

Monday, 21st March, 1921

THE  
COUNCIL OF STATE DEBATES  
(Official Report)

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OF THE  
COUNCIL OF STATE, 1921



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# COUNCIL OF STATE.

*Monday, the 21st March, 1921.*

The Council of State assembled at Metcalfe House on Monday, the 21st March, 1921, at 11 A.M., with the Honourable the President in the Chair.

## MEMBER SWORN :

The Honourable Haji Chaudhuri Mahomed Ismaïl Khan.

## QUESTIONS AND ANSWERS.

### RETIREMENT OF NON-GAZETTED OFFICERS.

210. The HONOURABLE DIWAN BAHADUR RAMABHADRA NAIDU : Do the Government propose to consider the desirability of extending to non-gazetted Officers the rule recently passed by them in favour of gazetted Officers permitting them to retire voluntarily before 30 years of service ?

The HONOURABLE SIR WILLIAM VINCENT : The answer is in the negative. Having regard to the fact that almost all the officials concerned are serving in their own country, that their duties are less exacting than those of the more responsible gazetted Officers, that they are generally recruited at an earlier age than gazetted Officers, and that the expenditure involved would be very considerable, the Government do not consider that the period now prescribed should be reduced.

### SHIFTING SITE OF THE CANTONMENT, RANGOON.

211. The HONOURABLE MAUNG PO BYE : (a) Is it a fact that Government contemplate shifting the site of the cantonment in Rangoon ?

(b) If so, do Government propose to consider the question of excluding the area round the Buddhist shrine, the Swaedagon Pagoda, from cantonment limits ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) Yes, but no agreement has yet been reached between the Government of India and the Local Government on the subject.

(b) The scheme under consideration contemplates the relinquishment of the area around the Swaedagon Pagoda, which would therefore cease to be in military occupation.

### SPECIAL TRAINS FOR PILGRIMS.

212. The HONOURABLE LALA SUKHBIR SINHA : Will Government be pleased to state—

(a) the occasions on which within the last two years special trains were not provided for pilgrims travelling to Hindu or Muhammadan religious fairs ;

- (b) the steps Government proposes to take in order to put a stop to this practice in future and to secure sufficient rolling stock to provide such special trains?

The HONOURABLE SIR GEORGE BARNES: (a) Detailed information is not available, but it is known that, owing to shortage of engine power and rolling stock, railways were not able to run special trains in several cases.

(b) Government is most anxious to remove difficulties of travel and everything possible is being done to increase the supply of rolling stock, but the Honourable Member will realise that this is necessarily a question of time and money.

#### RESERVED ACCOMMODATION ON RAILWAYS.

213. The HONOURABLE LALA SUKHBIR SINHA: Will Government be pleased to state whether it is under their contemplation to revert to the pre-war rules for providing reserved accommodation on railways and for return tickets at reduced rates to passengers?

The HONOURABLE SIR GEORGE BARNES: There has been more than one question similar to that of the Honourable Member asked in the Legislative Assembly. I am afraid that it is not possible at present for the railways to revert to the pre-war rules for providing reserved accommodation on railways and for return tickets on reduced rates for passengers, but I can assure the Honourable Member that the question of reverting to pre-war practice in regard to these matters will not be lost sight of when we have a sufficient supply of rolling stock and circumstances permit.

#### SYSTEM OF LAND REVENUE.

214. The HONOURABLE LALA SUKHBIR SINHA: (a) In what other countries besides India is the system of land revenue in force and what is the system in England, America, France, Japan and Germany?

(b) Does the Honourable Revenue Member know that there is no legislation on the subject and that everything depends upon the circulars of the Board of Revenue?

(c) Does he propose to suggest to every Provincial Government, where Provincial Settlements are still made, to have legislation on the lines recently recommended by the Joint Parliamentary Committee?

The HONOURABLE MR. B. N. SARMA: (a) It is impossible to embody in a reply of reasonable length the information sought by the Honourable Member, but if he cares to see a summary of the information on the subject which the Government of India have in their possession, it will be shown to him.

(b) Yes.

(c) As I stated in reply to a question by the Honourable Mr. Maricair on the \*14th February, Local Governments were addressed in March last regarding the recommendations of the Joint Parliamentary Committee, referred to by the Honourable Member. Their attention was drawn to the need for early action on the recommendations, but they were advised to defer the introduction of legislation until the new Councils had met.

