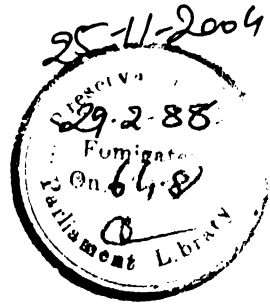


THE
COUNCIL OF STATE DEBATES
(Official Report)

Volume IV, Part I

(From the 30th January to the 25th March 1924)

FOURTH SESSION
OF THE
COUNCIL OF STATE, 1924



DELHI
GOVERNMENT CENTRAL PRESS
1924

	PAGES.
WEDNESDAY, 12TH MARCH 1924—	
Questions and Answers	529—530
Message from the Legislative Assembly	530
Indian Tolls Bill	530—535
Resolution <i>re</i> establishment of pioneer sugar factories and the pro- motion of sugar-cane cultivation (Adopted as amended) ...	535—557
Resolution <i>re</i> deletion from the Statute-book of the ratio of two shillings to the rupee. (Not moved)	557
Resolution <i>re</i> transferred subjects in the provinces (Not moved) ...	557
THURSDAY, 13TH MARCH 1924—	
Session of the Legislature at Simla in May	559—562
Sea Customs (Amendment) Bill. (Passed)	562—564
Indian Tariff (Amendment) Bill (Passed)	564—565
Statement of Official Business for Tuesday the 18th March ...	566
TUESDAY, 18TH MARCH 1924—	
Member sworn	567
Questions and Answers	567—576
Questions and Answers <i>re</i> Rules under Section 67 of the Government of India Act	571—576
Bills assented to by His Excellency the Viceroy	576
Resolution <i>re</i> draft convention of the International Labour Conference concerning the use of white lead in painting (Adopted) ...	576—582
Indian Finance Bill	576, 582—583
WEDNESDAY, 19TH MARCH 1924—	
Questions and Answers	585—591
Message from His Excellency the Governor General	591—592
Indian Finance Bill laid on the table	592—593
Resolution <i>re</i> restrictions and disabilities on Indians in South Africa (Adjourned till 20th March)	593—613
Message from the Legislative Assembly	613—614
THURSDAY, 20TH MARCH 1924—	
Bill laid on the table	615
Resolution <i>re</i> restrictions and disabilities on Indians in South Africa. (Adopted)	615—635
MONDAY, 24TH MARCH 1924—	
Member sworn	637
Questions and Answers	637—648
Bills assented to by His Excellency the Viceroy	648
Indian Finance Bill	648—716
TUESDAY, 25TH MARCH 1924—	
Indian Finance Bill (continued)—(Passed)	717—732
Indian Income-tax (Amendment) Bill (Passed)	732—736
Amendment of Standing Orders	736—737
Valedictory remarks of the Honourable the President	737—739
Adjournment of Council to 27th May 1924	739

COUNCIL OF STATE.

Tuesday, the 18th March, 1924.

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

MEMBER SWORN:

The Honourable Mr. Walter Archibald William Dawn (Burma Chamber of Commerce).

QUESTIONS AND ANSWERS.

REPRESENTATION OF BERAR ON THE CENTRAL PROVINCES COUNCIL AND THE CENTRAL LEGISLATURE.

138. THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: (a) Would the Government please state the extent and manner in which the inhabitants of Berar are represented on the Central Provinces Legislative Council and the Central Legislature?

(b) Is it a fact that, owing to their disparity in numbers, the inhabitants of Berar occupy a position of inferiority in the Central Provinces Legislative Council?

(c) If so, will Government be pleased to state what steps they propose to take for remedying this state of affairs?

