates for cotton full-pressed from stations in the Central Provinces to Calcutta.	Great Indian Peninsula and Bengal Nagpur.	That the rates over the Bengal Nagpur Railway portion be reduced.	Rates over Bengal Nagpur Railway portion reduced as recommended by the Committee.	
3	Rates for cotton full-pressed from the Punjab to Calcutta.	East Indian and North Western.	That the East Indian Railway should reduce the rate from <i>via</i> Saharanpur to Howrah from Rs. 2-11-8 to Rs. 2-2-3 per maund.	Rates on East Indian Railway portion reduced by introduction of special rates to Howrah (<i>via</i> Saharanpur) equal to those to Bombay from North Western Railway stations from which the rates to Howrah were higher than the rates to Bombay.	
4	Rates for Ayurvedic medicines and drugs.	Bombay, Baroda and Central India.	....	....	Case withdrawn consequent on reduction of rates for certain articles, and for resubmission of the points at issue in a revised form, <i>vide</i> item 18 <i>infra</i> .

Serial No.	Subject.	Railways concerned.	Committee's report or recommendation.	Action taken on Committee's report or recommendation.	Remarks.
5	Terminal charge on coal carried over a siding.	Great Indian Peninsula.	That the terminal charge be withdrawn.	The Committee's recommendation was not accepted as the Government of India disagreed with the Committee's opinion on the point of law on which the case hinged.	
6	Rate for jagree at Amritsar	East Indian and North Western.	That the rate over the North Western Railway be reduced to a basis of 0-28 pic per maund per mile.	No action was called for as a general reduction in the rates subsequently made for jagree over the East Indian and North Western Railways made the through rate lower than the rate the Committee had in view.	Case withdrawn consequent on a general reduction having been made over State-managed Railways.
7	Rate for petrol	Bombay, Baroda and Central India, East Indian, Great Indian Peninsula, North Western, Bengal and North Western and Eastern Bengal.	....	....
8	Rates for raw materials for the manufacture of glass.	East Indian, Great Indian Peninsula and Bombay, Baroda and Central India.	(i) That the rates for sand and lime be reduced. (ii) That the rates for fire-clay and fire-bricks are reasonable.	(i) Rates for sand and lime reduced as recommended by the Committee. (ii) No action called for.	

9	Rates for myrabolams from stations in the Central Provinces to Calcutta.	Bengal Nagpur Railway.	That the rates be reduced.	The rates were reduced, the reduction effected being in excess of those recommended by the Committee.
10	Differentiation in the rates for lime quoted over the Jubbulpore-Naini section of the Great Indian Peninsula Railway.	Great Indian Peninsula.	That the rates were not to the prejudice of the applicants.	No action called for.
11	Rates for sulphur from Karachi	North Western Railway.	The applicants having declined to appear before the Committee to represent their case, the Committee was not in a position to make any recommendations.	No action called for.
12	Rates for liquid fuel from Karachi to Delhi.	North Western Railway.	....	.... Case withdrawn consequent on a general reduction having been made in the rates over State-managed railways.
13	Terminal charge levied on coal over a private siding.	South Indian Railway.	....	.... Case withdrawn as the applicants went into liquidation.
14	Rates for piece-goods from stations in the Bombay Presidency to Delhi.	Great Indian Peninsula.	That the rates be reduced.	The rates were reduced as recommended by the Committee.
15	Do.	Do.	Do.	Do.
16	(a) Rates for raw bone and bone manures; (b) Legality of the terminal charge levied on all traffic.	South Indian Railway.	.... ....	.... .... Case withdrawn, as the South Indian Railway had come to an understanding with the applicant.

Serial No.	Subject.	Railways concerned.	Committee's report or recommendation.	Action taken on Committee's report or recommendation.	Remarks.
17	Rates for glass bangles . . .	Bombay, Baroda and Central India, Great Indian Peninsula, Nizam's State, Madras and Southern Mahratta, South Indian, North Western, Bengal Nagpur, Shahdara (Delhi) Saharanpur Light and East Indian.	That the rates be reduced.	The rates were reduced as recommended by the Committee.	
18	Rates for medicines manufactured in India, rectified spirits, country spirits and industrial alcohol.	East Indian, Great Indian Peninsula, North Western, Bombay, Baroda and Central India, Bengal Nagpur and Madras and Southern Mahratta.	(i) That the rates for medicines, rectified spirits and non-alcoholic medicated wines of Indian manufacture, be reduced. (ii) That rates for country spirits and industrial alcohol are not unreasonable.	(i) Committee's recommendation accepted and rates were reduced accordingly, except in the case of medicines the existing rate for which is not considered by Government unreasonable. (ii) No action called for.	
19	Rates for borax . . .	East Indian . . .	....	....	Case withdrawn as the parties arrived at a compromise.
20	Terminal charge on loose jute	Assam Bengal . . .	....	....	Case under investigation by the Committee.
21	Preferential rates for piece-goods from Bombay to Calcutta.	Great Indian Peninsula and Bengal Nagpur.	The rates were not to the prejudice of the applicants.	No action called for.	
22	Rates for biddy leaves . . .	Bengal Nagpur . . .	....	....	The applicant's original ground for complaint having been proved to

be illusory, the case was withdrawn for resubmission in connection with new issues raised, *vide* item 27 *infra*.

23	Rates for marble from Bombay to stations on the South Indian Railway.	Great Indian Peninsula, Madras and Southern Mahratta and South Indian.	Rates for polished marble tiles be reduced.	In view of certain observations of the Committee, the matter was referred to the Indian Railway Conference Association, who, on re-examination have reclassified the commodity as a result of which polished marble tiles will now be charged at a rate lower than that recommended by the Rates Advisory Committee.	
24	Rates for salt	East Indian	The applicant having given up his contention that the rate was excessive and having been unable to prove that the Railway would benefit by lowering the rate, the Committee had no recommendation to make.	No action called for.	
25	Preferential rates for yarn from Madras to Calcutta.	South Indian, Madras and Southern Mahratta and Bengal Nagpur.	The Committee had no recommendation to make as action taken by Railways during the investigation of the case rendered untenable the original charge of undue preference.	Do.	

Serial No.	Subject.	Railways concerned.	Committee's report or recommendation.	Action taken on Committee's report or recommendation.	Remarks.
26	Rates for rice and paddy .	Bengal Nagpur .	The applicant having given up his claim to relief ^{re} rates for rice and also having failed to prove his case in respect of rates for paddy, the Committee had no recommendation to make. The rate is not excessive.	No action called for.	
27	Rates for biddy leaves from Birsinghpur to Jaunpur.	Great Indian Peninsula, Bengal Nagpur and East Indian.		Do.	
28	Rates for raw materials for the manufacture of manure.	Madras and Southern Mahratta.	The rates are not unreasonable.	Do.	
29	Unreasonableness of the rates for lime from Dehri-on-Sone to Calcutta and stations on the Bengal and North Western Railway causing undue preference in favour of certain lime manufacturing companies at stations on the Jubbulpur-Naini Section of the Great Indian Peninsula Railway.	East Indian .	....	....	Case under investigation by the Committee.
30	Preferential rates for jagree from Bengal and North Western Railway stations to <i>via</i> Barabanki.	Bengal and North Western.	....	....
31	Unreasonableness of the minimum weight condition applying to the rate for mangoes from <i>via</i> Mokameh Ghat to Howrah.	East Indian .	....	....	Case was withdrawn as the parties arrived at a compromise.

NUMBER OF FOREMEN EMPLOYED IN THE CARRIAGE AND MECHANICAL WORK - SHOPS OF THE VARIOUS STATE RAILWAYS.

112. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state the number of foremen that they employ in each of the Carriage and Mechanical Workshops of the various State Railways? How many of them on each Railway are Indians? What are the grades of salary of such employees?

THE HONOURABLE MR. J. A. WOODHEAD: The information is being called for from the various State-managed Railways, and will be communicated to the Honourable Member on receipt.

RECRUITMENT OF PERSONS TRAINED AT THE MACLAGAN ENGINEERING COLLEGE, LAHORE, TO THE MECHANICAL BRANCH OF THE RAILWAY AND OTHER SERVICES.

113. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether they recognise persons trained at the Maclagan Engineering College, Lahore, equally with persons trained at other Engineering Colleges in India for recruitment to the mechanical branch of the Railway and other services? If not, why not?

THE HONOURABLE MR. J. A. WOODHEAD: No; for the reason that the Diploma of the Maclagan Engineering College is not accepted as exempting its holder from the Associate Membership Examination of the Institution of Civil Engineers, the Institution of Mechanical Engineers or the Institution of Engineers (India).

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: May I ask what has been the result of the inquiry by the Committee of Engineers which the Government of India recently appointed in this connection?

THE HONOURABLE MR. J. A. WOODHEAD: I am afraid, Sir, I cannot answer the question, but I will supply the information later on to the Honourable Member.

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL: Sir, in accordance with rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meeting held on the 14th July, 1930, namely:

A Bill to provide for the creation of a fund for the improvement and development of the cultivation, manufacture and marketing of Indian lac.

A Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose.

A Bill to amend the Indian Forest Act, 1927, for a certain purpose.

A Bill further to amend the Indian Telegraph Act, 1885, for a certain purpose.

[Secretary of the Council.]

A Bill further to amend the Bombay Civil Courts Act, 1869, for a certain purpose.

A Bill further to amend the Benares Hindu University Act, 1915, for certain purposes.

RESOLUTION *RE* PROTECTION AGAINST ACCIDENTS OF WORKERS EMPLOYED IN LOADING OR UNLOADING SHIPS.