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\* Vide page 26 of Volume I, No. 3 of Council of State Debates.

EXEMPTION UNDER INDIAN ARMS RULES.

215. The HONOURABLE MR. BHURGRI\*: (a) Will Government be pleased to state if it is a fact that Sub-Inspectors and Inspectors of Police are exempt under the Indian Arms Rules in respect of shot-guns?

(b) Is it a fact that under the new Arms Rules a person who has been presented with an arm by the Government in recognition of his services is exempt only in respect of that arm? If so, do the Government propose to reconsider the matter and to direct that such persons be exempted from the operation of Arms Rules altogether in respect of all guns possessed by them?

(c) Do Government propose to consider the question of providing that every licence issued under the Indian Arms Act, 1878, shall be available throughout India?

The HONOURABLE SIR WILLIAM VINCENT: (a) The reply is in the negative.

(b) Under item (d) of entry (11) in Schedule I of the Indian Arms Rules persons holding swords or other arms received before the 1st January, 1920, as gifts from the Governor General in Council or a Local Government are exempted in respect of such arms and ammunition as the Governor General in Council or a Local Government may declare to be reasonable for such persons to carry or possess. As regards persons who have received, or may receive, arms as gifts from Government after the 1st January, 1920, the fact is as stated. With regard to the second sentence of the question the Honourable Member is referred to the Home Department Resolution No. 31250, dated the 21st March, 1919, from which he will see that the policy of the Government is to confine exemptions within the narrowest limits practicable. They are not therefore prepared to extend the list of exemptions in the manner proposed by him.

(c) The Honourable Member's attention is invited to rule 29(2) of the Arms Rules and to the Resolution published on the 21st March, 1919, from which he will see that licences for the possession of arms and ammunition in reasonable quantities and for going armed for the purposes of sport, protection or display may be made valid by the licencing authority in provinces, other than Burma, Assam, and the North-West Frontier Province, throughout India except those three Provinces; and that subject to any restrictions which may be necessary in regard to any particular province the policy of the Government is that they should be made so valid. The Government do not consider there is any necessity to give any wider validity than is now possible under the rules.

REPORTS OF GOVERNMENT DEMONSTRATION FARMS.

216. The HONOURABLE LALA SUKHBIR SINHA: (a) Is the Honourable Revenue Member aware that people have very little confidence in the reports of Government demonstration farms on the produce of land per acre and are not therefore inclined to adopt their improved methods of cultivation?

(b) If it is a fact, what steps he proposes to take to make these reports more accurate?

The HONOURABLE MR. B. N. SARMA: The Government of India have no reason to believe that the Honourable Member's want of confidence is shared by the public.

\* The Honourable Member was absent.

## PROVINCIAL AGRICULTURAL DEPARTMENTS.

217. The HONOURABLE LALA SUKHBIR SINHA : Is the Honourable Revenue Member aware that the agricultural departments in every Province are doing very little practical work and require an overhauling. What action, if any, is contemplated ?

The HONOURABLE MR. B. N. SARMA : The Government of India repudiate the suggestion that the Provincial Agricultural Departments are doing very little practical work.

## BOARDS OF AGRICULTURE.

218. The HONOURABLE LALA SUKHBIR SINHA : In what Provinces are there Boards of Agriculture and what powers have they to exercise in each Province ?

The HONOURABLE MR. B. N. SARMA : The information is being obtained and will be supplied to the Honourable Member.

JOINT COMMITTEE ON INDIAN FACTORIES (AMENDMENT)  
BILL.

The HONOURABLE MR. H. MONCRIEFF SMITH : Sir, a message has been received from the Legislative Assembly through the Secretary of that Assembly.

The HONOURABLE THE PRESIDENT : Let it be read.

The HONOURABLE MR. H. MONCRIEFF SMITH : Sir, the message which has been received runs as follows :—

‘I am directed to inform you that the following Resolution was passed by the Legislative Assembly at their meeting of the 17th March 1921 :—

‘That this Assembly do recommend that the Bill further to amend the Indian Factories Act, 1911, be referred to a Joint Committee of this Assembly and of the Council of State, and that the Joint Committee do consist of 12 Members.’

The HONOURABLE MR. A. C. CHATTERJEE : I rise to move—

‘That this Council do agree to the recommendation of the Legislative Assembly that the Bill further to amend the Indian Factories Act, 1911, be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 12 Members.’