THE HONOURABLE MR. J. CRERAR: (a) The numbers of persons nominated to be Members of the Council of State, the Legislative Assembly and the Legislative Council of the Central Provinces, as a result of elections held in Berar are one, one, and seventeen, respectively. Berar is not a portion of British India, and the Government of India Act does not itself apply to elections in Berar. The elections are held under rules framed under the Indian (Foreign Jurisdiction) Order in Council, 1902, whereas the composition of the legislative bodies in question is determined by the various electoral rules made under the Government of India Act. Persons elected in Berar accordingly take their seats in the legislative bodies in virtue of nomination by the Governor or the Governor General, as the case may be.

(b) and (c). According to the 1921 census the male population of the Central Provinces was in thousands 5,385 and that of Berar 1,565. The numbers of elected members are 37 and 17, respectively, and if the Honourable Member will work out the proportions he will find that Berar is over-represented on this basis. Government propose to take no action in the matter.

THE STEEL INDUSTRY.

139. THE HONOURABLE DR. DWARKANATH MITTER: (a) Have the Tariff Board submitted a report regarding the steel industry?

(b) If the reply to the above is in the affirmative, when do the Government expect to submit the report to the Legislature?

THE STEEL INDUSTRY.

140. THE HONOURABLE DR. DWARKANATH MITTER: Have Government decided on the action that they will take on the Tariff Board's report?

THE HONOURABLE MR. D. T. CHADWICK: With your permission, Sir, I will answer Questions Nos. 139 and 140 together.

I would refer the Honourable Member to the statement made by the Honourable the Leader of the House on March 18th.

PROTECTION OF THE STEEL INDUSTRY.

141. THE HONOURABLE DR. DWARKANATH MITTER: (a) Are the Government aware that the steel industry in India is reported to be in a critical condition owing to dumping from some countries on the continent, especially Belgium?

(b) If the answer is in the negative, will the Government be pleased to inquire into the condition of the steel market in India?

(c) Is it a fact that the Government in England are contemplating steps to prevent dumping of steel from the Ruhr district in England?

(d) Do Government contemplate any such action to protect the Indian steel industry?

THE HONOURABLE MR. D. T. CHADWICK: As the Honourable Member is aware, the condition of the steel industry in India has just been investigated by the Tariff Board, and the Government do not propose to make any further investigation. With reference to paragraph (c) of his question, the Honourable Member's attention is invited to the official report of the proceedings of the House of Commons for January 16th last. Government have no further information on the subject. With reference to part (d), Government have nothing to add to the announcement already made.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: The Honourable Member has not answered 141 (a) which does not ask for an inquiry?

THE HONOURABLE MR. D. T. CHADWICK: The Government of India have heard such rumours but the facts, so far as they have been able to check them, do not support them. The competition which the steel industry has to meet was one of the subjects investigated into by the Tariff Board.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: A supplementary question, Sir. Has the attention of the Honourable Member been drawn to the "Ironmonger", dated the 19th January 1924, in which this matter has been specially mentioned?

THE HONOURABLE MR. D. T. CHADWICK: I have already referred the Honourable gentleman to the authority on which the "Ironmonger" has made that statement, namely, the debate in the House of Commons on January 16th.

CONTRACT WITH MESSRS. CLEMENTS ROBSON AND COMPANY FOR THE SUPPLY OF EDIBLE GRAINS, ETC., TO THE MILITARY DEPARTMENT.

142. THE HONOURABLE LALA RAM SARAN DAS: (a) Will the Government be pleased to lay on the table of this Council a copy of the contract agreement entered into by the Controller of Contracts with Messrs. Clements Robson and Company for the purchase and supply of edible grains, etc., to the Military Department?

(b) Will the Government kindly state what is the total amount of expenditure thus incurred every year through Messrs. Clements Robson and Company?

(c) Will the Government kindly state whether or not a standing imprest advance of rupees five lakhs is allowed to Messrs. Clements Robson and Company for carrying out their contract referred to in (a) above?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: (a) Government do not think it would be proper to lay on the table a copy of the agreement in question; but if the Honourable Member can make it convenient to call upon the Army Secretary, the latter will be prepared to give him such information regarding the terms of the agreement as can, with propriety, be communicated.

