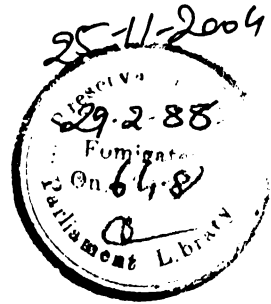


THE
COUNCIL OF STATE DEBATES
(Official Report)

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FOURTH SESSION
OF THE
COUNCIL OF STATE, 1924



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COUNCIL OF STATE.

Thursday, the 6th March, 1924.

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

GENERAL DISCUSSION ON THE BUDGET.

THE HONOURABLE MR. A. C. MCWATTERS (Finance Secretary): Sir, with your permission I should like to refer to the change of date for the discussion of the Budget in this House of which I have received notice. Unfortunately yesterday, owing to the Budget discussion in the other House, I was unable to be in my place but I have in the meantime consulted the Honourable the Finance Member, who is naturally very anxious to be present throughout the whole of the Budget discussion in this House, and I am afraid that the dates as fixed will make it impossible for him to be present here throughout the whole debate. So, with your permission, Sir, I would ask whether it would not be possible to have the matter reconsidered in the light of the above remarks.

THE HONOURABLE THE PRESIDENT: I should like first of all to hear what the Leader of the House has to say on this matter.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, you will recollect that it was owing to a wish expressed by Members of this House with reference to their desire to be present at the Convocation of the Delhi University that I mentioned the matter to you and, after informally ascertaining that it was the general wish of the House, you were pleased to put the matter to the Council and the Council unanimously suggested that the sitting should be split up into two, namely, Friday morning and Saturday morning. It was unfortunate that Mr. McWatters, owing to the fact that his presence was required elsewhere to help the Honourable the Finance Member, could not attend the sitting yesterday. In view therefore of the fact that the Honourable Sir Basil Blackett is anxious to be present personally during the debate, in order to explain his position to the House with regard to the Budget, so far as I am concerned I have no objection to the matter being reconsidered. And, if the House is agreeable to the arrangement, the old arrangement may be agreed to.

THE HONOURABLE SAIYID RAZA ALI (United Provinces East: Muhammadan): As a non-official Member I feel it my duty, Sir, to say a word on this question to the House. Personally, I am absolutely indifferent whether the Budget discussion takes place entirely on the 7th and is finished on that day, or whether it takes place partly on the 7th and partly on the 8th. But it so happens that the question was placed before the House and the unanimous wish of this House was ascertained by you, Sir.

[Saiyid Raza Ali.]

This was also the suggestion of the Leader of the House. Having therefore ascertained the unanimous wish of this House, which is in favour of the discussion taking place partly on the 7th and partly on the 8th, I do not think it is very dignified for any Honourable official Member to say that, on further consideration, it has been found that the new arrangement would not be convenient to the official Benches. I entirely sympathise with the official Benches and I fully realise that they are very hard-worked in view of the discussion of the Budget. But, Sir, I think that my Honourable friend will duly consider that, when once the unanimous wish of the House is ascertained, every effort should be made by the official Benches to respect it.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: General): Sir, I do not agree with my Honourable friend, Saiyid Raza Ali. There is no question regarding the dignity of the House at all. It was indeed very good of the Leader of the House to make a suggestion to Government for the convenience of the Members who desired to be present at the Convocation of the Delhi University. He endeavoured to meet the wishes of the Members as far as possible and, as I understood him yesterday, he distinctly stated that he would try his best to bring about some arrangement which would be satisfactory and convenient to all. At the same time, having heard the Honourable Mr. McWatters, I agree, and I am sure my Honourable Colleagues here will also agree that on a Budget debate it is essentially necessary that the Finance Minister himself should be present in this House. It would add to the dignity of the debate if the Finance Member, who is the most important person in this connection, should be present here and attend the debate. But at the same time I do not see how it would seriously inconvenience the Finance Member because, I understand, Saturday has been fixed in the Legislative Assembly for the discussion of the question of the separation of Railway finance from the General finance, and that debate will be piloted there by another Honourable Member, Sir Charles Innes. I think the Finance Member might consider the advisability of consulting the convenience of this House by trying to be present here on Saturday morning, if possible.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): I am very glad to hear, Sir, that the Honourable the Finance Member is most anxious to be present here when we discuss the Budget. I take it as an index of his frame of mind not only to listen to us but also perhaps to take some of our criticisms in good spirit and act up to some of the suggestions which I and others will put forward for the relief of the tax-payer. If the Honourable the Finance Member comes with that frame of mind, I should be delighted to welcome him here.

THE HONOURABLE MR. LALUBHAI SAMALDAS (Bombay: Non-Muhammadan): Sir, I speak on personal grounds. I have to go away to-morrow and I was feeling doubtful whether I should speak on the Budget as I could not be present when the Finance Member replied to the Budget on Saturday. If the Honourable the Finance Member had said that he would not feel it discourtesy on my part if I was not present here when he replied, I would have spoken. I would naturally like to be present at the time if I can do so. Speaking for myself personally I would very much like if the old arrangement stood.

THE HONOURABLE DR. DWARKANATH MITTER (West Bengal: Non-Muhammadan): I think the presence of the Honourable the Finance Member is essential on the day when we discuss the Budget. Having regard to the arrangement unanimously arrived at yesterday, and also having regard to the other fact indicated by my Honourable friend Sir Maneckji Dadabhai that it is possible for the Honourable the Finance Member to absent himself from the Assembly, I think we should stick to the arrangement arrived at yesterday.

THE HONOURABLE THE PRESIDENT: I think the House will recollect that, when this matter was brought before me, I was perfectly definite on one point. I said I would not for one second consider any proposal to change the date unless it was the unanimous desire of the House. I recognised from the beginning that it was a serious matter to approach His Excellency and ask him to change the date which he had deliberately fixed for the discussion of the Budget—one of the most important debates in this House and which Members attend in larger numbers and probably take greater interest in than any other debate of the year. In those circumstances I was most particularly anxious that no change should be made unless every Member of the House was agreeable to it. Yesterday, there seems to have been some lack of co-ordination inasmuch as we did not really get a consensus of opinion. When the Budget is under discussion, the main person concerned is of course the Finance Member. Surely, if the House is going to discuss the Budget without the Finance Member, it will be like acting Hamlet with the part of the Prince of Denmark left out. That is his day surely. We are in rather a difficult position because, acting on the misconception of fact then referred to, we have through the Honourable the Leader of the House approached His Excellency who, I understand, has changed the dates as we suggested yesterday. On the other hand, I do not think it is possible for this House to decide whether the Finance Member can or cannot attend. He evidently desires to attend, and if he says Friday is his day then Friday should be the day. We are now in this position that, if we take that view, and that seems to be the view the House desires to take, we shall have to ask the Leader of the House again to approach His Excellency and ask him to return to the date originally fixed. That seems to me the only procedure which is compatible with the dignity of this House and with the discussion in an adequate manner of the Budget, and I would ask the Leader of the House whether he is prepared to do that, that is, to revert to the *status quo*.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: Sir, I am sure the House knows that I am always ready to meet its wishes, and if it is the desire of the House and of you that the old arrangement should be reverted to, I will communicate that wish to His Excellency and try to obtain his orders to-day.