The Bill has already been circulated to the Honourable Members of this Council. The main object of the Bill is to give effect to the Resolutions that were adopted in this Council about a month ago with regard to the draft conventions and recommendations of the International Labour Conference that met at Washington in October and November 1919.

There are also some consequential changes in the law relating to factories at present on our Statute-book. We have taken this opportunity also to suggest some changes in the law which have been advocated by Local Government and by our expert inspection staff. There are practically no other changes of substance excepting one to which I shall refer later on.

The main provisions of the Bill may be classed under five heads. We have, first of all, a limitation of the weekly and daily maximum hours that

can be worked in all industries, that is to say, in all factories as defined in the Act. Honourable Members are aware that at present there is a daily limit for textile factories only. It is now intended for the first time to extend the principle of limitation to all factories. This is in accordance with the Resolution that has already been passed by this Council and also in the other House.

Secondly, we propose to alter the definition of factories so as to include all establishments employing 20 persons or more, and we also propose to give power to Local Governments to extend the definition to all industrial establishments employing 10 persons or more, whether power is utilised there or not. This is also, at least to a certain extent, in pursuance of the Resolution that was passed in this Council with regard to the draft convention regarding the minimum age of children to be employed in factories; but it also applies to all the other regulations embodied in the factories law, and to that extent it constituted a considerable change in the existing law. I think Honourable Members will recognise that abuses in factories are more likely to occur in the smaller establishments than in the bigger ones; also the men, women and children who work in the smaller factories require protection just as much as those who work in the larger and better organised industries where, especially now, some organisation of the workers are being developed. I think, therefore, that the House will agree that this is a change in the right direction.

In the third place, we have re-drafted and to a certain extent modified the provisions in regard to a weekly rest and the intervals during the hours of work in the day. The present provision with regard to a weekly rest is cumbersome and has been objected to by the various parties affected. The object now is to make one day in the week compulsory as rest for practically every person working in factories, of course with certain exceptions, such as in the case of continuous processes. The interval of half an hour, which is now provided in the law, should, it is proposed, in future be one hour.

The third group of alterations relates to the protection of children. This was discussed at length in connection with the Resolution regarding the minimum age of children that was discussed in the Council about a month ago. In the Bill we are giving effect to the Resolution as passed by the Council raising the minimum age of employment of children from 9 to 12. There is a further alteration, which has not yet been before the Council, raising the upper age of children from 14 to 15. This is a reform which has been advocated for many years and had been seriously considered in another connection by the Factories Commission of 1908. They had proposed a young persons' class, but it was found on practical grounds that it was more or less impossible to have a young persons' class in India. At the same time, I think Honourable Members of this Council will recognise that it is not desirable, in the interests of the nation and in the interests of the children themselves, that children of 14, boys and girls, should at once pass from half-timers under certificates of physical fitness to full-timers without any protection whatever. We had the choice of introducing a young persons' class or of raising the age-limit. We have proposed to raise the age-limit by only one year. In this connection I should also like to mention to the Council that, until recently, there were very few facilities in India for children working in factories to obtain any technical training. These facilities are now being gradually provided, but it is impossible for a young lad of 15 or of 14 to take advantage of any of these facilities if he works the full complement of hours,

[ Mr. A. C. Chatterjee. ]

it might be 10 and is probably 10 in most factories. On the other hand, if he is worked only as a half-timer, he would have some chance of taking advantage of these facilities that are now being provided. In that way we hope that the boys who work in the factories will get a knowledge of the technical processes and will be able to rise gradually from the position of ordinary operatives to that of chargemen, overseers, foremen and, possibly, managers.

Another group of provisions embodied in the Bill relates to the safety and protection of all workers. I would draw attention to clauses, 7, 8, 9 and 12 of the Bill. In clause 7 we have provided for regulations regarding humidification of the factories. I think Honourable Members are aware that in many of our textile factories artificial measures are adopted for producing humidification. The atmosphere becomes extremely oppressive at times and, on sanitary grounds as well as on physical grounds, it is desirable that there should be definite rules regulating humidification. I think it has already been announced that the Government of India are taking steps for an elaborate inquiry into the question before coming to a decision regarding the rules that should be adopted, but, in the Bill, we are proposing to take power to make such rules when we have determined what rules actually are required. In clause 8 we are suggesting that arrangements should be made to secure fencing for live wires and for electrical fittings which are in many cases extremely dangerous to human life. In clause 9 provision is being made against accidents which may be caused by defects in the factory structure. Such accidents have been numerous in the past, and it is at present impossible to prohibit the use of dangerous machinery. In clause 10 we are taking power to prevent children of tender age from being taken to parts of a factory where there is obvious danger to health or to life and limb. In the same clause another provision will give power to Government to make rules against the employment of children and women in dangerous processes where lead poisoning might occur. Similarly, in clause 22, we are proposing to take power to make rules for the prevention of anthrax if investigation should establish the advisability of so doing.