(b) The total expenditure incurred under the agreement from its commencement on the 1st July 1922 to the 29th February 1924 amounted to Rs. 2,33,07,059.

(c) No advance of any kind is made to the firm.

CORRUGATED IRON SHEDS AT RAILWAY STATIONS.

143. THE HONOURABLE RAJA PRAMADA NATH ROY OF DIGHAPATIA: Would the Government be pleased to state what steps, if any, have been taken so far for putting up corrugated iron sheds over island platforms, referred to in my question* No. 147 of this Council on the 26th September, 1921, and also state when the work is likely to be completed?

THE HONOURABLE MR. D. T. CHADWICK: Sheds at two important stations, Natore and Ishurdi, of the Eastern Bengal Railway, have been completed. Improvements have also been effected at several other small stations. Further improvements are contemplated in the programme for the next five years which will be carried out as funds permit.

INDO-BURMA RAILWAY.

144. THE HONOURABLE RAJA PRAMADA NATH ROY OF DIGHAPATIA: Would the Government be pleased to state when the Indo-Burma Railway is likely to be sanctioned?

THE HONOURABLE MR. D. T. CHADWICK: I beg to refer the Honourable Member to the reply given in this House on the 4th February 1924 to question No. 35 by the Honourable Lala Ram Saran Das on the same subject.

* Vide page 363, Council of State Debates, Vol. II.

EXTENSION OF THE BROAD GAUGE SECTION OF THE EASTERN BENGAL RAILWAY TO SILIGURI.

145. THE HONOURABLE RAJA PRAMADA NATH ROY OF DIGHA PATIA: Is it intended to extend the broad gauge Eastern Bengal Railway line as far as Siliguri and, if so, when would the construction work be taken up?

THE HONOURABLE MR. D. T. CHADWICK: No final decision has yet been arrived at, in regard to the proposed extension of the broad gauge line from Parbatipur to Siliguri as the financial justification of this project is still under consideration.

OPENING OF THE BROAD GAUGE LINE FROM SANTAHAR TO PARBATIPUR.

146. THE HONOURABLE RAJA PRAMADA NATH ROY OF DIGHA PATIA: When will the Parbatipur extension of the broad gauge of the Eastern Bengal Railway be opened, and, when opened, would it necessitate the alteration of the time-table and, if so, would the Railway Administration take into consideration the inconveniences that may be caused to the travelling public of the intermediate stations by such alteration, and make suitable arrangements to meet them?

THE HONOURABLE MR. D. T. CHADWICK: It is expected that the broad gauge line from Santahar to Parbatipur will be opened on 1st July next and, when opened, it is likely that the present time-table will have to be altered. The convenience of the travelling public will doubtless receive full consideration from the Railway Administration when arranging the revised timings.

PROPOSED RAILWAY FROM NACHOUL TO ISHURDI.

147. THE HONOURABLE RAJA PRAMADA NATH ROY OF DIGHA PATIA: Would the Government be pleased to state whether the construction work of the Nachoul-Rajshahye-Ishurdi branch of the Eastern Bengal Railway is going to be taken up and, if so, when?

THE HONOURABLE MR. D. T. CHADWICK: The traffic prospects of a line of railway from Nachoul *via* Rampur Boalia to Ishurdi are being investigated. Until the results of this investigation are known it is not possible to say whether, and if so when, the construction of the line will be undertaken.

DISTRICT HEADQUARTERS WITHOUT RAILWAYS.

148. THE HONOURABLE RAJA PRAMADA NATH ROY OF DIGHA PATIA: How many district headquarters in India still remain to be connected by railways, and which are they?

THE HONOURABLE MR. D. T. CHADWICK: There is a large Railway map attached to the Railway Administration Report to which I would request the Honourable Member's attention.

FLOODS IN NORTH BENGAL.