THE HONOURABLE THE PRESIDENT: I think that would be the best way out of the difficulty. If we had not all been agreed yesterday, I should not have agreed to this change. If there had been a single voice objecting yesterday, I should have said we must stick to the old day fixed. Therefore I think, if the Honourable Leader of the House will do that, and, if it is possible, do it before the House rises this morning, it will be the most satisfactory way out of the difficulty.

INDIAN COINAGE (AMENDMENT) BILL.

THE HONOURABLE MR. A. C. McWATERS (Finance Secretary): Sir, I beg to move:

"That the Bill further to amend the Indian Coinage Act, 1906, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

This Bill, Sir, is a small measure which is intended to rectify an omission in the Indian Coinage Act, an omission which was probably unintentional. As it stands, that Act gives no power to the Executive Government to call in and cancel the legal tender value of any denomination of coin. In the corresponding English Act this power can be exercised by the Executive Government by proclamation. As the Indian Act stands, separate legislation would be necessary in every case before the legal tender value of any coin could be taken away. In practice this omission has caused real inconvenience. As the House knows, one of our subsidiary coins, the 8 anna nickel coin, has certainly proved unsatisfactory. We have tried to meet the difficulty within the limits which the Act allows by not re-issuing any of the coins which come into our treasuries and currency offices. But that is not sufficient. We still find that a number of coins remain in circulation and numbers of counterfeits are made, and, so long as the coin remains legal tender, this will inevitably go on. The only practicable method of dealing with the position is to take away the legal tender value of the coin. The Bill as it reaches this House is a very modest measure which does not apply to the silver rupee or to the silver 8 anna piece. It relates only to our subsidiary coinage and contains several important safeguards for the public. In the first place, after a notification calling in coin is issued, a period of not less than six months must be allowed during which the coin will be accepted at Government treasuries and at currency offices, and I should like to state here that this does not merely mean that the coin can be paid in in payment of Government dues at treasuries. As a matter of actual practice Government treasuries have instructions to give change for coins handed to them, and we should certainly take special care to instruct our treasury officers, in the case of coins withdrawn under this Act, to give change for any such coin presented to them. The second safeguard is that such coin, if genuine, will be permanently accepted at all our currency offices, so that there will always remain the certainty of holders of genuine coin being able to get value for that coin. The Bill, as I have said, deals only with our subsidiary coinage and I commend it to the consideration of the House.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: General): Sir, this Bill only seeks to rectify an omission by inserting a provision regarding the power of Government to call in coins. From that standpoint no objection could possibly be taken. As Mr. McWatters has pointed out, a similar provision does exist in the English Act, but there the power is exercised by virtue of proclamation. I have no objection of any kind to urge against this Bill itself except to point out that the second part of clause 3 is likely to cause some hardship. There it is said:

"Provided that such coin shall continue to be a legal tender also at Government treasuries until the expiry of such further period, not being less than six months, as the Governor General in Council may fix by the notification."

In a fixed period of six months it may not be possible for all coins to be presented at Government treasuries. It would be better if power is reserved to the Government to extend this period from time to time as the Government may think proper, because the object of Government is not to cause

any serious hardship. I therefore suggest that it would be appropriate if the Finance Secretary could see his way to insert after the words " six months " some words to the effect " or such other period as the Governor General . . . " .

THE HONOURABLE THE PRESIDENT: Is the Honourable Member trying to move an amendment?

THE HONOURABLE SIR MANECKJI DADABHOY: Yes, Sir.

THE HONOURABLE THE PRESIDENT: He cannot move an amendment until the motion that the Bill be taken into consideration has been carried. When the Bill is put clause by clause he can move an amendment with reference to the particular clause.

The question is :

" That the Bill further to amend the Indian Coinage Act, 1906, for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The Council will now proceed with the detailed consideration of the Bill clause by clause.

Clauses 1 and 2 were added to the Bill.

THE HONOURABLE SIR MANECKJI DADABHOY: Sir, I have already explained that this proviso to clause 3 is likely to cause some amount of hardship. Small coins generally remain in the possession of a considerable number of people, including villagers and others, and it would not be possible within the statutory period of six months to collect all these coins. It is necessary that the Government of India should reserve power to extend this period if necessary from time to time. I would therefore suggest that after the words " six months " the following words be added, " or such other longer period as may be prescribed ". I think an amendment like that will cause the least amount of inconvenience and hardship to the general public.

THE HONOURABLE THE PRESIDENT: I am not putting the amendment because I wish to hear whether the Honourable the Finance Secretary objects on the ground of want of notice. In a case like this notice is necessary. If the Honourable the Finance Secretary does not object, then I will put the amendment to the House after I have considered if the amendment has any effect on the clause.

THE HONOURABLE MR. A. C. McWATTERS: I do not think, Sir, I should feel justified in objecting on the ground of want of notice. The Honourable Sir Maneckji Dadabhoy's amendment is obviously framed with the object of avoiding hardship to the public, and I think it is a matter on which the House is entitled to express an opinion. Am I, Sir, in order in replying now on this amendment?

THE HONOURABLE THE PRESIDENT: I understood the Honourable Member to say that after the words " six months " it is proposed to insert the words " or such other longer period ". Is that right?

THE HONOURABLE SIR MANECKJI DADABHOY: " Or such other longer period as may be prescribed ". •

THE HONOURABLE THE PRESIDENT: That does not read properly. If the Honourable Member will read the proviso, he will see that the words used are "not being less than six months". That is the minimum. It cannot be less than six months but it can be longer; I do not quite see how his amendment fits in. Would he explain that?

THE HONOURABLE SAIYID RAZA ALI: That was a point that I wanted to bring to the notice of the Council, and I was waiting . . .

THE HONOURABLE THE PRESIDENT: I cannot put an amendment which does not have any effect on the clause. I wish the Honourable Member would explain how his amendment affects the clause.

THE HONOURABLE SIR MANECKJI DADABHOY: The words used at present are "not being less than six months". That at any rate necessarily implies, as far as the legal phraseology is concerned, that the Government would not be at liberty to take any further time after the expiration of six months.

THE HONOURABLE THE PRESIDENT: I do not understand the Honourable Member. He must clear this point before I can put the amendment to the House. At present the requirement of the law is that Government must not prescribe a period less than six months. What does the Honourable Member wish to suggest?

THE HONOURABLE SIR MANECKJI DADABHOY: I want to increase the period. Probably it would be better if I change the form of my amendment and so use the words "twelve months" instead of "six months".