THE HONOURABLE MR. J. A. WOODHEAD (Commerce Secretary): Sir, I beg to move :

“ That this Council having considered :

- (1) the Draft Convention concerning the protection against accidents of workers employed in loading or unloading ships ;
- (2) the Recommendation concerning reciprocity as regards the protection against accidents of workers employed in loading or unloading ships ;
- (3) the Recommendation concerning the consultation of workers' and employers' organisations in the drawing up of regulations dealing with the safety of workers employed in loading or unloading ships ;

adopted by the International Labour Conference at its Twelfth Session recommends to the Governor General in Council that he should examine the possibility of giving effect to the above Convention and the Recommendations and that the results of this examination should be placed before the Council within eighteen months from this date.”

Sir, in the first place I should like to explain why the Resolution has been brought in this form before the House. Under Article 405 of the Treaty of Versailles, which deals with the International Labour Organisation, member Governments have bound themselves to bring any Draft Convention or Recommendation adopted by the International Labour Conference before the competent authority which has power to take action within at the latest 18 months of the date when the Draft Convention or Recommendation was adopted. In this case the period of 18 months expires on the 21st December next and, as legislation will be necessary before the Government of India can ratify the Convention, it is necessary, in order to comply with the provisions of the Treaty, that the Draft Convention and the Recommendations should be brought before the Indian Legislature at this Session, because before the next Session begins the period of 18 months will have expired.

The Draft Convention provides an almost complete Code for the protection against accidents of workers engaged in the loading and unloading of ships. *Inter alia* it deals with the precautions to be taken on shore both as regards the fencing of dangerous places and the efficient lighting of approaches and docks ; and with the examination and regular inspection of all machinery, both ashore and on board the ship, used in connection with loading and unloading operations. Further it requires each contracting country to set up an efficient system of inspection in order to ensure that the provisions of the Convention are duly enforced. The recommendations are supplementary to the Convention. The first seeks to secure a reasonable uniformity in the regulations adopted by the several countries and the mutual recognition of certificates of inspection and examination. The second recommends that the authorities responsible for the making of regulations should either directly or through any joint machinery consult the workers' and employers' organisations in the drawing up of regulations under the Convention.

The object of the Resolution, Sir, is to seek the authority of the House to examine the provisions of the Convention and the Recommendations in order to see how far it is practicable for the Government of India to accept them. I think it is obvious that the Convention, covering as it does the whole field of protection of persons engaged in loading and unloading operations, could not be given effect to without previous consultation with Local Governments, Port Trusts, commercial bodies and other interests concerned. We have addressed Local Governments and through them the Port Trusts and other interests, but up to the present we have not received replies from all Local Governments and the Government of India are not therefore at present in a position to come to a final conclusion as regards whether the provisions of the Convention and the Recommendations should be adopted in India. This, Sir, is the reason why the Resolution has been brought forward in its present form.

Sir, I move.

The motion was adopted.

RESOLUTION *RE* MARKING OF THE WEIGHT ON HEAVY PACKAGES TRANSPORTED BY VESSELS.

THE HONOURABLE MR. J. A. WOODHEAD (Commerce Secretary) : Sir, I beg to move :

“ That this Council recommends to the Governor General in Council that he should ratify the Draft Convention concerning the marking of the weight on heavy packages transported by vessels, adopted by the International Labour Conference at its Twelfth Session held at Geneva in May-June, 1929.”

The Convention, Sir, is a simple one. It requires that any package or object weighing one metric ton or more sent for transportation by sea or inland waterway should have its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel. The object of the Convention, Sir, is to protect workers employed in loading and unloading ships and in particular to protect them from the danger to which they may be subject if the machinery used in the loading and unloading processes is overloaded. If a crane is overloaded, it is apt to break, and the consequences are often serious to those employed in loading and unloading operations. Local Governments and Local Administrations, commercial bodies and shipping interests have been consulted and opinion is practically unanimous that the Convention should be ratified. In fact, there are only two exceptions to that. One was an objection taken by the Bombay Chamber of Commerce and another by a firm in Madras. The Government of India therefore consider that the Convention should be ratified. Legislation is not considered necessary at any rate at the present moment. The Port Trusts have by virtue of the various Port Trust Acts power to frame bye-laws for the safe and convenient use of wharves, jetties, piers, etc., and it is thought that for all practical purposes it will be possible for the provisions of the Convention to be enforced by bye-laws framed under these Acts. At Chittagong the position is somewhat exceptional in so far as the jetties belong to the Assam Bengal Railway, but it has been arranged that the Assam Bengal Railway should apply the provisions of the Convention by virtue of the powers they possess under the Indian Railways Act. As regards inland waterways, cranes are usually not used for the loading and unloading of ships, and so far as the

[Mr. J. A. Woodhead.]

Government of India are aware, packages one metric ton or more in weight are usually not dealt with. The Government of India are of opinion therefore that so far as inland waterways are concerned, no legislation is necessary at the present moment.

Sir, I move.

The motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE SIR BROJENDRA MITTER (Leader of the House) : Sir, Government would like, if possible, to finish the work of the Session by Friday, the 18th of July. They are prepared to consent to the setting down on that day, which in the programme is reserved for Government business, of any non-official Bills which may be passed in the Legislative Assembly to-day. This would mean having an *ad hoc* sitting on Wednesday, the 16th, for the purpose of laying the non-official Bills on the table, unless you, Sir, would agree to their being laid on Thursday, the 17th, and taken up the next day, in which case there would be no need for any sitting on Wednesday, the 16th.

It follows that Government would wish to take up the Government Bills which were laid on the table to-day for consideration and passing on Thursday, the 17th. I understand that motions in this behalf are already in the hands of the Secretary. Rule 27 of the Indian Legislative Rules provides for an interval of three days between the receipt of the notice and the making of such a motion, but you, Sir, have a discretion to shorten that period. I would, therefore, request you in the exercise of that discretion to direct that these Bills be set down for disposal on Thursday, the 17th.

Sir, I may add with regard to the non-official Bills which may be passed by the Legislative Assembly to-day that if you decide not to sit to-morrow, then I can arrange to circulate those Bills amongst the Members as soon as they are available from the Press.

THE HONOURABLE THE PRESIDENT : Honourable Members are aware that, when these questions arise at the end of a Session of fixing dates and shortening notices, I always attempt to consult the convenience of the House. I think I may assume that as there is only a very small amount of business left to be brought before the Council in this Session, Honourable Members are not desirous that the Session should be unduly prolonged. So far as the Government Bills which were passed in another place yesterday and which have been laid on the table to-day are concerned, I think the procedure is simple. I am proposing that they should be taken into consideration on Thursday, which is in effect shortening the notice by one day. So far as the non-official Bills which may be passed in another place to-day are concerned, there seem to be two alternatives : (1) to have a meeting on Wednesday morning for a few minutes solely for the laying of these Bills—there will be no other business—and then shortening the notice by one day again and take them up on Friday, or (2) to let these Bills wait till Thursday morning, when we shall have a meeting in any case, to be then laid, and then to take them up with one day's notice only on Friday. The official Bills are all simple. Four out of the six are one

clause Bills. But in regard to non-official Bills, which may be passed in another place to-day, we have no information. The Honourable the Leader of the House has said that he will circulate these Bills with the greatest despatch, but I should like to have the views of the House. I think it is desirable that we should take the Bills up on Friday. I should like to have the views of the House whether they would like them to be laid on Wednesday morning and have two days' notice in which to give notice of amendments or whether they would like them to be laid on Thursday morning, which will only allow of one day's notice.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will it not be convenient, Sir, to meet on Saturday in the case of non-official Bills ? I imagine that one of these Bills is rather an important one, and perhaps there may be some amendments, and more time may be given for this. Perhaps, in that case, the Honourable the Leader of the House might arrange for a meeting on Saturday.

THE HONOURABLE THE PRESIDENT : I gather from the Honourable Member's remarks that he is desirous of having as much notice as possible of these Bills. The objection to having a meeting on Saturday is that Honourable Members will be delayed here an extra day because there will be no business to be dealt with on Friday. I think, therefore, that I should direct that there should be a meeting to-morrow morning in which the business will consist of the laying of any Bills which may be passed in another place to-day.

The Council will now adjourn till to-morrow morning at 11 o'clock.

The Council then adjourned till Eleven of the Clock on Wednesday, the 16th July, 1930.

COUNCIL OF STATE.

Wednesday, 16th July, 1930.

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

BILLS PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL. Sir, in accordance with rule 25 of the Indian Legislative Rules, I lay on the table copies of the following Bills which were passed by the Legislative Assembly at its meeting held on the 15th July, 1930, namely :

A Bill to remove doubt as to the rights of a member of a Hindu undivided family in property acquired by him by means of his learning.

A Bill further to amend the Court-fees Act, 1870, in its application to Ajmer-Merwara, for a certain purpose.

A Bill to give retrospective effect to the Mussalman Wakf Validating Act, 1913.

THE HONOURABLE THE PRESIDENT: When I said yesterday that the Bills laid on the table this morning would be taken up with one day's notice short, *i.e.*, on Friday, I was assuming of course that some Honourable Member in the case of each Bill would give notice that it be taken into consideration, because the period of notice will commence not from the date of the laying of the Bill on the table, but from the date of the notice for taking the Bill into consideration. I should like to be informed if in regard to these three Bills laid on the table any Honourable Members have given notice.

I have had one notice from the Honourable Khan Bahadur Shah Muhammad Yahya ; he has given notice of his intention to move that the Bill to give retrospective effect to the Mussalman Wakf Validating Bill, 1913, be taken into consideration and also to move that the Bill, as passed by the Legislative Assembly, be passed. The Honourable Mr. Desika Chari has also given notice of his intention to move that the Bill to declare gains of learning by a Hindu to be his separate property, as passed by the Legislative Assembly, be taken into consideration, and if that motion is passed, to move that it be passed. The third Bill seems to have no sponsor.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I should like to move the third Bill.