149. THE HONOURABLE RAJA PRAMADA NATH ROY OF DIGHA PATIA: Would the Government be pleased to state what steps, if any, have been taken by the Eastern Bengal and the Sara-Sirajgunge Railways to prevent the recurrence of floods in North Bengal?

THE HONOURABLE MR. D. T. CHADWICK: The recommendations made by Rai Bahadur Ralla Ram, I.S.O., who was specially appointed by the Railway Board to undertake the investigation of this matter, have been accepted by Government and the Railway Administration has been instructed to give effect to them which, it is understood, is being done.

The additional waterway recommended is :

- (a) On Santahar-Jamalgunj section about 150 ft.
- (b) On Santahar-Kahaloo section about 480 ft.
- (c) On Sara-Sirajgunj line about 400 ft. (effective).

INQUIRY INTO THE WORKING OF PRESENT CONSTITUTION.

150. THE HONOURABLE RAJA PRAMADA NATH ROY OF DIGHAPATIA: Would the Government be pleased to state if it is proposed to appoint a committee to investigate into the working of the Government of India Act of 1919, as hinted in the speech of the Honourable the Home Member on the 18th February? If so, what would be the scope of the investigation and what would be the personnel?

THE HONOURABLE MR. J. CRERAR: As regards the method of the inquiry which is to be made into the working of the present constitution I can say no more than was contained in the statements made by the Honourable the Home Member on the 8th and 18th February 1924 in the Legislative Assembly. Copies of the proceedings of the Legislative Assembly on these days must have been supplied to the Honourable Member. Government will consult Local Governments but, except that the intention is that the investigation shall be a serious attempt to assess the causes of any defects in the working of the Act and to examine the remedies necessary, I am at the moment unable to say what further steps will be taken.

THE HONOURABLE THE PRESIDENT: (Addressing the Honourable Dr. Sir Deva Prasad Sarvadhikary) I understand that you have given private notice of a question. Will you kindly read it to the House?

RULES UNDER SECTION 67 OF THE GOVERNMENT OF INDIA ACT.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Sir, I have given private notice to the Honourable the Leader of the House and ask the following questions :

(a) Would the Government be pleased to state when and under what circumstances and for what reasons it was decided to frame and promulgate rules under section 67 of the Government of India Act, which have been notified in the Gazette of India of the 15th March 1924?

(b) Would the Government please inform the Council of the different steps, in detail, that were taken by the Government for the purpose of having the rules brought into force?

(c) Would the Government please state when the Right Honourable the Secretary of State for India was first approached about the need for the rules?

(d) Would the Government please state if and when either House of the Central Legislature or the public was consulted about the matter, and if not, why not?

(e) When were the Rules laid before the Houses of Parliament and with what result?

(f) Is it intended to give effect to the rules before being laid before the Houses of Parliament, and if so, why?

(g) Would the Government please state the effect of the rules on the legislative powers (1) of the Government of India, (2) of His Excellency the Viceroy and Governor General, and (3) the two Houses of the Central Legislature?

(h) If the rules tend to augment such legislative powers (or diminish, as the case may be), are such rules permissible under the Government of India Act?

(i) If the rules have no such effect, what was the need and occasion for such rules?

(j) Have the Government consulted the Law Officers of the Crown in the matter, and if so, would the Government please state what their opinion and advice are?