THE HONOURABLE THE PRESIDENT: This amendment I can put to the House.

THE HONOURABLE SIR MANECKJI DADABHOY: That would serve the same purpose. I move that the words "twelve months" be substituted for the words "six months", if there is no objection to the form in which I have now placed my amendment.

THE HONOURABLE THE PRESIDENT: To the clause under consideration amendment moved:

"That in the proviso to clause 3 for the words 'six months' the words 'twelve months' be substituted."

That amendment is now under consideration.

THE HONOURABLE SIR ARTHUR FROMM (Bombay Chamber of Commerce): I should like to hear from the Honourable Sir Maneckji Dadabhoy how he arrives at his conclusion that six months will not be a sufficiently long period. No period at all was put in in the Bill as reported on by the Select Committee. The period of not less than six months appears to have been inserted in the other House. I should like an expression of the opinion of the Honourable Mover of the amendment as to why he considers that six months would not be sufficiently long.

THE HONOURABLE SIR MANECKJI DADABHOY: I have already explained the position. I think six months is not a sufficiently long period in a matter like this, as is considered by the Government of India. Most of the population who are in possession of small coins are illiterate classes of people. You propose to withdraw not rupees, not 8-annas pieces, but you propose to withdraw smaller coins, which generally are in the possession

of the illiterate classes of people. News of this kind filtrates very slowly into the interior of India. It may be all right in Presidency towns, but it would cause, certainly in my opinion, some amount of hardship if the time for presentation of coins is limited in a legislation of this character. The maximum amount of time that is possible ought to be allowed. It is for this reason that I propose a period of not less than twelve months.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, in view of the fact that, should the amendment proposed by my Honourable friend be accepted by this House, the Bill will have to be sent back to the Legislative Assembly for further consideration, and that there may be a possible conflict of opinion, and in any case there is bound to be delay in the passing of this Bill. I would like to invite the attention of the House to this. Is it worth our while to amend the Bill as proposed by my Honourable friend, considering the difficulties to which I have already referred? Now in that connection I would like to invite the attention of the House to the clause as it stands at present:

"15A. Notwithstanding anything contained in section 12, section 13, section 14 or section 15, the Governor General in Council may, by notification in the Gazette of India, call in, with effect from such date as may be specified in the notification, any coin, of whatever date or denomination, referred to in any of those sections, other than the rupee and half-rupee referred to in sub-section (7) of section 12, and on and from the date so specified such coin shall cease to be a legal tender save at a Government currency office."

Now bearing this fact in mind, that it is only from the date specified in the notification that the coin in question will cease to be legal tender, and bearing in mind the significance of the words, "save at a Government currency office", at the end of this clause, it seems to me to be perfectly clear that so far as the first part of 15A is concerned, its effect is this. The coin in question ceases to be legal tender except at a Government currency office where it continues to be legal tender (*The Honourable Sir Maneckji Dadabhoy*: "For six months only.") I am at present dealing with the first part of the section. If my Honourable friend will kindly concentrate his attention on that part he will find that my contention is perfectly correct, that is to say, the coin remains legal tender at a Government currency office. But then the proviso goes on:

"Provided that such coin shall continue to be a legal tender also at Government treasuries until the expiry of such further period, not being less than six months, as the Governor General in Council may fix by the notification."

This proviso does not say that at the end of six months the coin in question will cease to be legal tender at Government treasuries. What it does lay down is this, that it will continue to be legal tender for a period to be fixed by the Governor General in Council, which period shall not be less than six months; it leaves it to the discretion of the Governor General in Council to make it 12 months, to make it 2 years, to make it 18 months, to fix any period that the Governor General in Council considers in the public interest to be necessary, and until the expiry of that period the coin in question will continue to be legal tender. This six months is the minimum and not the maximum period, as laid down in the proviso.

THE HONOURABLE SAIYID RAZA ALI (United Provinces East: Muhammadan): Sir, it seems to me that, if it was necessary at all to move an amendment, the Honourable Sir Maneckji Dadabhoy should have moved an amendment to the clause itself and not to the proviso. As has already been lucidly pointed out by the Honourable the Law Member, the scheme

[Saiyid Raza Ali.]

of the clause contemplates two definite periods of limitation. The first is the period when the notification comes into force, on which date the coin ceases to be a legal tender anywhere except at Government Currency offices. The second is the period, the minimum of which is fixed at six months, when such coin can only be accepted by a Government treasury. Now, if the Honourable Mover will carefully consider his position, he will find that it may be that the Government in their wisdom, or perhaps want of wisdom as it has been on occasions, will fix a time by the notification which will not be more than one month on the expiry of which the coin will cease to be a legal tender. Let us assume, Sir, that the notification is issued on the 2nd of January saying that the coin will cease to be a legal tender on the 31st of January. I entirely agree with my Honourable friend, Sir Maneckji Dadabhoy, that if Government fixes such a short period, which they will be entitled to do under section 15A which is before the House, that will not give sufficient time to the public and will force them to have recourse to the treasury. I for one do not think that the Government will ever take a step of this character, giving only a period of one month to the public.

Well, on the second point, I think the Honourable Sir Maneckji Dadabhoy is on much more infirm ground. The period contemplated by the proviso is no doubt six months, but that is the minimum, not the maximum period, as has been pointed out by more than one speaker. It may be that the Government will give a period of one year, or 18 months or even 2 years. At any rate I believe they will give a reasonable period. So far as the proviso goes, I do not think it is at all necessary to extend the period. If any long period is at all required, it is in the body of the section itself, which point has escaped the attention of some of us, it seems, altogether. Therefore, Sir, I do not think that the amendment of the Honourable Sir Maneckji Dadabhoy will be advantageous to the public in any way.

Just one word more, Sir, and I have done. I do not associate myself with the remark made by the Honourable ~~the~~ New Member that if a period of 12 months is put down instead of 6 months, that will necessitate the sending back of this Bill to the originating Chamber. I for one am quite prepared to take the odium and responsibility of sending back the Bill and asking the other House to take into consideration our opinion on the subject.

THE HONOURABLE MR. PHIROZE C. SETHNA (Bombay: Non-Muhammadan): Sir, I also agree with the previous speaker in the remark he made as to what fell from the Honourable the Leader of the House. The Honourable Sir Muhammad Shafi pointed out that, if we passed this amendment, it would mean our sending back this Bill to the other House and the question will be unduly delayed.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: On a matter of personal explanation, Sir, what I said was that in view of the consequences which will result by our amending the proviso as contemplated by My Honourable friend, it is necessary to see whether any amendment of the kind that my Honourable friend proposes is really required. That was an incidental remark in connection with the main question whether such an amendment is necessary. That is all.