Consequent on all these changes factory owners or occupiers will be compelled to keep a more elaborate system of registers. Honourable Members will realise that it will be impossible to enforce the rule regarding the maximum number of hours to be worked, unless a register is maintained of all work-people, men, women and children, and of the number of hours worked by each. We can realise that all these changes in the law will involve very much heavier work for the factory inspection staff, and the Government of India propose to address Local Governments on this point very shortly.

The last point to which I would like to draw the attention of Honourable Members is that in the Bill we are proposing to replace the present unwieldy Schedules giving exemptions from the different provisions of the Act, by certain definite principles. Local Governments will be empowered to grant exemptions in accordance with these principles, but under the superintendence of the Central Government.

As I have said already, the only important change which has not been discussed in full in this Council is with regard to the upper age of children. The Local Governments and mercantile and industrial associations have already been consulted with regard to the main provisions of the Bill, which, as I



have already indicated, are merely based on the draft conventions and recommendations of the Washington meeting of the International Labour Conference, which were discussed in full in this Council.

It is thought that in a business measure of this sort, joint deliberation of the representatives of the two Houses with expert knowledge of the subject and representing the various interests involved would help us to arrive at a considered agreement on all the main points. I hope, therefore, the House will accept the suggestion made by the Assembly for a Joint Committee.

The HONOURABLE MR. LALUBHAI SAMALDAS : Sir, I beg to support this Resolution. The Bill can be discussed in detail after it has been committed to the Joint Committee, but there are a few points which, I think, I may bring now before the Council. As the Honourable Mr. Chatterjee said, provision must be made for industries where they work by shifts ; sometimes a man works only 56 hours a week instead of 60 hours, as would be the case in other factories where they work for six days for ten hours each day. This point will have to be considered, because it would be very difficult to devise some means by which an off-day could be secured in the case of these shift-workmen. We have been thinking of having our shifts for six days with one day off ; but there are certain sections of the industry which require to be worked the whole week and cannot be kept without work for even a day, for even a few hours. I hope that question will be considered by the Joint Committee.

The Honourable Mr. Chatterjee said that larger powers have been given to the inspecting staff and that their number will have to be increased. It is necessary that the inspecting staff should be above suspicion and should have full capacity to carry out the powers given in this Bill. Under clauses 8 and 9 they are given powers to decide how far a particular building may be suited for heavy machinery ; and, unless they are good civil engineers, it would not be possible for them to decide that point ; and it will have to be considered also whether the inspecting staff should have a good knowledge of civil engineering. But this is merely a matter of detail, which, I think, might be considered better by the Joint Committee. As regards the third point, which the Honourable Mr. Chatterjee said had not been considered in this Council, as regards the upper age-limit of children, though there is a feeling in some quarters that this limit should be raised to 16, I think that the country, as a whole, will welcome the raising of the limit to 15 ; and that the employers also will not object. With these words I support the motion before the Council.

The motion was adopted.

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#### COMPOSITION OF JOINT COMMITTEE.

The HONOURABLE MR. A. C. CHATTERJEE : Sir, I move that the following six Members of the Council of State be nominated to serve on the Joint Committee to consider and report on the Bill further to amend the Indian Factories Act, 1911, namely :—

The Honourable Sir Alexander Murray, the Honourable Sir Maneckji Dadabhoi, the Honourable Mr. Lalubhai Samaldas, the Honourable Mr. Kale, the Honourable Mr. H. Moncrieff Smith and myself.

[ Mr. A. C. Chatterjee. ]

I may say, Sir, that I have asked these Honourable Gentlemen and they have consented to serve on the Committee.

The HONOURABLE LALA SUKHBIR SINHA : May I propose that the name of the Honourable Lala Ramsaran Das be added ? Because we have none here from the Punjab or the United Provinces ; and I think there must be a man who can represent the case of the Punjab and the United Provinces where there are many factories.