(k) If the Government have not taken such opinion, do the Government propose to do so before putting the rules into force?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: (a) In part (a) of his question, the Honourable Member asks three questions, namely,

(1) when

(2) under what circumstances, and

(3) for what reasons

it was decided to frame and promulgate these rules. I will take the third point first. The reason is a very simple one. The original rules made under section 67 of the Government of India Act provided a procedure for legislation to pass through the two Chambers in the ordinary course. There was no procedure for the special class of Bills dealt with under section 67B. The section itself merely lays down that where one Chamber has failed to pass a Bill in the form recommended by the Governor General, the Bill shall, if not already passed by the other Chamber in that form, be laid before that Chamber, and goes on to describe the consequences if the second Chamber consents to or fails to consent to the Bill. It does not lay down any rules of procedure dealing with the Bill in the second Chamber, and the ordinary rules would in many cases be inapplicable. Further, in cases where a recommendation is made during the course of the consideration of a Bill by a Chamber of the Legislature—that is to say, after amendments have already been made in the Bill as introduced—it is clearly necessary to lay down the procedure enabling the Chamber to come to a decision then whether it will or will not pass the Bill in the form recommended. Without rules the Chamber might be held, by reason of Standing Order 80, to be precluded from considering

a motion proposing an amendment to any clause which, in the course of consideration, has already been amended and stands part of the Bill. Standing Order 80, as the House will remember, runs:

"A motion must not raise a question substantially identical with one on which the Council has given a decision in the same Session."

There are other small difficulties in applying our ordinary rules and the Standing Orders to section 67B; but I think I have said enough to show the Honourable Member that some special rules were necessary. Those portions of the rules which deal with dilatory motions are desirable, since Parliament clearly did not contemplate that it should be within the power of the Legislature to make a recommendation of the Governor General wholly ineffective.

I next take the Honourable Member's first question as to when it was decided to frame these rules. The answer to that part of his question is as follows:

This matter has been under the consideration of the Government of India for nearly two years. Various drafts of the rules have been prepared from time to time; and on the 8th November last the Government of India despatched certain amendments to the Secretary of State for his sanction. After further correspondence the Secretary of State's sanction was asked by a despatch of the 14th February 1924 to the rules substantially in the form in which they have now been made. Sanction to the rules as now published was received on the 8th March.

In view of the information given already to this part of the question, I think no further information is necessary as to the circumstances under which it was decided to frame and promulgate these rules.

(b) In part (b) of his question, the Honourable Member asks what different steps were taken by Government for the purpose of having the rules brought into force. This information has been partly supplied already under (a). The first despatch to the Secretary of State was dated the 8th of November 1923 and the second despatch was dated the 14th of February 1924. The procedure followed was the procedure required by section 129A of the Government of India Act, that is to say, the Secretary of State in Council was asked to sanction the rules. On receipt of that sanction the rules were published in the next Gazette.

(c) As already stated the first despatch to the Secretary of State on the subject was dated the 8th November 1923, but the question had been under the consideration of the Government of India since April 1922.

(d) The Honourable Member asks in part (d) of his question whether either House of the Indian Legislature was approached before these rules were made. The answer is in the negative. He next asks why neither House was consulted. The answer will be found in section 129A of the Act. Under that section the making of rules of this nature is a matter between the Secretary of State in Council and the Government of India. It is further provided by that section that the rules when made shall not be subject to repeal or alteration by the Indian Legislature. As the Legislature cannot be a party either to the making or unmaking of the rules, there was no reason for consulting it.

(e) The Honourable Member asks in part (e) of his question when these rules were laid before Parliament and with what result. The answer is that the rules have not yet been so laid. A copy of the rules goes Home

by this mail and in accordance with the provisions of section 129A will be laid before Parliament as soon as may be after the delivery of the mail in London.

(f) The Honourable Member asks in part (f) whether it is intended to give effect to the rules before they are laid before Parliament, and if so, why. The answer is that the rules have been made with the sanction of the Secretary of State in Council and are now in operation because they have been so made. The Secretary of State has not made any direction of the kind contemplated in the proviso to sub-section (3) of section 129A, and consequently the rules are to be laid under the main provision of the sub-section as soon as may be after they are made.

(g) The Honourable Member asks in part (g) what effect the rules have on the legislative powers of—

(1) the Government of India,

(2) His Excellency the Viceroy and Governor General,

(3) the two Houses of the Legislature.