THE HONOURABLE MR. PHIROZE C. SETHNA: I thank the Honourable Member for the information that the remark was only incidental. If we are of opinion that the amendment should be passed, it does not matter what the other House thinks. We have to consider the public interest above everything else. But, Sir, there was another remark which also fell from the Honourable Leader of the House, namely, that perhaps the view expressed in Sir Maneckji Dadabhoy's amendment might not prove acceptable to the other House. May I point out to the Leader of the House that, so far as I remember, there was no time limit fixed in this Bill in the first instance by Government, and it was at the instance of the Members of the other House that this limit of six months was fixed. Therefore, I take it that, if Sir Maneckji Dadabhoy's amendment for 12 months is passed, it will, if anything, prove more acceptable to the other House. For the reasons advanced by the Honourable Sir Maneckji Dadabhoy, I support his amendment. It has always been contended that the people in this country are accustomed to hoard up gold and silver. There may be many coins underground and six months is not quite enough for the purpose. I think that Government will not lose anything by accepting the amendment.

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay: Non-Muhamadan): Sir, I am trying to understand the situation. It appears to me that section 15-A might be divided under three heads, one with reference to the general public, another with reference to the treasury, and the third with reference to the currency office. With reference to the general public, this section contemplates a notification which is to fix some time and that time is not controlled by the proviso with reference to the general public, but with regard to the treasury itself. The position is thus clear that, with reference to the Government currency office, the coin is acceptable for all time to come. I do not think that the proviso applies to the first part of the section. With reference to the public, of course on the date and from the date which will be notified, the public are bound to discontinue that coin, and not to regard it as a legal tender. That is the first situation that I contemplate as possible under the proper construction of the first part of the section taken in conjunction with the last line of that section itself. I take it, therefore, that the public will be prevented from looking upon this coin as legal tender on and from the date to be notified by the Governor General. As regards the currency office, it is always welcome. There will be no time limit and it is consistent with the policy of all currency offices in the world. But with reference to the treasuries, I do not know what difference there is between the currency offices and treasuries. That is well known to the department concerned. Then, with reference to the Government treasuries a period has to be mentioned by the Governor General in the notification. That this power reserved to the Governor General may be utilised by him from time to time is not contemplated by the provision, because once the Governor General fixes a time he will not be able to extend it unless the power is given by this proviso. Therefore with reference to the disability of the people concerned as to whether the period of six months should be extended or not is a matter for the consideration of the House.

THE HONOURABLE THE PRESIDENT: That is the amendment before the House.

THE HONOURABLE MR. R. P. KARANDIKAR: So, I should think that the section as it stands makes ample provision, unless it is intended that

[Mr. R. P. Karandikar.]

the period of six months must be liable to be changed by the Governor General in Council at his pleasure, which is no part of the proviso. But I should think, as the Honourable the Leader of the House has pointed out, that the section as it stands is all right and there is no need to trouble ourselves further about it.

THE HONOURABLE SIR DINSHAW WACHA (Bombay: Nominated Non-Official): Sir, I think the only question before the House is this. Currency is after all for the convenience of the public and the question is whether the public will be inconvenienced by the arrangement that is being made. I think my Honourable friend Sir Maneckji Dadabhoy's reason is a good one. The people who use the coin most are the masses and the masses are inconvenienced. I think it is only right that the Government should see that the masses are not inconvenienced. That is the only question before the House. The House has to look as to how far the currency is convenient to the public and not to anybody else, neither the treasury, nor the Assembly. We must look to the public and see how far it is convenient to them. Another point is this, Sir. Very often this kind of legislation works against the poor classes in this way. The shroff of the bazaar or the money-lender in a village where small coins are scarce, knowing well the intentions of the Government, try to screw up the poor classes, who particularly use the small coins, put a discount on the coin and thus inflict hardship on them. Therefore the longer the limit of time the better it is for the masses. I only look at this question from the point of view of the masses. My view is that, as far as the poorest public are concerned, they must have a longer time than the one proposed in the Bill.

THE HONOURABLE MR. G. S. KHAPARDE (Berar: Nominated Non-Official): Sir, I rise to support the amendment proposed by Sir Maneckji Dadabhoy. I do not support that amendment because of the difficulties about the mint section and the treasury and as to how the treasury is to be reconciled to the mint. That is not a matter of interest to me here. What I want to say is that, when the Government make up their mind to withdraw a particular coin, they should give at least 12 months' notice to all people concerned. There is a large number of people who never read the Government Gazette. I was one of them before I came to this Council. There are others who never read newspapers. This is true at least so far as my part of the country is concerned. So it will take a very long time for this news to reach the poor people, and what will happen is that many of these poor people who put aside small nickle coins in a box, which they open after a year or so, will be put to considerable inconvenience if we limit this period to six months or less. Their position will become untenable. In my opinion twelve months is about the least time that you can allow to these poor people in order to put their holdings or whatever goods they have and convert them into proper coin. From that standpoint I support this amendment and I hope it will commend itself to the House. This House consists of rich people only but the poor people are also there, and I have had good experience of them in my younger days. It is therefore much better that we should give as much time to them as possible.

THE HONOURABLE PANDIT SHYAM BIHARI MISRA (United Provinces: Nominated Official): Sir, it appears to me that this measure is perfectly clear and there need hardly have been all this discussion at such

great length. I entirely agree with the remarks that have fallen from the Honourable Mr. Karandikar. There are three points to be considered. Firstly, a coin is to be a legal tender for the public generally, secondly, it has to be a legal tender at the treasury, and thirdly, how long it has to be a legal tender at the currency office. So far as the public is concerned, a coin once ordered to be withdrawn ceases to be a legal tender for the public with effect from the date specified in the notification of the Governor General in Council. But at the same time that coin, according to the first part of section 15-A, will continue to be a legal tender at the currency office. Then the Governor General in Council can fix an extension which shall be for a period of not less than six months, and it has been pointed out that this period may be much longer. No doubt there is no limit to the length of the period. The minimum limit is six months. So, if the Governor General in Council considers it desirable to fix a longer period, I suppose they will think over this subject and may fix a longer period. But even if they make a mistake, as to err is human after all and I admit that it is possible even for the Governor General in Council to make a mistake, the poor man who holds this coin and does not change it at a treasury during the period prescribed by the notification will not be absolutely a loser. This coin will always continue to be a legal tender at the currency office. If Honourable Members will kindly refer to the last sentence of the Statement of Objects and Reasons they will notice the following:

"The right of the holder to obtain value for any genuine coin in his possession even though it has ceased to be a legal tender is secured by the specific provision in the Bill that a coin once issued shall always be a legal tender at a currency office."