THE HONOURABLE THE PRESIDENT: Will the Honourable Member put in writing his notice as early as possible ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: I shall do so.

THE HONOURABLE THE PRESIDENT: On that assumption then I direct again that these three Bills be taken up on Friday.

The Council then adjourned till Eleven of the Clock on Thursday, the 17th July, 1930.

COUNCIL OF STATE.

Thursday, 17th July, 1930.

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

QUESTIONS AND ANSWERS.

RECOMMENDATIONS OF THE FORESTRY COMMITTEE.

114. THE HONOURABLE SIR PHIROZE SETHNA : Have Government taken any decisions on the recommendations of the Forestry Committee ? If they have, are they prepared to give an opportunity to this House to discuss the proposed reorganisation scheme before it is put in force at the Forest Research Institute, Dehra Dun ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : The report of the Forestry Committee covers wide ground and includes a large number of recommendations, some of which relate to important points of principle, while others are of comparatively minor importance. It was received by the Government of India in May, 1929 and has been under consideration since. Some of its suggestions have actually been carried into effect, a decision has been reached as regards others, while a few points are still being considered.

TRANSLATION OF THE REPORT OF THE INDIAN STATUTORY COMMISSION INTO FOREIGN LANGUAGES AND THE VERNACULARS OF INDIA.

115. THE HONOURABLE SIR PHIROZE SETHNA : (a) Has the attention of Government been drawn to Reuter's telegram, dated London, June 30th, in which the Secretary of State is reported to have stated that the translation of the Simon Commission Report into foreign and the principal Indian languages is being considered ?

(b) In what different foreign and Indian languages is it proposed to translate the Report ?

(c) Has any estimate of the cost been arrived at ?

(d) Will the cost be borne by the Government of India or by them and the Home Government and if the latter, in what proportions ?

THE HONOURABLE MR. H. W. EMERSON : (a) Yes.

(b) No information has reached the Government of India regarding the foreign languages, if any, into which the Secretary of State may propose to have the Report of the Indian Statutory Commission translated. The Government of India do not propose to make any official translations of the Commission's Report in any of the Indian vernaculars. Their view is that such translations are best left to private enterprise. Applications received from private translators will be freely granted subject to conditions which will ensure the accuracy of the translation.

(c) and (d). Do not arise.

INDIAN LAC CESS BILL.

THE HONOURABLE MR. J. A. WOODHEAD (Commerce Secretary): I beg to move that the Bill to provide for the creation of a fund for the improvement and development of the cultivation, manufacture and marketing of Indian lac, as passed by the Legislative Assembly, be taken into consideration.

Under the existing Lac Cess Act, which was passed in 1921, a small cess is imposed upon the exports of lac and the proceeds, after deducting the cost of collection, are paid to the Indian Lac Association for the purpose of being spent on the promotion of improved methods of manufacture and cultivation. The expenditure is actually controlled by a Committee of the Lac Association which at present consists of three representatives of Calcutta shippers, two of Indian manufacturers, two of Indian brokers, one of European manufacturers and one of European brokers. The Association has established a Research Institute near Ranchi in Bihar and Orissa, at which a considerable amount of valuable work has been done in regard to the discovery of suitable host trees for the lac insect, the cultivation of the best types of lac and the prevention of parasites which destroy lac.

The attention of the Royal Commission on Agriculture was drawn to the question of research into problems affecting lac, and in their report they emphasised the importance of bringing together all the various interests in the lac industry somewhat on the lines of the Indian Central Cotton Committee, and they further recommended that the body entrusted with the control of the proceeds of the lac cess should include nominees of the Government of India and of the Government of Bihar and Orissa and an official representative of the interests of the cultivators.

In August, 1929 the Government of India received a communication from the Indian Lac Association in which they said that the Committee of the Association had for some time past felt that they are not in a position to control effectually and to the best advantage the future conduct of research in the lac industry, and in particular they felt their inability to carry the result of the research home to the cultivator. They went on to say that the industry is unlikely to recommend a continuance of the Act in its present form after 1931 and suggested that the Government of India should take steps to effect a thorough organisation of the whole scheme of research so as to bring it under effective Government control and so that the organisation at the disposal of Government, an organisation which the Lac Association did not possess, might be used to improve the present methods of cultivation and manufacture. At the same time they said they thought the trade would not be averse to the continuance of the cess on the understanding that the funds were utilised for the attainment of the objects in view.

The export trade in lac is of considerable importance. The value of the lac trade during 1929-30 was in the region of seven crores of rupees. The competition of synthetic substitutes is becoming keener and if this important trade, which provides for the agriculturist a subsidiary occupation throughout a large area, is to be maintained, it is essential that improvements in cultivation and manufacture should be effected.

In these circumstances it appeared clear to the Government of India that they must take steps to place the administration of the lac cess fund on a more permanent and satisfactory footing. A Bill was accordingly drafted,—the Bill is practically the same as that now before the House. The Bill was circulated to the Local Governments concerned and all without exception accepted the principles underlying the Bill and limited their criticisms to matters of detail.

The Bill is largely modelled on the provisions of the Cotton Cess Act, and there are, I think, only two points to which I need draw the attention of the House. First, the proceeds of the cess will, as in the case of the Indian Cotton Cess, be entrusted to a statutory committee which will include not only representatives of manufacturers, shippers and cultivating interests, but will also, as recommended by the Royal Commission on Agriculture, include technical experts in the employ of the Government of India and the Government of Bihar and Orissa. Secondly, as recommended by the Royal Commission, the objects to which the proceeds of the cess may be applied have been extended so as to include the investigation of marketing methods and promotion of sales. The Bill, Sir, is, I believe, entirely non-contentious and has met with very general approval.

Sir, I move.

The motion was adopted.

Clauses 2 to 12 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. A. WOODHEAD: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

(INSERTION OF NEW SECTION 85A.)

THE HONOURABLE SIR ARTHUR McWATTERS (Finance Secretary): Sir, I beg to move that the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.

Sir, this Bill deals with a small but somewhat technical point of law. The object of the Bill is to make it clear that the Indian law gives to bankers the same protection in respect of drafts drawn by one office of a bank upon another as the law gives in the case of cheques and bills of exchange. In the English law this protection is explicitly given by section 19 of the Stamp Act. In India bankers have to rely solely upon section 85 of the Negotiable Instruments Act which refers only to cheques. Section 85 reads:

“Where a cheque payable to order purports to be indorsed by or on behalf of the payee, the drawee is discharged by payment in due course.”*

These last words are defined in the Act and they mean that the banker is absolved from further liability if he makes payment in accordance with the

[Sir Arthur McWatters.]

apparent tenor of the instrument in good faith and without negligence. Now a cheque is defined in section 6 of the Act as :

“ A Bill of Exchange drawn on a specified banker and not expressed to be payable otherwise than on demand.”

And the point at issue is whether a draft drawn by one office of a bank upon another is or is not included in that definition. One series of legal authorities holds that as the English law gives specific protection and in view of certain rulings of the English courts, specific protection would be required in India also and the courts out here would probably follow the English rulings. Another series of authorities considers that, in view of the difference in the definition of bills of exchange and cheques in the Indian as compared with the English law, the courts out here would probably hold that the existing law already gives protection. This matter has been brought before us several times in the last few years by the Associated Chambers of Commerce and they have represented fairly strongly that the existing position is uncertain and is hampering trade. When the Bill was circulated for opinion, there was no difference of opinion as regards the desirability of the law giving this protection but there was a difference of opinion among certain authorities consulted as to whether the law actually gave it at present or did not give it. We are advised that there is a distinct doubt in the matter, and therefore we have brought forward this Bill in order to put the matter beyond dispute.

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 ARTHUR MCWATTERS: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

INDIAN FOREST (AMENDMENT) BILL.

(REGULATION OF THE IMPORT AND TRANSPORT OF KUTH.)

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member): Sir, I move that the Bill to amend the Indian Forest Act, 1927, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.

Perhaps the Honourable Members are not aware that kuth is a valuable root found mostly in the forests of Kashmir and is exported to China where it is used as a drug. It commands a fairly good price in China and that inevitably leads to the usual smuggling. As kuth has to pass through British India before it reaches China, the matter entails certain difficulties. In order to meet these difficulties some years ago, action was taken by way of issue of notifications under the Forest Act. Later on, however, it was discovered that these

notifications were *ultra vires*. This necessitated holding a conference of representatives of the provinces concerned,—the Punjab, the North-West Frontier Province, Kashmir and Chamba. The result of the conference was this,—that nothing could be done unless a small amendment were made in the existing Forest law, and this Bill is the result of that conference. It is a very nice little Bill,—just one clause and no more, and I need say no more.

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 KHAN BAHADUR, MIAN SIR FAZL-I-HUSAIN: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

INDIAN TELEGRAPH (AMENDMENT) BILL.

THE HONOURABLE MR. J. A. SHILLIDY (Industries and Labour Secretary): Sir, I move that the Bill further to amend the Indian Telegraph Act, 1885, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.

Honourable Members have doubtless read the Statement of Objects and Reasons. They will have found there a suitably brief and very clear explanation of the purpose of this Bill which, to put it in one sentence, is to place aircraft in the same category as ships in regard to wireless telegraphs under the Indian Telegraph Act.

Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. A. SHILLIDY: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

BOMBAY CIVIL COURTS (AMENDMENT) BILL.

THE HONOURABLE MR. H. W. EMERSON (Home Secretary): Sir, I beg to move that the Bill further to amend the Bombay Civil Courts Act, 1869, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.