The HONOURABLE THE PRESIDENT : Has the Honourable Member ascertained from the Honourable Mr. Ramsaran Das whether he will serve ?

The HONOURABLE LALA SUKHBIR SINHA : No, Sir.

The HONOURABLE THE PRESIDENT : He is required to do so by the rules. His motion is therefore out of order.

The original motion was adopted.

### CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

The HONOURABLE MR. H. MONCRIEFF SMITH : Sir, there is a further message from the Legislative Assembly.

The HONOURABLE THE PRESIDENT : Let the message be read.

The HONOURABLE R. H. MONCRIEFF SMITH : Sir, the message which has been received from the Legislative Assembly <sup>to</sup> through the Secretary of that body runs as follows :—

*' I am directed to inform you that the Legislative Assembly have at their meeting of the 17th March agreed without any amendments to the Bill further to amend the Code of Civil Procedure, 1908, which was passed by the Council of State on the 26th February, 1921.'*

### BILLS LAID ON THE TABLE.

The HONOURABLE MR. H. MONCRIEFF SMITH : Sir, in accordance with rule 25 of the Indian Legislative Rules, I now lay on the table two Bills which were passed by the Legislative Assembly at its meetings of the 17th and 19th March, respectively. They are (1) a Bill to amend the law relating to the Calcutta University, and (2) a Bill further to amend the Indian Tariff Act, 1894, the Indian Post Office Act, 1898, the Indian Income-tax Act, 1918, and the Super-tax Act, 1920, and to amend the Freight (Railway and Inland Steam-Vessel) Tax Act, 1917.

### INDIAN FINANCE BILL.

The HONOURABLE MR. E. M. COOK : Sir, if I have your permission, I should like to read out a notice which I have handed in to the Honourable the

Secretary relating to the Indian Finance Bill. I beg to give notice of my intention to move in the Council of State :

'That the Bill further to amend the Indian Tariff Act, 1894, the Indian Post Office Act, 1898, the Indian Income-tax Act, 1918, and the Super-tax Act, 1920, and to amend the Freight (Railway and Inland Steam-Vessel) Tax Act, 1917, as passed by the Legislative Assembly at its meeting of the 19th March 1921 be taken into consideration.'

Ordinarily, Sir, this motion could not be put on the list of business, unless you otherwise direct, within three days of the notice. I venture to suggest, Sir, that there are reasons in this case why you should, if you are so pleased, exercise your discretion in that respect. The Bill is one of considerable urgency. I need only mention that, unless it is passed by both Chambers and receives the assent of the Governor General before the end of this month, the country will lose from Rs. 70 to Rs. 75 lakhs of revenue, owing to the fact that the additional customs revenue collected this month will have to be refunded. I need hardly say, Sir, that there is no intention on the part of Government in any way to hustle this Honourable Council in its consideration of this Bill. The Bill, as introduced in the other House, was placed in the hands of Honourable Members here on the 1st March, *i.e.*, nearly three weeks ago. It has emerged from the other House somewhat amended, but, nevertheless the main purport of the Bill and the general structure of it remain to a large extent unchanged. I have no doubt Honourable Members have studied the Bill as it was introduced in the other Chamber, and I hope they will agree that, in view of its undoubted urgency, I should move for its consideration as soon as possible, if you are disposed to exercise your powers of discretion in this respect.

The HONOURABLE THE PRESIDENT: There are really two points in the Honourable Member's request. One is that I should exercise my power to abrogate the period of notice required by the rules, and the second point is that I should fix a date for a meeting to consider the Bill, because without a date the abrogation of notice will be meaningless. I think Honourable Members will agree with me that there are very urgent reasons why this Bill should be taken into consideration as soon as possible. I have no doubt, however, that they will wish to examine it with care for it is an important Bill. I, therefore, propose to direct that there shall be a meeting of this Council on Wednesday, the 23rd instant, and I further direct that the Bill may be put down on that date for consideration if the Honourable Mover wishes to do so.

The HONOURABLE MR. E. M. COOK: I should like the Bill to be put down for that day please.

The HONOURABLE SIR MANECKJI DADABHOY: I understand, Sir, that you will also dispense with the notice required for amendments.

The HONOURABLE THE PRESIDENT: Naturally, that must be understood. Honourable Members must give such notice as they are able to give, but it will be impossible, in the circumstances of the case, the Bill having been put down for Wednesday, to require full notice to be given in regard to amendments. There will be no exercise of undue harshness in the matter of receiving amendments, but I hope Honourable Members will in their own interests give such notice as they are able to give.