All that he has to do is to take necessary steps to convert the coin within the period allowed by the Governor General in Council at the treasury. A man may sometimes make a mistake, but these mistakes will be in the nature of exceptions and for the sake of exceptions we need not delay a measure which seeks to minimise the chances of forgers to counterfeit the coin of a particular denomination. The object is that the forgers should be frustrated in their designs and the longer the time allowed to the forgers to continue in their nefarious trade the worse for the public. I dare say the man who holds a particular coin is not the only poor man. The taxpayer is also a poor man as has been repeatedly pointed out; and the taxpayer would be taxed twice because of the ingenuity of the nefarious forger in counterfeiting such coins. The object is to suppress the forgers. The less the opportunity for the forgers to counterfeit coins the better. I do not think it is necessary to give more than six months. Six months is quite ample time and, if this period of time is not sufficient, perhaps even 12 months may not be sufficient. You may fix two years, three years or five years, but ordinarily a period of six months should suffice. Even if a man is unable to take his money to the treasury within six months he does not lose the money entirely. He can change the coin at a currency office not only during six months but at any time after that period. There is no limit for it. In my opinion therefore six months' time is quite sufficient and I therefore oppose the amendment.

THE HONOURABLE 'LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to support the amendment moved by the Honourable Sir Maneckji Dadabhoy. It is very easy to say that the coin withdrawn from circulation will always be a legal tender at the currency offices. As this is a matter which concerns the smaller coins, the point to be taken into consideration is what

[Lala Ram Saran Das.]

it will cost the poor person to take small coins to the currency office. It is not at all practicable that a person residing three to four hundred miles from a currency office should be asked to go all that distance in order to get his coin, which may be of a small value, changed. I know, Sir, that whenever a period is fixed by the Legislature it is always understood that that will be the period which will be always taken as a period by the Executive Government. I therefore think that the amendment moved by my Honourable friend is quite in order and as such deserves the support of this House.

THE HONOURABLE MR. A. C. McWATTERS: Sir, I agree with the Honourable Mover of this amendment and with the Honourable Sir Dinshaw Wacha that what we have to consider at the moment is purely the convenience of the public. The only matter which the House has now to decide is what period in this proviso is sufficient to provide the necessary amount of warning to the public? The House is no doubt aware that Government treasuries exist at the headquarters of every district. There are many hundreds of them in India, whereas there are only seven currency offices. I think that some Honourable Members have probably under-estimated the immediate effect of the issue of the notification under section 15A. Undoubtedly, when that notification is issued, the coins named will fall into complete disrepute, and I think it will be extremely difficult for any one to pass them on to anybody else and therefore all holders of such coins will try to get rid of them as quickly as possible. The only effect of extending this period of six months to 12 months or any other longer period will be to continue the rather anomalous intermediary period in which the coin can be presented at Government treasuries. After the expiry of that period such genuine coins as may remain with the public will not of course be taken by the cultivators in distant districts down to Calcutta and Bombay. They will be saleable to local shroffs at a price, and holders of genuine coin, who have been remiss enough not to avail themselves of the opportunity provided for presentation of the coins at Government treasuries, will to this extent only be penalised. The proviso already gives Government discretion to fix a longer period than six months, if it is considered desirable. The object of Government is certainly to cause as little hardship to the public as possible. But I do think that the proviso as inserted by the other House is sufficient to avoid undue hardship and therefore I oppose the amendment.

THE HONOURABLE SARDAR JOGENDRA SINGH (Punjab: Sikh): I want to add just one word. Possibly the objections raised by the Honourable Sir Maneckji Dadabhoy will be met if the Government gave an assurance that the period should not be fixed at less than 12 months. In that case, I think, the amendment will not be necessary.

THE HONOURABLE DR. DWARKANATH MITTER (West Bengal: Non-Muhammadan): I rise, Sir, to support the amendment proposed
 12 noon. by the Honourable Sir Maneckji Dadabhoy. My reason for supporting the amendment is that it always takes time in India, more so perhaps than in other countries, before a change in legislation filters down to all classes of the people, and in that view it is always desirable to give a greater extension of time than six months as the legislation affects all classes of people throughout India. We all know, Sir, that with regard to changes in the civil law we are bound to confess that there are yet a few lawyers now who are not quite familiar with all the provisions of the Civil

Procedure Code of 1908. As regards the masses therefore greater considerations have to be taken into account and it has to be recognized that, when any change in legislation affecting them is proposed, adequate time must be given.

I do not understand, Sir, the position taken up by the Honourable the Law Member, the Leader of our House, when he says, with regard to section 15A, that it leaves the option with the Governor General to fix a time for the notification referred to in the first clause, I mean that such time might be in excess of the six months mentioned in the proviso. As I read it, it will be open to the Governor General to fix a time which will be not less than six months; it may be six months and fifteen days, and it is therefore necessary to safeguard the interests of the public by adding to the proviso the words "not being less than twelve months". My Honourable friend Sardar Jogendra Singh said that he wishes an assurance that the period of the notification in the first part of section 15A, will not be fixed at less than 12 months and in that case he will not perhaps support the amendment. But I do not see, Sir, that it is open to the Government to fix a time which will be not less than 12 months unless that provision is included in the proviso. As I understand the Honourable the Leader of the House, this fixes the minimum limit; the Governor General in Council may not make it less than six months but he can make it more than six months if he so desires. But in order to remove any doubt that the desire which most of the Members here entertain may not be carried out either by accident or otherwise, it would be safer, Sir, to amend this proviso, making the period "not less than twelve months" in order to safeguard the interests of the public.

THE HONOURABLE THE PRESIDENT: The question is:

"That in the proviso to clause 3 the words "twelve months" be substituted for the words "six months."

The Council divided:

AYES—22.

Acharyya Chaudhuri, Maharaja S. K.
Amiruddeen Ahmad Khan, Nawab
Bahadur.
Avvargar, Mr. K. V. R.
Bell, Mr. J. W. A.
Dadabhoy, Sir Maneckji.
Froom, Sir Arthur.
Harnam Singh, Raja Sir.
Jaffer, Mr. I. H.
Jogendra Singh, Mr.
Khaparde, Mr. G. S.
Lalubhai Samaldas, Mr.

Mitter, Dr. Dwarkanath.
Muhammad Hussain, Mr. Ali Baksh
Natesau, Mr. G. A. A. A.
Rampal Singh, Raja Sir.
Ram Saran Das, Mr.
Ray, Raja P. N.
Sastri, Rt. Hon. V. S. Srinivasa.
Sethna, Mr. P. C.
Umar Hayat Khan, Col. Nawab Sir.
Vedamurti, Mr. S.
Wacha, Sir Dinshaw.

NOES—18.

Amin-ul-Islam, Mr.
Barron, Mr. C. A.
Briscoe, Mr. H. K.
Crerar, Mr. J.
Karandikar, Mr. R. P.
Ley, Mr. A. H.
MacWatt, Major-General R. C.
Martin, Mr. J. R.
McWatters, Mr. A. C.

Misra, Pandit Shyam Bihari.
Muzammil-ullah Khan, Nawab.
Rafique, Sir Muhammad.
Raza Ali, Mr.
Sarma, Sir Narasimha.
Shafi, Dr. Mian Sir Muhammad.
Singh, Sirdar Charanjit.
Stow, Mr. A. M.
Thompson, Mr. J. P.

The motion was adopted.