It is only necessary for me to explain that this legislation has been undertaken at the request of the Bombay Government and that its object, as fully explained in the Statement of Objects and Reasons, is to secure that an appeal

[Mr. H. W. Emerson.]

from the decree of any subordinate judge in suits exceeding Rs. 5,000 in value shall lie direct to the Bombay High Court.

Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. H. W. EMERSON : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

BENARES HINDU UNIVERSITY (AMENDMENT) BILL.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN (Education, Health and Lands Member) : Sir, I move that the Bill further to amend the Benares Hindu University Act, 1915, for certain purposes, as passed by the Legislative Assembly, be taken into consideration.

The main object of the Bill is to institute a Standing Finance Committee. Standing Finance Committees are always useful institutions in checking the spending of money, and when Honourable Members realise that a fairly large grant has been given to the University by the Government of India, they will at once see the need for this amendment. The details of this amendment were settled between the Government and the authorities of the Benares Hindu University. As we had to amend the Benares Hindu University Act in this connection, it was considered advisable to take advantage of this opportunity to make certain other amendments which were included in a Bill which the Vice-Chancellor of the University had prepared and of which he had given notice as long ago as 1926, but which he was unable to introduce. The objects of these amendments are mentioned in the Statement of Objects and Reasons. Briefly put, they are increase in the number of Pro-Chancellors, increase in the number of members of the Syndicate, and the provision, which I have no doubt religiously inclined members will welcome, to hold an examination in the Hindu religion for all Hindu students. These amendments close with a provision for a statutory pension or provident fund scheme being instituted for the staff of the University. This is really all that this amending Bill comes to.

Sir, I move.

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Friday, the 18th July, 1930.

COUNCIL OF STATE.

Friday, 18th July, 1930.

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

QUESTIONS AND ANSWERS.

ENHANCEMENT OF OUTSTATION ALLOWANCES FOR OFFICIALS OF THE RAILWAY MAIL SERVICE.

116. THE HONOURABLE DIWAN BAHADUR A. RAMASWAMI MUDALIAR :
(a) Did the late Member-in-charge of the Postal Department, Sir B. N. Mitra, give the following reply regarding the enhancement of outstation allowances for Rail Mail Service officials at the time of the interview granted by him to a deputation of postal and Railway Mail Service employees in Madras City on 19th December, 1929, which was published on page 400 of the General Letter issued by the All-India Postal and Railway Mail Service and Union Circle :

“that any recommendation from the Director-General on the subject will receive his sympathetic consideration” ?

(b) Was any recommendation received by the Honourable Member from the Director-General, and, if so, what action has been taken in the matter ?

THE HONOURABLE MR. J. A. SHILLIDY : (a) Yes.

(b) The question was carefully examined by the Director-General who came to the conclusion that no increase of these allowances should be granted. In this opinion the late Honourable Member in charge of the Industries and Labour Department, Sir B. N. Mitra, concurred.

RETRENCHMENT IN THE POSTS AND TELEGRAPHS DEPARTMENT.

117. THE HONOURABLE DIWAN BAHADUR A. RAMASWAMI MUDALIAR :
(a) Will Government be pleased to state whether they have appointed any departmental officer to enquire into the possibility of effecting retrenchment in the Posts and Telegraphs Department, and, if so, what are the terms of reference, and who is the officer and when was he appointed ?

(b) Has he submitted his report and, if so, will it be placed on the table ?

(c) Have Government taken any action on the report and what is the nature of the action taken ?

(d) Are Government delaying the sanction of increase of establishment on account of retrenchment ?

(e) Have Government sanctioned a higher grade of pay to the Postmasters of Kumbakonam and Tanjore on account of the increased importance of those offices ? Have they postponed giving effect to the higher pay on account of retrenchment ? Do Government propose to give effect to it soon ? If not, why not ?

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THE HONOURABLE MR. J. A. SHILLIDY : (a) No such officer has been appointed.

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

(d) No.

(e) The reply to the first part is in the negative. The latter parts do not arise.

SELECTION OF CANDIDATES FOR APPOINTMENTS OF SUPERINTENDENTS OF POST OFFICES IN THE MADRAS CIRCLE.

118. THE HONOURABLE DIWAN BAHADUR A. RAMASWAMI MUDALIAR : (a) Will Government be pleased to state whether the Director-General has recently selected some candidates for Superintendent's appointments in the Madras Circle? If so, when and how many?

(b) What are the ages, present appointment and educational qualification of the candidates selected by the Director-General? Are the selected candidates related to any past or present official of the Department, and, if so, who are the past or present officials and how are they related?

THE HONOURABLE MR. J. A. SHILLIDY : (a) Yes, two candidates were selected in May last by the Director-General, for permission to appear at the Superintendent's examination.

(b) Mr. A. R. C. Nash, a Head Clerk at Bangalore, aged 30 years, who has passed the Cambridge Senior Examination, is the son of Mr. R. D. Nash, retired Deputy Postmaster-General; and Mr. G. R. Naidu, a clerk in the Postmaster-General's Office, aged 31 years, a B. A., is a cousin of Rao Sahib D. Naidu, Assistant Postmaster-General, and of Mr. B. Naidu, Assistant Postmaster, Madras General Post Office.

PAY OF LADY CLERKS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

119. THE HONOURABLE DIWAN BAHADUR A. RAMASWAMI MUDALIAR : (a) Will Government be pleased to state whether the maximum pay of lady clerks in Madras City is lower than that of men clerks?

(b) Do lady clerks perform the same kind and quality of work as men clerks and are they eligible for as high appointments as men clerks?

(c) Do Government propose to sanction to lady clerks the same maximum as men clerks? If not, why not?

THE HONOURABLE MR. J. A. SHILLIDY : (a) and (b). Yes.

(c) The question of the pay of lady clerks in the Posts and Telegraphs Department is at present under the consideration of the Government of India and orders will be issued in due course.

STRENGTHENING OF THE ESTABLISHMENTS OF THE OFFICES OF SUPERINTENDENTS OF POST OFFICES IN THE MADRAS CIRCLE.

120. THE HONOURABLE DIWAN BAHADUR A. RAMASWAMI MUDALIAR : (a) Will Government be pleased to state whether a large number of Superintendents of Post Offices in the Madras Presidency have requested the Postmaster-General, Madras, to strengthen their establishments as the present establish-

ments are inadequate to cope with the work? Did the Conference of Postmasters-General held last year recommend strengthening the establishments of Superintendents' offices?

(b) Do Government propose to strengthen the establishments of Superintendents' offices? If not, why not?

THE HONOURABLE MR. J. A. SHILLIDY: (a) and (b). The reply to the concluding portion of part (a) of the question is in the negative.

As regards the actual strength of the establishments of the offices of Postal Superintendents in the Madras Circle, Government have no information. The strengthening of such establishments, should they in fact be inadequate in any office, is a matter entirely within the competence of the Postmaster-General, Madras, to whom a copy of the Honourable Member's question is being sent.

NUMBER OF MUSLIM POSTMEN AND MENIALS IN THE BANKURA HEAD OFFICE.

121. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: Will Government be pleased to state:

(a) how many Muslim postmen and menials there are in the Bankura Head Office;

(b) if the answer is nil, why Muslims are not appointed;

(c) was any attempt made to secure Muslims there?

THE HONOURABLE MR. J. A. SHILLIDY: Sir, with your permission, I should like to answer questions Nos. 121 to 123 together.

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

NUMBER OF MUSLIM CLERKS IN THE DIVISIONAL SUPERINTENDENTS' OFFICES IN THE BENGAL AND ASSAM CIRCLE.

122. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: Will Government be pleased to state:

(a) how many Muslim clerks there are in the Divisional Superintendents' offices in the Bengal and Assam Circle;

(b) was any trial given to the Muslim clerks, who wanted to go to the Divisional Superintendent's office in each division?

NUMBER OF MUSLIM HEAD CLERKS OF OFFICES OF SUPERINTENDENTS OF POST OFFICES IN THE BENGAL AND ASSAM CIRCLE.

123. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: Will Government be pleased to state how many Muslim Head Clerks to the Divisional Superintendents there are in the Bengal and Assam Circle?

APPOINTMENT OF A MUSLIM AS POSTMASTER-GENERAL OR ASSISTANT POSTMASTER-GENERAL IN THE BENGAL AND ASSAM CIRCLE.

124. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: Will Government be pleased to state whether a Muslim has been appointed as Postmaster-General or Assistant Postmaster-General in the Bengal and Assam Circle? If not, why not?

THE HONOURABLE MR. J. A. SHILLIDY : No. The reason is that postings of officers are not made and cannot be made on communal grounds but are governed by considerations of administrative requirements.

NUMBER OF MUSLIMS EMPLOYED AS POSTMASTERS-GENERAL AND ASSISTANT POSTMASTERS-GENERAL IN INDIA.

125. THE HONOURABLE MR. MAHMOOD SUHRAWARDY : How many Muslim Postmasters-General and Assistant Postmasters-General are there in India and where are they posted ?

THE HONOURABLE MR. J. A. SHILLIDY : One Muslim officer is officiating as Postmaster-General, Central Circle, his substantive post being that of Deputy Director-General, Postal Services. There are four permanent Muslim Assistant Postmasters-General, one in the Bihar and Orissa Circle, two in the Punjab and North-West Frontier Circle and one in the United Provinces Circle. Two other Muslim officers are at present officiating as Assistant Postmasters-General, one in the Punjab and North-West Frontier Circle and the other in the Central Circle.

I may add that there are also one permanent and one officiating Muslim Deputy Postmasters-General, the former in the Punjab and North-West Frontier Circle and the latter in the United Provinces Circle.

NUMBER OF MUSLIMS EMPLOYED IN THE ZOOLOGICAL SURVEY OF INDIA.