The HONOURABLE LALA SUKHBIR SINHA: Sir, may I point out that 23rd, Wednesday, is a holiday on account of Holi?

THE HONOURABLE THE PRESIDENT: The Honourable Member has several times brought that to my notice. But the calendar supplied to me by Government does not show that the 23rd is a holiday. I understand that the Assembly are sitting on that day. I can only go by the calendar of holidays supplied to me by the Government.

THE HONOURABLE MR. A. H. FROMM: May I ask for a ruling, Sir, as to what amendments to this Bill are permissible and what are not. I have my own ideas on the point, but I should like to have a ruling from you as to what amendments we may put forward.

THE HONOURABLE THE PRESIDENT: I think it is almost impossible for me to specify all the amendments it is possible for members to propose. Perhaps it will meet the Honourable Member if I specify a certain class of amendment which is not possible. Naturally, speaking generally, amendments which do not come within the scope of the Bill are not admissible, but I fancy the Honourable Member has in view a point which was raised to me by another Honourable Member on which I should have preferred under ordinary circumstances to decide when the occasion arose. However, in view of the short notice on which this Bill is going to be considered and the fact that it may save Honourable Members labour and prevent unnecessary delay, I would at once try and come to a decision on the point which I take it my Honourable friend has in mind. That is the question whether an amendment which has the effect of increasing taxation can be moved by a member other than a member speaking on behalf of Government. I think it will be quite clear to Honourable Members if they refer to section 67-A (2) of the Government of India Act, that the framers of that Act have therein given statutory expression to the English constitutional rule that demands for supply must proceed from the Crown, in other words, the legislature can reduce, but it cannot increase expenditure. That is quite clearly expressed in the Act. If that is so, it seems to me to involve the necessary consequence that taxation to provide for such expenditure must also be initiated by the Crown. Indeed, section 67 of the same Act could be construed in the same way. I think I must therefore rule that an amendment, except by a member speaking on behalf of Government, which has the effect of increasing taxation proposed by the Bill is out of order, unless it proposes taxation by way of equivalent to a tax brought by the Bill under the consideration of the Council. The point is this, that the Crown makes a demand, the Crown proposes taxation, the Council can reduce the demand or the taxation, but it can neither increase the demand nor can it increase the taxation except at the instance of a member of the Government. But it is open to members who desire to vary what I may call the incidence of taxation imposed by the provisions of the Bill to propose an increase in one item compensated by a corresponding reduction in some other item. I hope I have made the point clear to the Council.

THE HONOURABLE MR. A. H. FROMM: Thank you, Sir. That is the point I wanted to be cleared up.

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### IMPORT AND EXPORT OF GOODS (AMENDMENT) BILL.

THE HONOURABLE SIR GEORGE BARNES: Sir, if will be a great personal convenience to me,—and I understand my Honourable friend Mr.

Sarma does not object to it,—if with the leave of the House you will be good enough to take the Import and Export Bill next and invert the order of the two remaining Bills on your list.

**THE HONOURABLE THE PRESIDENT :** The question is that items 4 and 5 of the legislative business be taken after item 1.

The motion was adopted.

**THE HONOURABLE SIR GEORGE BARNES :** Sir, this Bill is to extend for one more year the operation of the Import and Export of Goods Act, 1916. To those Honourable Members, who were members of the old Legislative Council, the Bill will seem like an old friend. I think that I introduced it three times in the Legislative Council, and on the last occasion its operation was extended for one year, which ends on the 31st of this month. This Bill has now been passed by the Legislative Assembly and comes up from the Assembly to this House. A formal introduction here is not necessary under the rules, and the motion before the House is consequently a motion that the Bill be taken into consideration. Our efforts since the war had been directed to get rid of every form of control. I am a firm believer in the doctrine that trade ought to be left to itself and ought to be kept free of any interference by Government, and I should not propose the continuance of this Act for another year if I felt that it was possible to let it drop at the end of March. Unfortunately it is not possible to let it drop quite so soon as that. We need it in order to control the export of coal and for, what I hope may be a very short time, the control of the export of certain foodstuffs. It is within the knowledge of Honourable Members of this House that we are obliged for the present, in the interests of our own industries, to control the export of coal. I know that I can safely give this House an assurance on behalf of my Department, though I shall not be personally in charge of it after the end of this month, that the object of the Department and the object of the Government will be to put an end to every form of control at the earliest possible moment, and that the Act will not be used except for cases of urgent public interest. You will observe, Sir, that the extension asked for is for one year only, and I sincerely hope that next year it will be possible to let this Act die a natural death. I beg to move, Sir, that the Bill be taken into consideration.