Clause 3, as amended, was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. A. C. MCWATTERS (Finance Secretary): Sir, I beg to move that the Bill, as amended, be passed.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill further to amend the Indian Coinage Act, 1906, for certain purposes, as passed by the Legislative Assembly, and as amended by this House, be passed."

The motion was adopted.

CENTRAL BOARD OF REVENUE BILL.

THE HONOURABLE MR. A. C. MCWATTERS (Finance Secretary): Sir, I move:

"That the Bill to provide for the constitution of a Central Board of Revenue and to amend certain enactments for the purpose of conferring powers and imposing duties on the said Board, as passed by the Legislative Assembly, be taken into consideration."

Sir, the genesis of this Bill was a recommendation of the Indian Retrenchment Committee on which two very distinguished Members of this House were represented. That recommendation was to the effect that the scope of the Board of Inland Revenue should be expanded so as to comprise certain important revenue departments of the Central Government in addition to Income-tax and that the Secretariat of the Government of India should be relieved of the detailed administrative functions which they exercise in regard to those central subjects. With your permission Sir, I will read the recommendation of the Inchcape Committee:

"We believe that in present conditions great advantages can be secured by freeing the Secretariat proper from the functions of detailed administrative control exercised by it in the past."

After quoting precedents in the United Kingdom and in America, they went on:

"We consider that similar arrangements should be adopted in India, and we recommend that the scope of the present Board of Inland Revenue under the Finance Department be enlarged to include Customs, Salt, Opium and also Excise and Stamps so far as the Central Government is concerned with these subjects. Tariffs would be administered by the Department responsible for commerce, as at present. This proposal should make it possible to eliminate a large amount of work in the Secretariat, and though the saving effected in the Secretariat Budget might be less than the cost of the new appointment, the balance would be more than covered by economies in other directions; for example, the fact that the Board will be the appellate authority for all customs matters should make it feasible to abolish the post of Commissioner of Customs, Bombay, costing Rs. 47,000 annually, and also obviate claims which are now being put forward by other Local Governments for work done by their Boards of Revenue or Secretariats."

This proposal has been accepted by the Government of India and by the Secretary of State, and the Central Board of Revenue has been constituted with two Members to take charge of the subjects which I have mentioned, namely, Income-tax, Customs, Salt, Opium, and Excise and Stamps so far as these are central subjects. But the new Central Board of Revenue is not fully functioning at present, for two reasons; first, because there are certain administrative questions still under discussion with Local Governments, particularly the question of separating the salt and excise establishments in Madras and Bombay and bringing the salt establishments under the direct control of the Central Government;

secondly, because there are certain statutory powers assigned by existing laws to the Chief Customs authorities—as a rule the Boards of Revenue of Local Governments—and to Local Governments which have not yet been transferred to the Central Board of Revenue and where necessary to the Governor General in Council. The object of the Bill which I am putting forward for the consideration of the House is to invest the Central Board of Revenue, and where necessary the Governor General in Council, with the necessary statutory powers. Later on, it will be necessary, when the detailed administrative questions to which I have referred have progressed further, to amend in some respects the Salt Acts of Madras, Bombay and Bengal, but with that we are not at the moment concerned.

The taking over by the Central Government of the direct administration of central subjects is a direct and logical outcome of the clearer delimitation of spheres between the Central and Local Governments which is one of the most important features of the Reforms. It aims at doing away with dual control, which is always a cause of inefficiency. It aims at introducing uniformity into our customs and income-tax procedure and into the decision of appeals. It aims at removing causes of friction, as for instance, when Local Governments have in the past, (and as they are more likely to do in the future) presented claims for remuneration for the services rendered by their provincial officers in helping in the administration of our central subjects. It removes difficulties in connection with Budget procedure. For instance, when you have a combined Budget for the salt and excise administration in Madras, it is obviously a serious matter when the Central Legislature makes a cut in the demands for grants under the head of Salt, as happened not very long ago, the result being that a cut was indirectly made in the budget of a Provincial transferred subject under a Minister. This is absolutely anomalous, and it is anomalous also that Local Governments should have statutory power to interfere in the administration of Central departments. I might add that Local Government officers are naturally less likely to be interested in the efficient administration of departments in which their Governments have no financial interest, and, further, one result of this change will be that the Central Legislature will have a closer control over the whole detailed administration of these central subjects.

Clearly, if this direct administration by the Central Government is to be possible, we want an appropriate machinery, and that machinery cannot be the impersonal machinery of the Government of India Secretariat. We want the Heads of this Department to be in close personal contact with their work and with their officers. We want them to be touring officers, constantly visiting the main centres of the country. We want them to interview frequently the important Chambers of Commerce and other representatives of the tax payer. The efficient administration of a revenue department is clearly not solely a question of collecting a large amount of revenue; it implies that the revenue should be collected with the minimum of inconvenience to the public, and also that the public should have opportunities of representing and discussing their grievances. We also hope, though I cannot put definite figures yet before the House, that this change will in the long run be economical. We shall get rid of certain charges which we now pay to Local Governments; we shall avoid further claims from them; and we shall by an adjustment of our own central staffs effect other economies. In the long run, we are confident that the arrangement will be economical.

[Mr. A. C. McWatters.]

The sole object of this Bill, therefore, is to give the Central Board of Revenue certain statutory powers which will enable it to function fully. In a Bill of this kind, in which the operative portion is contained almost entirely in one long Schedule, it is difficult to discuss the principle of the Bill, with which we are concerned at this stage, without a very brief reference to detail. I merely wish to say that the references to the Sea Customs Act in the Schedule have the effect of conferring upon the Central Board of Revenue statutory functions now mainly exercised by the Chief Customs authorities. I may add that all these changes have been inserted after full discussion with, and agreement by, Local Governments. The reference to the Income-tax Act is simply to substitute the phrase "the Central Board of Revenue" for "the Board of Inland Revenue" where it occurs in the Act. The references to the Cotton Duties Act and the Indian Salt Duties Act and the Indian Copyright Act are necessary, because certain functions under those Acts are at present carried out by Customs officers, and it is necessary for us to bring those Customs officers under the control of the Central Board of Revenue. The Bill is really—though the details may appear complicated—quite a simple one and I commend it for the consideration of this House.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to provide for the constitution of a Central Board of Revenue and to amend certain enactments for the purpose of conferring powers and imposing duties on the said Board, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The Council will now proceed to the detailed consideration of the Bill.

Clauses 1, 2, 3 and 4 were added to the Bill.

The Schedule was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. A. C. MCWATTERS: Sir, I beg to move that the Bill, as passed by the Legislative Assembly, be passed.