126. THE HONOURABLE MR. MAHMOOD SUHRAWARDY : Will Government be pleased to state :

- (a) the number of officers in the cadre of the Zoological Survey of India ;
- (b) how many, if any, are Muslims ;
- (c) whether any temporary appointment is held by a Muslim ;
- (d) if so, since when ;
- (e) when does the term of the temporary appointment terminate ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (a) There are at present seven permanent officers in the cadre of the Zoological Survey of India.

- (b) None.
- (c) Yes.
- (d) Since 1925.
- (e) On 3rd September, 1930.

HINDU GAINS OF LEARNING BILL.

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma : General) : Sir, I move that the Bill to remove doubt as to the rights of a member of a Hindu undivided family in property acquired by him by means of his learning, as passed by the Legislative Assembly, be taken into consideration.

The Bill was originally introduced into the Legislative Assembly during the Simla Session of 1929. During the Delhi Session of the current year it was

sent to a Select Committee consisting of six distinguished Members of the Legislative Assembly, including the Honourable the Law Member. The Bill emerged from the Select Committee with only formal amendments to clause 4. Mr. Kelkar was the only Member who wrote a minute of dissent and that too with regard only to a minor point. He approved of the principle of the Bill. So that the Bill was practically approved by the Select Committee as it stood, and it was passed by the Legislative Assembly without a division. The Bill has been before the country for about a year and no protest or representation against the passing of the Bill has been received. The Bill seems to reproduce the true rule of Hindu law relating to personal acquisitions or separate property of a member of a joint Hindu family acquired by means of learning according to the Smritis, the Manu Smritis, the Narada Smritis and other Smritis, with the exception of Katyayana. All these lay down that acquisitions made by any individual by learning are his own exclusive property. Later commentators however, relying upon the text of Katyayana, by a peculiar rule of interpretation which is not justified by the Smritis, created or rather imposed restrictions on the right of an individual member with respect to gains made by him by his learning. According to these commentators, the property acquired by an individual member of a joint Hindu family by means of learning was partible and divisible if the learning was imparted to him at the expense of the family. According to these commentators, acquisitions made by a person on account of his learning, whether due to general education or any special education, were regarded as family property and divisible among the members of the family. The rulings of the courts have fluctuated with reference to the rights of a member of a joint Hindu family in regard to property acquired by him by means of learning. At first, the courts were inclined to the view that all acquisitions made by an educated member was partible whether the education was of a special kind or only of an ordinary general nature. In all such cases the property was regarded as partible if the education was imparted at the expense of the family or if he was maintained out of family funds when acquiring education, even though of a general character. Later on, the courts took a more liberal view and held that property acquired by an individual as the result of general education was the exclusive property of the individual, while property acquired by special professional or extraordinary education was regarded as partible when the members of the family provided the education; in other words, when the education was provided to the detriment of the family estate. Whatever may be said about the law applying to the Hindu joint family in ancient days it began to work hardship under the present conditions. As Their Lordships of the Privy Council point out in *Gokalchand vs. Hukamchand* in a case reported in 2 Lahore page 40, the old rule, which is applicable to a state of society which was probably simpler and certainly very different from present-day society, creates a good deal of incongruity and anomaly in the existing system of law. The present law is therefore hopelessly out-of-date and it is in the fitness of things that these anomalies and incongruities should be removed. Though there are instances of cases which were free from doubt, the difference between ordinary general education and special professional or extraordinary education was not workable practically and created great complications so that a good deal of litigation was the result, and very often it worked very great hardship as litigation generally started several years after the death of the individual who had acquired the property

[Mr. P. C. Desika Chari.]

Under the present law, an individual getting specially trained and receiving scientific or extraordinary professional education is not under an obligation to reimburse members of the family the amount of money spent on his education. He is entitled to demand a partition of family property just like other members as soon as he begins to earn his own living. Though the member was entitled to effect a partition of the family estate like the other members of the family, yet normally, having regard to family ties in the Hindu family and having regard to the delicacy of feelings which are generally entertained by educated members not to desire partition as soon as they begin to earn, the educated member continues a member of the family. He does not want to effect a partition; the other members of the family are not generally hostile to the earning member and they generally treat him with great respect and consideration for fear he may effect a partition, thereby depriving them of their right to share in the fruits of his subsequent earnings. This goes on, and the man acquires property and he does not know where he stands. He is not sure whether the acquisitions he makes after helping the other members of the family in various ways would be left to his own heirs or whether it will be regarded as family property. This uncertainty very often acts as a sort of check to the natural impulse to earn and save, and even when he has much savings the individual acquirer is very often tempted to have recourse to fraudulent subterfuges like *benami* transactions. He is induced to make unprofitable investments, he is induced to spend large sums of money on jewellery or to keep his earnings in the iron safe, keeping the capital idle. But whatever may be the secrecy with which he may keep his gains, very often it leaks out and there is a suspicion that he withholds a portion of the savings from the joint family and the result is distrust—there is distrust between the member and the other members of the family, and this hardly conduces to the peace, goodwill and harmony of the joint Hindu family. This is one aspect which has to be taken note of, because the Bill, if passed into law, would remove all these uncertainties and would make the member of the joint Hindu family who has had a special education or who makes a large earning to make profitable investments, feel confident that, whatever he may acquire by his own individual exertions will go to his heirs, his widow or daughter. This also will serve as a very great inducement to the individual member to remain in the joint family. Otherwise there is a strong tendency on the part of the individual making large acquisitions on account of his learning to go out of the family for fear that the other idle members would claim an equal share with him or with his male issue after his death, and the hardship of the rule would be obvious in the case of a person dying without a male issue. Take the case of a person dying without a male issue leaving a wife and daughter. There is the more difficult question of the nature of the education imparted to him, the means or the funds out of which he was educated, and there is generally an elaborate enquiry. This generally takes place several years after the man's death. And then we find all the other members of the family ranged on one side and this poor widow or daughter ranged on the other. There is an unequal contest. Added to it, there is the heavy onus of proof on the widow or the daughter who has got to prove that the property was actually the self-acquisition of the deceased member, and that the widow or daughter was entitled to it;

By that time, the evidence relating to the nature of the education and the funds out of which the person was educated is all gone, and very probably no accounts have been kept, and if any accounts were kept, they are all long lost, and the acquirer himself is not present to tell the court how he acquired the property. More often than not, the litigation results in the widow or daughter being deprived of the right of inheritance and they are left with only the bare right of residence and bare right to maintenance, and the daughter would have no other right except the right to be married at the expense of the family if she was unmarried. The bulk of the property goes to the idle members who are heartless enough to fight against an unfortunate widow and daughter of the deceased person who was the bread-winner and who accumulated all this property. If the Bill is passed into law, all the property of a member of a joint Hindu family which was acquired by him by means of his learning will go to his own heirs or to his widow or daughter and not to collateral relations who may be members of the family. As I pointed out, there is absolutely no objection to this Bill on the part of any section of the Hindu community. Honourable Members of this House are aware that Hindu society, at any rate that section of it which is opposed to all social reforms, has been particularly vigilant and active during the last year on account of the passing of the Sarda Act. They have been meeting very often in conferences, and if really there was any objection to this Bill, it would have been voiced in those conferences, and they would have taken time by the forelock to make proper representation to the proper authorities. The fact that there has been absolutely no objection to this Bill shows that it is universally acceptable to the Hindus.

There is no question of interference with religion or interference with orthodox principles. We only want to restore the law to what it stood according to the Manu Smritis and this will be welcomed by the orthodox community. Forty years ago, a similar measure was introduced and passed in the Madras Legislative Council by the late Sir V. Bashyam Aiyangar, one of the greatest jurists India ever produced. He was a type of orthodox gentleman belonging to a family of Aiyangars, a community noted for its orthodoxy in Southern India. If really there was any objection on account of orthodoxy or on account of interfering with the well-established Manu Dharma, he would certainly not have been a party to bringing in a measure of this kind and getting it passed. But the Government somehow thought that at that time sentiment was not sufficiently advanced for the acceptance of the Bill, and assent was accordingly withheld. Now, 40 years have elapsed and Hindu sentiment has advanced very rapidly during these 40 years, and it cannot be contended now that this Bill will be in advance of public opinion. The present measure is a very desirable measure. It seeks to prevent unnecessary litigation and to ensure to the earning member that he will be left in enjoyment of his property, uncontrolled and unfettered, and that his own wife and children would be in possession of it without molestation from the other members of the family. It is a very desirable measure, and I hope and trust that this Bill will meet with the support that it deserves.

Sir, I move.

THE HONOURABLE THE PRESIDENT: The question is :

“That the Bill to remove doubt as to the rights of a member of a Hindu undivided family in property acquired by him by means of his learning, as passed by the Legislative Assembly, be taken into consideration.”

The Council will see that to that motion there is an amendment in the name of the Honourable Mr. G. S. Khaparde :

“That discussion of the motion be adjourned to the next Session of this Council.”