**THE HONOURABLE SIR MANECKJI DADABHOY :** In view of the assurance given by the Honourable Member that at an early date all embargo on food grains will be removed . . . .

**THE HONOURABLE SIR GEORGE BARNES :** No, I did not quite say that, Sir.

**THE HONOURABLE SIR MANECKJI DADABHOY :** You said, Sir.

**THE HONOURABLE THE PRESIDENT :** If the Honourable Member would give way, the Honourable Sir George Barnes would have an opportunity of giving an explanation.

**THE HONOURABLE SIR GEORGE BARNES :** What I said, Sir, is that we desire to put an end to every form of control at the earliest possible date, and I cannot go further than that. It is not a guarantee that at any definite date the control will come to an end.

**THE HONOURABLE SIR MANECKJI DADABHOY:** Yes, that is exactly what I mean. I quite understand that the Honourable Member has not given any assurance of any definite date on which the control will be abolished, but I understood him distinctly to state that the control will be removed as early as possible on food grains as well as on coal, and the sooner this is done the better. It is, in the interests of India, essentially necessary that this control should be abolished by Government at the earliest possible date. I would have opposed the passing of this Bill had it not been for this assurance given by the Honourable Member. Only the other day we discussed this question, and it was then pointed out that it would stabilise the exchange to a certain extent if this general control of foodstuffs as well as of coal was altogether removed. In view of what has been stated, I shall not oppose the Bill.

**THE HONOURABLE MR. LALUBHAI SAMALDAS:** I want information on one point, Sir. In view of the Resolution that was passed in this Council requesting Government to remove all embargo as far as foodstuffs are concerned, will the passing of this Bill not be in any way against that Resolution?

**THE HONOURABLE SIR GEORGE BARNES:** The passing of the Bill is necessary in itself, but I can assure the Honourable Member that the Resolution passed in this House will have the very earnest consideration of the Government, and I understand that a Resolution is being proposed in the other House on the same subject.

**THE HONOURABLE THE PRESIDENT:** The question is :

‘ That the Bill further to amend the Import and Export of Goods Act, 1916, as passed by the Legislative Assembly, be taken into consideration.’

The motion was adopted.

**THE HONOURABLE SIR GEORGE BARNES:** I beg to move, Sir, that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

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### INDIGO CESS (AMENDMENT) BILL.

**THE HONOURABLE MR. B. N. SARMA:** Sir, I beg to move that the Bill to amend the Indigo Cess Act, 1918, as passed by the Legislative Assembly, be taken into consideration. The Bill has been circulated amongst Honourable Members and has been passed by the Legislative Assembly. Honourable Members are aware that in 1918 Government undertook legislation for the purpose of helping the indigo industry, to promote research therein, and at the instance of the trade itself enacted legislation authorising the levy of a cess of one rupee upon a maund, i.e., 82½ lbs. That was not a fiscal measure, nor is this a fiscal measure. It does not bring in a rupee of revenue to the Government. Whatever cess is levied under this Act would all be utilised for the purpose of promoting research. Shortly after the Bill was passed and came into operation, it was represented to the Government that, inasmuch as the unit of standard weight in Upper India was the factory maund of 74·66 lbs., it would be convenient if that factor were taken into consideration

and the unit were so fixed. Local Governments were addressed on the subject and, with one exception, all Provincial Governments agreed to a rate of Re. 1-8 being fixed on 112 lbs., which would work out to one rupee per factory maund of 74 lbs. and odd. This amending legislation is intended merely for the convenience of the trade and has been introduced at its instance. The Legislative Assembly passed the measure and I request that this House will allow it to be taken into consideration.

The HONOURABLE THE PRESIDENT : The question is :

'That the Bill to amend the Indigo Cess Act, 1918, as passed by the Legislative Assembly, be taken into consideration.'

The motion was adopted.

The HONOURABLE MR. B. N. SARMA : Sir, I move that the Bill, as passed by the Legislative Assembly, be passed.

The motion was adopted.

The Council adjourned till Wednesday, the 23rd March, 1921, at 11 A.M., in this Chamber.