THE HONOURABLE MR. R. P. KARANDIKAR (Bombay: Non-Muhammadan): Sir, I was about to stand when the motion to take this Bill into consideration was before the House, but I thought that clause 2 was only an enabling clause. I am tempted to think that possibly, if the inquiry adumbrated by Sir Malcolm Hailey in his speech in the other House into the working of the Government of India Act of 1919 takes place soon, it should be obvious to all concerned that people would be better able to consider the desirability of having the Central Board of Revenue contemplated by this clause. Obviously there would be a good many changes in the subjects to be given to Local Governments and to be retained by the Central Legislature; and I was at one time tempted to hope that this Bill might be deferred until we know the result of the kind of inquiry that was about to be set on foot with reference to the working of the Government of India Act. Whatever may be the situation, now that we have arrived at this stage, I hope that clause 2 will not be

put into operation by the Governor General in Council until after circumstances were ascertained with reference to the working of the Government of India Act of 1919.

THE HONOURABLE MR. A. C. MCWATTERS: I understand, Sir, that the Honourable Member is not opposing the motion that the Bill be passed.

THE HONOURABLE THE PRESIDENT: Does the Honourable Member wish to reply?

THE HONOURABLE MR. A. C. MCWATTERS: No, Sir, except that I think it is obviously for the convenience of everybody that the Board of Revenue should get to work quickly.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill to provide for the constitution of a Central Board of Revenue and to amend certain enactments for the purpose of conferring powers and imposing duties on the said Board, as passed by the Legislative Assembly, be passed."

The motion was adopted.

INDIAN PENAL CODE (AMENDMENT) BILL.

THE HONOURABLE MR. J. CRERAR (Home Secretary): Sir, I move:

"That the Bill further to amend the Indian Penal Code for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

This, Sir, is a very brief measure and will not, I think, require from me anything more than a very brief explanation. It may perhaps, however, be convenient, if I state very concisely, for the information of several Honourable Members, who were not present at previous deliberations of this House, the genesis of the measure. Last year we passed an Act, Act XX of 1923, the object of which was to give effect to certain Articles of the International Convention for the suppression of the traffic in women and children, to which Convention India had adhered. That measure slightly extended the scope of section 366 of the Indian Penal Code; with that we are not at present concerned. It further added two sections to the Indian Penal Code, section 366A, which dealt with the procurement of minor girls and section 366B, which dealt with the importation of girls from foreign countries. The measure now before the House is concerned, Sir, with certain consequences of the enactment of section 366A. It will be within the recollection of the House that, at the time of the discussion of the Bill then under consideration, there was, not only here but in another place and outside the Legislature, a very considerable difference of opinion, upon two points. The first point was whether the age which should be adopted as the age of minority under section 366A should be the age of 16 or the age of 18; and the further and consequential question that arose was whether, in the event of the adoption of the age of 18 for the purpose of section 366A, it would not be desirable that a similar change should be made in sections 361, 372 and 373, which also deal with offences relating to minors which *prima facie* at any rate, are likely to be of a more serious character than that created by section 366A. In view of the course which the discussion took at that time, Government considered it desirable that further exploration of public opinion in the matter should be made, and it was therefore decided that a commencement clause should be inserted, which would enable Government to defer the operation of the Act until they had had further opportunity of doing so. That course was approved by both

[Mr. J. Crerar.]

Chambers of the Legislature. Well, Sir, we consulted Local Governments and we asked them to obtain, as far as practicable, non-official opinion on these matters and their opinions are now before us. I may perhaps recall to the House that an Honourable Member from Bombay was disposed at that time to reproach us with what he thought was a certain lukewarmness on the part of the Government in framing measures of social reform. In replying to the Honourable Member at that time I remember stating that it was not correct to say that Government were lukewarm in this matter, but that, if we could ascertain the volume of public opinion that was behind a measure of this kind, we could proceed with more confidence. As I said, opinions have now been obtained. They are by no means unanimous. But I think we have sufficient evidence of sufficient volume of public opinion behind this measure to warrant us in proceeding with it. I do not think I need add very much more to that explanation at this stage in the discussion.

There is, however, one point to which I do think it desirable to advert. Honourable Members will observe that the Bill now before them differs in one particular from the Bill as it came before the Legislative Assembly. The difference is the omission of a reference to section 361. I observed that the opinion which was elicited as a result of our reference to Local Governments was not entirely unanimous, and I may say that on this particular point, whether the age of 18, if adopted for the purposes of sections 372 and 373, should also be adopted for the purpose of section 361, there was a very pronounced difference of opinion. That difference of opinion was reflected in discussions on this measure in another place. It was decided on considerations which perhaps would be more conveniently dealt with on the detailed consideration of the Bill that section 361 did differ in certain material points from sections 372 and 373. In particular, the question of the traffic in girls for the purpose of marriage which is commonly known as '*Bardajaroshi*' was referred to and I think the opinion was expressed that the desirability and feasibility of undertaking legislation so as to control and restrict this practice should be taken in hand. It is obvious that a measure dealing with the question of '*Bardajaroshi*' is one which would very considerably extend beyond the scope of the present measure. I think I may at this stage content myself by saying that it is the intention of Government to take up as a separate issue the question of that traffic and to consider whether legislation dealing specifically with it can profitably be undertaken. With these words, Sir, I move that the Bill be taken into consideration.

THE HONOURABLE MR. LALUBHAI SAMALDAS (Bombay: Non-Muhammadian): Sir, I beg to support the motion that the Bill be taken into consideration. My Honourable friend Mr. Crerar has said that when a similar measure was before this House last year I said that the Government of India was not taking the same interest in social reform measures as it did formerly. This is quite true. I said what I felt that while they themselves took the initiative in old days, they were getting more and more cautious—too cautious at times. It is therefore with great pleasure, I now say, Sir, that in bringing forward this measure they have advanced much quicker than I had expected. The Bill as introduced in the Assembly did contain an amendment to section 361. The Government of India after consulting Local Governments was prepared to amend that section also. It was the Select Committee that decided that this was rather a ticklish question and had better be considered

separately, and it was under the pressure from the Select Committee that the Government of India gave up the amendment of section 361. So far as the Government of India are concerned not only did they put down the amendment to section 361 in the Bill, but even now, as the Honourable Mr. Crerar has stated, they are carefully considering the question as to how far they should go in amending that section so as to stop that very bad practice of '*Bardafaroshi*'. As a matter of fact, Sir, I was thinking of introducing an amendment here. But when I learnt from the Honourable the Home Secretary that Government themselves were considering the question, I gave up the idea, as I fully realise that Government can do much more in the direction than any private member can. I congratulate the Honourable the Home Secretary over this measure which really is an important one and which carries out the promise given last time that if the Government of India got the views of Local Governments in favour of their proposal they would amend the other sections so as to bring them in conformity with others. I support this motion.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (West Punjab: Muhammadan): Being the representative of Muhammadans, I cannot be a party to passing a Bill which infringes on the liberties of their religion. In our religion, Sir, the age of consent is puberty whenever it may come. It is based on nature and not on any artificial law. It may be said that the age of 16 was fixed before this, but even that is not in conformity with our laws; so, even then, I do not support this Bill. I am therefore in duty bound, Sir, to oppose the passage of this Bill.