The Rules and Standing Orders of the Council do not specifically provide for such an amendment in regard to a Bill and it has always been held, in this House at all events, that an amendment of this nature or any motion for the adjournment of a discussion can only be made with the permission of the Chair. The Chair is guided in deciding whether such a motion should be made or not to some extent by the intentions of the would-be mover, and in calling on the Honourable Mr. Khaparde I do not wish him to understand that thereby I am giving him my permission to move his amendment. I am asking him first of all to justify his reasons for moving for the adjournment of the discussion. I am giving him a hint, and that is, that if a motion for the adjournment of a discussion is merely the result of a genuine desire to give more time for the consideration of an important Bill, the Chair will ordinarily find no difficulty in giving its sanction. If, on the other hand, a motion for the adjournment of a discussion is merely the result of a desire that the Bill should expire, a result which could be achieved perhaps in some other way or at some other stage of the Bill, then ordinarily I think the Chair would not be prepared to give its permission.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative): Sir, in obedience to what has fallen from you, I shall first of all give my motives for moving this amendment. My motive is that this is a very serious change and it should be made only after a good deal of thought. The Bill is, really speaking, an invasion of the joint Hindu family. The system of the joint Hindu family is by this movement going to be destroyed in some part. That is a serious matter, and we would like to think it out. I have had no time to think it out, and as my friend has pointed out, the Associations have never made any representation. Probably the Associations never knew that a Bill of this kind was coming up. It was going from post to pillar and pillar to post, so that nobody knew what it was. It is a lawyer's Bill. It is not a Bill which could be easily understood by all and sundry. It is a technical thing. So, I believe it has not attracted that amount of attention which it deserves.

The second point is that far-reaching changes of this kind should be made after a great deal of thinking and caution. You remember that a small thing like marrying a deceased wife's sister took 60 years in England to be brought about, and then also it did not come about very easily. But in India a law of inheritance can be changed perhaps in one year, or in two months or even in one hour. I feel that we ought not to go in haste like this. We have been always advised, and advised by very good and wise people, that we should “hasten slowly”. Hasten slowly is a contradictory term, because if you hasten you cannot be slow, and if you are slow you cannot hasten. But it means have a change if you like, but have it gradually, carefully and after full and mature thought. Lord Bacon has got a saying on this point which

fortunately came to my notice only yesterday, and I have got it, that "the counsels to which time hath not been called, time will not ratify". If you do not call time to your assistance in thinking out matters, if you do things hastily, time will not ratify, meaning that those things will not survive. Let us in this instance call time to our counsels and let us have full time to think it out. I am not against all change, nor am I in any way particularly interested in getting this Bill destroyed or extinguished. I recognise that time must make changes, but I also recognise that the change must come in time and not before its time. The thing must be thought out, carefully considered, and be gradual, in the same way as we see in our own time how winter gradually changes into summer and how summer into the rainy season. There is an interval of time between two seasons and the change is very gradual. My object in bringing this motion is not at all to defeat it or to destroy it or to extinguish it or to kill it in some way. There is no sinister motive in my mind about its being delayed and eventually killed. My motive is that I shall get time and people of my ideas and persuasion will get time to think the whole matter over. We recognise that there should be a change. We are anxious that the change should be natural and gradual, so as not to make it objectionable. That is all my object, Sir. This being my object, I trust the Council will kindly give me permission to go on.

The next point is why I desire this time. I have given partly the reasons and partly I wish to reserve what I have to say till the matter goes further.

THE HONOURABLE THE PRESIDENT : The Honourable Member has not entirely answered my points. He has explained what his motive is not in this case, but he has not also explained to the Council how, if this amendment of his is carried, the Bill will remain alive in view of the impending dissolution.

THE HONOURABLE MR. G. S. KHAPARDE : About that, as to how the Bill will remain alive, I argue that there is no distinct prohibition in the case of a Bill of this kind being kept alive. I rely on rule 85 and my friends who do not agree with me are afraid that it will be killed under rule 86. Rule 85 reads like this :

"On the termination of a session, Bills which have been introduced shall be carried over to the pending list of business of the next session."

• Bills remaining undisposed of at the end of a Session automatically and naturally get carried over to another Session, and my application is made under that. I say that this Bill requires a great deal of consideration, honest and careful consideration, as I have thought it over, and I am not saying this with a view to kill the Bill. I am willing to help and make it acceptable. Automatically this Bill will go to the next Session. My other friends probably think that rule 86 applies and they rely on it. They think that if this Council is dissolved, the Bill will die a natural death and natural death will come to their child. Quite right. I quite sympathise with them, but I submit that the question does not arise. Dissolution has not been declared and the Executive Government are in no way under our control, and the Executive Government may never dissolve this Council, in which case this Bill will automatically survive. There is no harm. How does harm come to this Bill? Supposing His Excellency the Viceroy, for reasons of State, does not dissolve this Council, the Bill will come up in the next Session. There is no

[Mr. G. S. Khaparde.]

necessary consequence that adjournment will necessarily kill it. Even granting that the worst comes to the worst and this Bill dies as a result of the dissolution, the galaxy of gentlemen sitting opposite to me can easily revive the Bill. They can surely bring it up again. There will be nothing lost. There is no sinister motive in me in that respect. In my opinion the Bill will not die. I am willing to argue that the Bill will not necessarily die because of its being adjourned to-day. It is conditional on another event which is not within our power, and as that contingency has not happened, the question about its death does not arise to-day. Even if such a thing happens, it will not die, because my friends can easily revive it. If there is any other point which I have omitted, I will have to be told about it.

THE HONOURABLE THE PRESIDENT: The Honourable Member has introduced a novel and, if I may say so, ingenious argument, which I do not think will convince the Council. If there were any force in it, rule 36C, which the Honourable Member has referred to as rule 86—paragraph 86 of the Manual—would never have any application, because necessarily a notification dissolving a legislative body cannot be issued until that legislative body has finished its business, and therefore it might be held, if there were any force in the Honourable Member's argument, that in no Council of State or Legislative Assembly or Provincial Legislative Council could it be held that a motion for the adjournment of a discussion was in effect causing a Bill to lapse. I think there can be no question that paragraph 86, which is rule 36C, is the rule which applies to this case. It is true that there is as yet no notification dissolving this Council, but it is a matter of common knowledge that His Excellency the Governor General will dissolve this Council in the very near future; and as rule 36C applies, the Council cannot give any direction that will affect the application of that rule. It is a rule made under section 67 of the Government of India Act, and it is a rule made by the Governor General in Council with the previous sanction of the Secretary of State in Council, and section 129A of the Government of India Act lays down that that rule cannot be altered by the Central Legislature; therefore its application cannot be altered. It follows therefore that whatever the Honourable Member's motive may be in moving this amendment, the Council must give him credit for a desire that this Bill should expire, and in view of that I think I must hold that, as he has an opportunity on the second reading of the Bill to defeat the Bill, and another opportunity on the third reading to defeat the Bill, it will be perhaps wasting the time of the House to let him attempt to achieve the same object by an amendment which is not specifically provided for in the rules. The Honourable Member is at liberty to speak on the motion, but not to move his amendment.

THE HONOURABLE MR. G. S. KHAPARDE: Well, this is the last alternative to which I have been driven now; I shall avail myself of it and argue that the Bill should not be considered at all. This motion should not be considered for this reason that all that has been said up to this time here and elsewhere on this motion and on this Bill takes for granted that the people living at home and sending their sons to England spend their money, but they themselves are idlers and people who do not deserve sympathy at all. All the sympathy is concentrated on the young man who is sent to England or other

places. I humbly submit that this assumption at the bottom of this discussion is not true. All the stay-at-homes are not necessarily idle people. They are not bad people. They have no bad motives in the matter. What happens usually, here in India as elsewhere, is that there are families which have fallen on evil days; they are anxious to improve and restore their fortunes. Some do it by contracting good marriages; other people send their boys out for learning so that they may be able to return and earn good money and so restore the fortunes of the family. These are the motives which guide us and have guided most of our people throughout all time. Therefore, to assume that the stay-at-homes are idlers does not at all agree with the facts of the case. But the principle which in effect is being introduced here is that the stay-at-homes have no business even to exist. My humble submission is that the stay-at-homes are not such bad people after all.

• Lastly, there is another argument which is always urged and to which I object. Suppose a boy returns successful, either as a great engineer or as a member of the Civil Service, when is he to seek partition? I say that he should be able to do it immediately after his return or after staying on in the joint family for some time. That is, he should have a choice in the matter. Supposing he comes at once and claims partition. What happens—I know because I have often as a lawyer assisted in these things—is that they sit down together; they say, this is the property, we are so many and there are so many shares. Now you went to England and deprived us of so much; we underwent privations in order that you may lift us out of our troubles and now the least you can do is to give us back what we spent. And that is arranged amicably and the boy is at liberty to earn as much as he likes and keep it for himself. I have personally assisted in arbitrations of this kind. But supposing he does not want to be separated at once; he should be at liberty to carry on. After all he can get his share separated at any time during his lifetime. I do not understand this endeavour to raise sympathy on behalf of the poor widow and the poor children. I say that is all beside the point. After all he has gone to England at the expense of the joint funds. So all these arguments fall to the ground. This Bill therefore in my humble opinion is not worth considering, and it should not be taken into consideration.

*THE HONOURABLE DEWAN BAHADUR G. NARAYANASWAMI CHETTI (Madras: Non-Muhammadan): Sir, as a layman I heartily welcome this measure. Forty years ago, the late Sir V. Bashyam Iyengar got a similar Bill passed in the Madras Legislative Council. Unfortunately orthodox opinion was against it and they maintained that the joint family system was in danger. Accordingly assent was withheld. Had that Bill been passed it would have saved a good deal of litigation during the last 40 years. Last year Mr. Jayakar brought forward this measure again in the Legislative Assembly, and I am glad to see that the Assembly has passed it. I was wondering in my mind all these long years why a measure of this sort was not introduced in the Council or Assembly or the local Legislative Councils. I decided that politics dominated and no one was keen about bringing forward a piece of social legislation on the lines of this Bill. I think India and the Hindu community will be very grateful to Mr. Jayakar for this piece of legislation which has been successfully carried in the other House. Sir, at present as soon as a member of a joint family begins earning he has to find ways and means for the investment of his money so that

[Dewan Bahadur G. Narayanaswami Chetti.]

it may not be partitioned later on among the undivided members of the Hindu family. He has to keep his money either in hard cash or locks it up in jewellery. This Bill will remove all these drawbacks and difficulties and there will be contentment and happiness among the members of the family. I hope this House will unanimously pass this Bill. As a layman I heartily welcome it.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to remove doubt as to the rights of a member of a Hindu undivided family in property acquired by him by means of his learning, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

THE HONOURABLE THE PRESIDENT: The question is:

"That clause 3 do stand part of the Bill."

THE HONOURABLE MR. G. S. KHAPARDE: Sir, I beg to move:

"That:

(i) clause 3 of the Bill be numbered as sub-clause (1) of clause 3;

(ii) after sub-clause (1) of clause 3 as so numbered the following sub-clause be added, namely:

"(2) The provisions of sub-section (1) shall not apply to any gains of learning unless the acquirer has repaid to the joint funds of his family any amount expended to the detriment of the joint funds in imparting such learning to the acquirer."

My object in bringing this amendment is not to destroy the Bill but to give it a corollary. As it is at present, the whole thing is based, as I said before, on the assumption that the boy who goes out is a very good boy and the people who stay at home are lazy rascals who do not deserve any consideration shown to them. My idea is different. A boy may go to England and if he is capable he may pass into the Civil Service, but after doing so he may fall a prey to the allurements of some Continental city and he may marry a Bolshevik girl. Suppose he comes back with a Bolshevik wife, who is the bad party then, the boy or the stay-at-homes? I say therefore it is no use judging people one-sidedly. And since we are altering the law let us also provide that in the event of such a boy turning out peculiar and demanding on his return not to stay in the family, the family should be able to claim the return of all that they have spent. It has been said, how will you do this? That is not in the ancient law. To that my reply is that, if you are going to destroy the ancient law, if that law is bad enough for you to change it, it must be bad enough for me also to amend the ancient law. I want to change it in this way, that on his coming back if he chooses to stay in the family it must be distinctly understood that his earnings will remain in the family; if he does not, then let him pay back and make good all that has been spent on him, even if he has to borrow for the purpose. That is only an equitable doctrine. This whole Bill has been bolstered up on grounds of equity. But equity is a dangerous mistress. If you appeal to her she imposes her conditions; if you seek the support of equity you also must be equitable. Whoever appeals to equity must appeal with clean hands. Here you say that you are making the old law conform to new ideas. That is all right, but it is also a new idea that you should not derive benefit out of the affection of the other side. Those people out of affection forego comforts and live poorly, denying themselves of many things that make life

worth living, in order that this young gentleman may go to London and acquire knowledge and power to earn good money. Afterwards, if he does not desire to share the profits of his learning with those who have sacrificed themselves for him, it is but fair that he should render back to the family what has been spent on him.

Out of what will he pay? Well, he may borrow or beg, or even steal or pay out of the family funds that fall to his share. It is no good telling me there is no such right. I say that is not so. You are changing the law as it stands now. Let us change it in a better way and make it completely equitable. If you want it equitable, have it equitable. And that is therefore the gist of my amendment that I have put in.

The other argument that has been put forward—or at least I have heard it casually—is that this will be completely unworkable. I say, no. Why is it unworkable? If the boy returns to his family, he has the option of joining the family. Or if he chooses to live with them for some time and then at any time in his life he wishes to separate, he can always go away. When he is taking his share of the property, the old people will take care that what has been spent on him should be repaid. There is nothing unworkable or illegal or inequitable in that. On the contrary, the inequitable thing is that to save the fortunes of the family we collect the money.

Well, I suppose out of these two things, what I say is the more reasonable. Therefore, I commend my amendment to the attention of the Council.

THE HONOURABLE DEWAN BAHADUR A. RAMASWAMI MUDALIAR (Madras: Non-Muhammadan): Sir, I beg to oppose this amendment on three grounds. First, that it makes the present law more restrictive than ever; secondly, that it is unworkable; and, thirdly, because the amendment goes much further than the Honourable Member intends it should. Sir, at the present moment there is no obligation on the part of a gentleman who has been educated and given even special education to return the amount that has been spent on such education. Without a contract to that effect, there is no obligation on the person to refund to the family or to bring to the hotch-pot the amount that has been expended on his education. It might be argued that when the question of the partition of the property is taken up, the amount that he has earned since the date of his learning up to the date of the partition will also be brought into account as part of the joint ancestral property and therefore this obligation does not arise. But, as the House is aware, the right of partition is inherent in every member of a joint family and directly the member begins to earn, it is open to him to demand a partition. At that stage no question of his own acquisition arises, and yet the obligation to repay what the family has spent on him does not arise. Under the present law, as declared by the Privy Council, a unilateral declaration of intention to divide is sufficient. No question of any question of division by metes and bounds is taken into consideration. A mere declaration, howsoever made, in whatever document, written in a letter to a friend, has been held sufficient proof of the fact that a partition has taken place, and therefore, Sir, it seems to me that when my Honourable friend is suggesting that the amount that has been spent on him should be returned to the family he is restricting the present law and not enlarging its scope. The object of the Bill is to enlarge the scope of the present rights of

[Dewan Bahadur A. Ramaswami Mudaliar.]

he acquiring member and not to restrict its scope. On that ground, first of all, I oppose the amendment.

Secondly, my Honourable friend knows that only in the special case of what has been termed technical or scientific education is there an obligation on the part of the acquirer to put the property into the joint family. Where the acquisition has been merely through his general education, through that general learning that has been given to him, there is no such obligation and if there is acquisition of property by a member who has merely had a general education, it cannot be said that that property ought to be brought into the hotch-pot. The definition of the word "learning" that has been given in this Bill will show that learning includes not merely technical education but that learning means "education, whether elementary, technical, scientific, special or general, and training of every kind which is usually intended to enable a person to pursue any trade, industry, profession or avocation in life." My Honourable friend's amendment says that:

"The provisions of sub-section (1) shall not apply to any gains of learning unless the acquirer has repaid to the joint funds of his family any amount expended to the detriment of the joint funds in imparting such learning to the acquirer."

So that it comes to this, Sir, that funds expended on general education have also to be repaid to the joint family—a proposition which goes very much further than the existing state of the law.

Thirdly, Sir, the object of this measure is, first and foremost, to see that all avoidable litigation is done away with—litigation which takes into consideration the question whether that education is general or special, whether it is of such a character that the member of a joint family is entitled to it as a matter of general right or whether extraordinary steps or pains have been taken to impart that education to the member. As times are progressing, ideas are changing and what was once special education has to-day come to mean merely general education. What was once special education imparted to a member of a joint Hindu family which was once considered as creating an obligation on that member to put his acquisition into the joint family, is to-day considered such general education that such obligation cannot possibly arise. Again, Sir, if my Honourable friend has followed the reasoning which is so excellently given in the Statement of Objects and Reasons by the Mover of the Bill in another place, he will realise that it is a very varying code, that it differs from place to place, from locality to locality, from community to community, and from family to family: Like the Chancellor's foot, its measure is most uncertain and one of the objects of this Bill is to remove that uncertainty altogether. In fact, Sir, as the Preamble says, the object of the Bill is to remove doubt and to provide an uniform rule, as to the rights of a member of a Hindu undivided family in property acquired by him by means of his learning. It is not as if we are making a fresh law for the first time, but we want as far as possible that all uncertainties should be removed from this law as to the class of property. Again, Sir, this is a matter which will generally arise, as the Honourable Member has said in another place, after the death of the member who has acquired the property. The widow is then forced to come forward with her case and prove whether the amount has been spent on her husband's

general or special education. And my friend, Mr. Khaparde, wants to put in a further terror to that widow. Sir, I have heard that Bolshevism is dangerous, but I do not know whether a Bolshevik girl is a very dangerous person, but even if it be, my friend's sympathy will go to the unfortunate widow.

THE HONOURABLE MR. G. S. KHAPARDE : Not to the Bolshevik.

THE HONOURABLE DEWAN BAHADUR A. RAMASWAMI MUDALIAR : And, Sir, that widow if my friend's amendment is carried out, will not merely be faced with the present difficulty, such as proving whether the gains of learning have been made out of general education, but she will be faced with the new difficulty of proving the exact amount that has been spent on the general or special education 30, 40 or 50 years ago when her husband was trained by the family, and you have to take account of the amount spent on his education, find out how much has been spent, and then deduct it from the property. As my Honourable friend himself says, these questions do not generally arise during the lifetime of the acquirer. Sir, it is not that anyone wants to be very hard on the drones of the family but my Honourable friend who has said that we who seek equity should seek it with clean hands must realise.....

THE HONOURABLE MR. G. S. KHAPARDE : I object to the term "drones of the family".

THE HONOURABLE DEWAN BAHADUR A. RAMASWAMI MUDALIAR : Sir, if my Honourable friend is dissatisfied with my phraseology I will accept his own phraseology and call them "the idle members of the family".

The Honourable Member will realise that this special education need not be given only to the acquirer. It may be spent equally on all members. If three sons of a family have all been allowed to educate themselves and Rs. 30,000 has been spent and one of the members makes good and the other two members never make good, there is no obligation on these two to return the Rs. 30,000.

THE HONOURABLE MR. G. S. KHAPARDE : Why ?

THE HONOURABLE DEWAN BAHADUR A. RAMASWAMI MUDALIAR : But it is on the person who has acquired the money that the obligation is cast by the Honourable Member. On these grounds, Sir, I strongly oppose this amendment.