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill further to amend the Indian Penal Code for certain purposes, as passed by the Legislative Assembly, be taken into consideration."

The motion was adopted.

THE HONOURABLE THE PRESIDENT: The Council will now proceed to the detailed consideration of the Bill.

THE HONOURABLE THE PRESIDENT: The question is that clause 1 stand part of the Bill.

The motion was adopted.

Clause 1 was added to the Bill.

THE HONOURABLE THE PRESIDENT: The question is that clause 2 stand part of the Bill.

THE HONOURABLE MR. J. CRERAR: Sir, I have only one observation to make on clause 2 of this Bill, and I make it simply because I desire to remove what I believe is a misapprehension in the mind of my Honourable friend Nawab Sir Umar Hayat Khan. It is perfectly true that in discussions regarding section 361 considerable apprehensions were expressed by Muhammadan members of the Assembly as to the possible effect this might have upon the Islamic law and it was, I may say, largely in deference to these apprehensions that Government agreed to accept the recommendation in this behalf of the Select Committee. When we are dealing with sections 372 and 373 I desire to point out that the offences set up by those sections are the offences of selling minors for the purpose of prostitution and buying minors for the purpose of prostitution. I feel convinced, Sir, that my Honourable and gallant friend has not sufficiently

[Mr. J. Crerar.]

appreciated that point. He need be under no apprehension whatsoever that the effect of this Bill will be in any way detrimental or otherwise than in consonance with the provisions of the Islamic law.

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces: General): Will the Honourable Member please give some explanation why the opinions of Local Governments were withheld from Honourable Members and not circulated?

THE HONOURABLE MR. J. CRERAR: On that point I would invite the Honourable Member's attention to the discussions in another place. It was pointed out there by the Honourable the Home Member that it was desirable that this measure should be enacted as speedily as possible, and that considerable delay would be involved if at that stage all the opinions received were printed and circulated. But the Honourable the Home Member at the same time announced that he would take steps to have the opinions obtained placed in the Library, and that was I think accepted as a satisfactory solution by the Honourable Members in another place. I trust it will be accepted equally as a satisfactory solution in this House.

THE HONOURABLE MR. LALUBHAI SAMALDAS: Might I say that the papers were in the Library and I had the privilege of reading the opinions of Local Governments there.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, perhaps in view of what fell from the lips of my Honourable friend Colonel Sir Umar Hayat Khan, it would serve a useful purpose if I, as a Muhammadan, might give him an assurance that the Bill now before the House in no way contravenes the principles of Muhammadan law. On the contrary, it is perfectly in consonance with those principles. Sections 372 and 373 make it a criminal offence for any one to sell a minor for purposes of prostitution. I am sure my Honourable friend realises that prostitution is as great a sin in Muhammadan law as any other conceivable to that law, and therefore any measure enacted by Government in order to prevent prostitution would, far from being opposed to the principles of Muhammadan law, be in complete consonance with them.

THE HONOURABLE KHAN BAHADUR NAWAB SIR MOHAMED MUZAMMIL-ULLAH KHAN (United Provinces: Nominated Non-Official): Sir, being a humble Mussalman, I think that if there had been the slightest shadow of anything against the Muslim religion every one of us, the Mussalman Members of this honourable House, would have opposed this Bill. But I fail to find anything against our religion. As my Honourable friend the Law Member has just explained, instead of its being against the Muslim law, it is really supporting it. I think in common humanity every one should try to prevent a child, a minor girl, or even an old woman, from being dragged into prostitution. To enhance the age from 16 to 18 is a matter of common humanity and is a principle in entire agreement with every religion and more so with the Mussalman religion. With these words, Sir, I welcome this Bill and support it, and I thank my Honourable friend the Member from Bombay for supporting the Bill so energetically.

Clause 2 was added to the Bill.

The Title and Preamble were added to the Bill.

THE HONOURABLE MR. J. CRERAR: Sir, I move:

"That the Bill, as passed by the Legislative Assembly, be passed."

In making that motion I have only one observation to make and that is that, in the event of this Bill being passed and thereby becoming law, it is the intention of Government to give simultaneous operation to Act XX of 1923 in exercise of the power under the commencement section of that Act. (Hear, hear).

THE HONOURABLE THE PRESIDENT: The question is:

"That the Bill further to amend the Indian Penal Code for certain purposes, as passed by the Legislative Assembly, be passed."

The motion was adopted.

PHOTOGRAPH OF THE COUNCIL AND ATTENDANCE OF MEMBERS AT THE UNVEILING CEREMONY OF THE WAR MEMORIAL, RAISINA.

THE HONOURABLE THE PRESIDENT: Before I adjourn the Council there are two matters to which I have been asked to draw attention.

Honourable Members I think have had a notice informing them that they will be photographed at 10-15 to-morrow and I trust they will find it convenient to attend in as large numbers as possible.

The second thing is, I understand, that a great many Honourable Members are going out to witness the unveiling ceremony of the War Memorial at Raisina this afternoon. I notice on the paper circulated by the Secretary that the time is given as 4 o'clock. On looking at my ticket I find the time of the ceremony is fixed for 5-30 and Honourable Members are asked to be in their seats at 5 o'clock. I wish to draw the attention of Honourable Members to the fact that there has been a change in the time.

STATEMENT OF OFFICIAL BUSINESS FOR TUESDAY, THE 11TH MARCH, 1924.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI (Law Member): Sir, as announced yesterday, the Financial Statement will be open to discussion to-morrow. The next meeting thereafter for official business will be on Tuesday, the 11th of March, when motions will be made that the Repealing and Amending Bill, which was recently passed by the Legislative Assembly and laid on the table in this House yesterday, be taken into consideration and passed. Thereafter the Honourable Mr. Crerar will move the Resolution of which he has given notice relating to the ratification of the International Convention for the suppression of the circulation of, and traffic in, obscene publications.

GENERAL DISCUSSION ON THE BUDGET.

THE HONOURABLE THE PRESIDENT: I understand from that that the Council will sit to-morrow for the Budget discussion as originally arranged.

[The President.]

Under the Rules of Business it is competent to the President to fix a time limit for speeches on the Budget debate. I have never yet exercised that right. I have always trusted to the good sense of the House and I can only hope that I may be able to continue that practice. One or two Members were a little long last time and I may say here for the information of the House that, if the debate goes on so long, I shall at 4-30 call upon the Honourable the Finance Member, and I hope that Members who speak will bear in mind the rights of other Members. If we begin at 11 o'clock, with the usual adjournment for Lunch, and I call upon the Finance Member at 4-30, Honourable Members can work out roughly what time they are entitled to. I leave it therefore to the good sense of the Council with the same confidence as I leave most other things of this nature.

The Council then adjourned till Eleven of the Clock on Friday, the 7th March.