THE HONOURABLE MR. P. C. DESIKA CHARI : Sir, I find that
 12 NOON. the amendment goes probably much further than
 what my friend the Honourable Mr. Khaparde
 really intended to go. Clause 2 defines "gains of learning". The effect
 of this amendment will be to create an obligation on the acquirer
 not only to reimburse to the family the funds expended on him in
 the matter of his special or extraordinary or professional education but
 also an obligation which does not exist now on the part of any member
 of the family who has had any sort of education, however elementary it
 may be, from the family. The result of this amendment will be to put a sort of
 deterrent on education, and to prohibit even a general education being imparted
 to a member of the family. I think my Honourable friend has great respect

[Mr. P. C. Desika Chari.]

for the Hindu Smritis, and he would agree with me when I say that according to the Manu and other Smritis the ancient Rishis always regarded *vidya* as a sort of gift. *Vidya* being a gift, according to the Smritis, I do not think it will be the intention of my Honourable friend to go against the conception of ancient texts regarding *vidya*, and to make it a matter for bargain and contract. He wants us to presuppose that in the case of a joint Hindu family, there is no natural desire to give education to the son or to the junior member of the family. He seems to think that the desire to educate the son proceeds more or less purely out of selfish motives and he failed to take account of the real sentiments which operate in the minds of members of a joint Hindu family. The father generally gives education to the son, and if he finds the son diligent and properly qualified for certain courses of study, he gives him that amount of education which will give him a place in the world for which he is fitted.

Then again, my friend wants to introduce the word “detriment” which has been giving a lot of trouble to persons who have had to fight out cases of self-acquisition of properties left by a person who acquired it by means of learning. The definition of “learning” which is sought to be placed beyond the possibility of doubt will again be clouded if this amendment is accepted, because the word “detriment” comes in here—“to the detriment of the joint funds”. It is a very difficult expression, and will create litigation which it is the object of this Bill to avoid. My Honourable friend said that he who seeks equity must do equity. This question of reimbursement does not come in under the Hindu law as it is. It does not exist under any known system of civilised law.

THE HONOURABLE MR. G. S. KHAPARDE : Is it so ?

THE HONOURABLE MR. P. C. DESIKA CHARI : He wants to introduce a new principle which is not recognised by any existing system of law—not even the Muhammadan or any other system of jurisprudence known to law. He wants to introduce this principle for the first time, and we cannot by any stretch of imagination call this a conception unknown to any well-known system of law as a principle of equity. My friend seems to presuppose that taking away the legal obligation will remove the moral obligation which is felt by all the members of a joint Hindu family. I suppose my friend will not say that simply because a man has been highly educated, he loses this moral instinct of his love for his family and his moral obligation to the family, and he seems to think that the moment he has been educated, he will be anxious to.....

THE HONOURABLE MR. G. S. KHAPARDE : I never said so.

THE HONOURABLE MR. P. C. DESIKA CHARI : That is what I understood. If it is not so, then I will not labour the point. I hope my Honourable friend will not desire to introduce a principle which is opposed to the spirit and the wording of the Smritis with regard to *vidya* which is regarded as a gift and not as a thing for which any legal obligation is incurred.

THE HONOURABLE THE PRESIDENT: The original question was :

“ That clause 3 do stand part of the Bill.”

Since which the following amendments have been moved :

“ That :

(i) clause 3 of the Bill be numbered as sub-clause (1) of clause 3 ;

(ii) after sub-clause (1) of clause 3 as so numbered the following sub-clause be added namely :

‘ (2) The provisions of sub-section (1) shall not apply to any gains of learning unless the acquirer has repaid to the joint funds of his family any amount expended to the detriment of the joint funds in imparting such learning to the acquirer.’ ”

The question I have to put is that those amendments be made.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question then is :

“ That clause 3 do stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. P. C. DESIKA CHARI: Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

Sir, I take this opportunity of thanking Mr. Jayakar who introduced this necessary piece of legislation in the other place, and I also take this opportunity of thanking the Honourable the Law Member and the Government of India who have given support to this measure. Sir, doubts have been expressed by my Honourable friend Mr. Khaparde and I can assure him that if really this Bill was opposed to public opinion in this country, Mr. Kelkar would certainly have opposed the principle of the Bill. It will be observed that Mr. Kelkar was only anxious to put in a provision on the lines of the amendment which has been moved by my friend. He was whole-heartedly in favour of the principle of the Bill and if he would only take the trouble of going through the proceedings...

THE HONOURABLE THE PRESIDENT: The Honourable Member probably forgot to make these remarks on Mr. Khaparde's amendment ; I cannot allow him to make them on the third reading of the Bill.

THE HONOURABLE MR. P. C. DESIKA CHARI: I am not anxious to make any remarks about Mr. Khaparde. I took it only as an indication of the lines on which he is opposed. It is not my object to delay the passing of this measure, and I hope and trust that the Bill will be passed unanimously by this Council.

THE HONOURABLE MR. G. S. KHAPARDE: I wish to say a few words. Last time I gave a piece of legislation the blessing which Desdemona's father gave her when she decided to stay with the Moor. This time I shall also give this measure a blessing. There is a small story. In one village a buffalo was drinking water out of a large pot and her face and horns went into the pot and could not be taken out. The buffalo could not get out of that position. So they sent for the wisest man of the village, and he came riding a camel. The

[Mr. G. S. Khaparde.]

door was so small that he asked that the door should be broken open to enable him to get in. Then he went and saw and asked, "Have you got a sword?" They gave him a sword and he cut off the head of the buffalo with the sword; that severed the neck of the buffalo from the pot and the head fell into the pot. Then he asked for a stone, with which he broke the pot, and presented the man with the head of the buffalo. He killed the buffalo, pulled down the door, broke the pot and saved the head of the buffalo.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to remove doubt as to the rights of a member of a Hindu undivided family in property acquired by him by means of his learning, as passed by the Legislative Assembly, be passed."

The motion was adopted.

AJMER-MERWARA COURT-FEES (AMENDMENT) BILL.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan): Sir, I rise to move that the Bill further to amend the Court-fees Act, 1870, in its application to Ajmer-Merwara, for a certain purpose, as passed by the Legislative Assembly, be taken into consideration.

Sir, I beg to state that my object in moving this motion is to afford some relief to the poor widows who reside in Ajmer-Merwara. Ajmer-Merwara, as Honourable Members know, is a province where the masses are very poor and comparatively only a few people are very rich. The present clause 7 sub-clause (ii) of Chapter II of the Court-fees Act in question runs as follows:

"In suits for maintenance and annuities or other sums payable periodically—according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year."

This, Sir, in my opinion, is a great hardship to the poor widows who sometimes have to borrow money on disastrous terms for this purpose, and it is with the intention of removing this hardship that I move this Bill, by which, if it is passed, the court-fees on such suits will be reduced to one-tenth.

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 RAI BAHADUR LALA RAM SARAN DAS: Sir, I beg to move that the Bill further to amend the Court-fees Act, 1870, in its application to Ajmer-Merwara, for a certain purpose, as passed by the Legislative Assembly, be passed.

The motion was adopted:

MUSSALMAN WAKF VALIDATING BILL.

THE HONOURABLE KHAN BAHADUR SHAH MUHAMMAD YAHYA (Bihar and Orissa : Muhammadan): Sir, I beg to move that the Bill to give retrospective effect to the Mussalman Wakf Validating Act, 1913, as passed by the Legislative Assembly, be taken into consideration.

Sir, in moving this Bill, I beg to say that bequests to children for their benefit by the testators have been the practice not only in all Muhammadan countries but in India also till it came into conflict with the law of perpetuity, and it was decided by the Privy Council that as it was in conflict with the law of perpetuities, so there have been decisions against it. So the necessity arose of bringing an enactment for this very purpose which was done in the year 1913. After that, Sir, there have been some cases in which it was held that only the Wakfs which were brought into existence after the year 1913 were valid and some cases were decided against those Wakfs which had been existing before 1913. So really it was an anomaly that the Wakfs existing before 1913 should be made invalid by the law and those Wakfs which were made in 1913 were only valid because of the Act which was passed in 1913. Therefore to remove this anomaly, this Bill has been introduced and has been passed by the Legislative Assembly.

With these words, 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 KHAN BAHADUR SHAH MUHAMMAD YAHYA: Sir, I move that the Bill to give retrospective effect to the Mussalman Wakf Validating Act, 1913, as passed by the Legislative Assembly, be passed.

The motion was adopted.

THE HONOURABLE SIR BROJENDRA MITTER (Leader of the House): Sir, there is no more Government business left over.

THE HONOURABLE THE PRESIDENT: In view of the Honourable Leader's statement it only remains for me to say good-bye to Honourable Members and adjourn the Council. But before doing so, I should like to make one observation. This is not only the end of the Session, it is the end of the life of the second Council of State. I, with numerous other Honourable Members, have been here throughout the five years. To them and also to those Honourable Members who have been here for a shorter period I desire to express my deep sense of gratitude for the great co-operation they have given me and the great assistance they have rendered to the Chair throughout the life of this Council. It is due to Honourable Members that the Council has added to its traditions, that it has maintained and indeed enhanced its reputation, its prestige, and its dignity. This being the end of the life of the Council I should esteem it a privilege if Honourable Members would come to the Chair and enable me to shake them by the hand and say good-bye before I finally adjourn the Council.

(Honourable Members then shook hands with the Honourable the President.)

THE HONOURABLE THE PRESIDENT: The Council now stands adjourned.

The Council then adjourned *sine die*.

THE
COUNCIL OF STATE DEBATES

VOLUME II, 1930

(9th July to 18th July, 1930)

NINTH SESSION

OF THE

SECOND COUNCIL OF STATE, 1930



SIMLA
GOVERNMENT OF INDIA PRESS
1930

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- THE HONOURABLE RAJA SIR MOTI CHAND, KT., C.I.E.
- THE HONOURABLE SARDAR CHARANJIT SINGH.

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