The answer is that the rules add nothing to, and take away nothing from, the legislative powers of any of the authorities named in the question. The rules are purely rules of procedure of the kind contemplated by section 67. Consequently part (h) of the question does not arise.

(i) The Honourable Member asks in part (i) what is the need and occasion of such rules if they operate neither to enlarge nor reduce the legislative powers of the authorities named by him in part (g) of his question. The answer to this question has already been given in reply to part (a) of the question, but at the risk of tiring the patience of the House, for which not I but the form in which the questions are framed is responsible. I will repeat that the rules are purely rules of procedure necessary to remedy defects in the existing rules of procedure which were framed, it appears, without reference to all the requirements of section 67B.

(j) In part (j) of his question the Honourable Member asks whether the Law Officers of the Crown have been consulted by the Government of India. The answer is that the Government of India have no access to the Law Officers of the Crown. The Secretary of State in Council has his legal advisers, and it is presumed that he did not sanction these rules without taking their advice. But the Government of India have no information on this point.

(k) In part (k) of his question, the Honourable Member asks whether the Government propose to consult the Law Officers of the Crown before putting the rules into force. I have already, I trust, made it clear to the Honourable Member that the rules are now in force, in virtue of the provisions of section 129A of the Act, the sanction of the Secretary of State in Council having been obtained to them. Therefore, even if Government had the right to consult the Law Officers of the Crown, it would not be possible to accede to the request of the Honourable Member, because, as already stated, the rules are already in force.

THE HONOURABLE SIR DEVA PRASAD SARVADHIKARY: Does the Honourable the Leader of the House suggest that matters of substance such as are involved in the so-called rules are covered by the first three

lines of section 67 of the Government of India Act which regulate the course of business, that is to say, procedure strictly speaking and not matters of substance such as are involved in the present rules?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: Unless my Honourable friend refers specifically to the matter of substance that he has in contemplation I am unable to reply to his question.

THE HONOURABLE SAIYID RAZA ALI: May I invite the attention of the Honourable the Law Member to rule 20A as it stands to-day, page 208 of the Gazette of India of the 15th March? In order to make the point quite clear, I will read out the rule. The rule as it has been newly incorporated says:

"If any Government Bill has been amended in the course of its consideration by either Chamber, the Member in charge of the Bill shall, if he so desires, have the right to defer proposing the motion that the Bill be passed until he has ascertained whether the Governor General exercises in respect of the Bill the powers conferred on him by section 67B of the Act and the President shall refuse to accept such a motion, unless it is moved by the Member in charge of the Bill."

Now, Sir, having regard to . . .

THE HONOURABLE THE PRESIDENT: If the Honourable Member wants to ask a supplementary question, he must put his question but not argue it.

THE HONOURABLE SAIYID RAZA ALI: I was not trying to argue it. Having regard to the rule, is the Honourable the Law Member prepared to say that this rule does not come in conflict with the opening three lines of section 67. The Honourable the Law Member just pointed out that the rules in no way subtract from the powers of this Council or add to the powers. Is that the view that the Honourable the Law Member is prepared to take.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: I see no conflict whatever between the opening lines of section 67 and this rule. All that section 67 in its opening passage says is this:

"Provision may be made by rules under this Act for regulating the course of business."

I suppose these are the words that the Honourable Member refers to, "for regulating the course of business."

THE HONOURABLE SAIYID RAZA ALI: And the preservation of order.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: The preservation of order has nothing to do with this. May I point out that section 67B is a special provision in the Act, itself imposing certain limitations on the general powers and privileges of the Legislature. It is the section itself that imposes those limitations and not these rules which are merely rules of procedure intended to lay down what the procedure under section 67B is to be. I see no conflict whatever because the rule-making powers under section 67 read together with section 129A to which I have already referred make it perfectly competent for the Governor General in Council with the sanction of the Secretary of State to lay down rules of procedure which shall be applicable to the exercise of the power of recommendation and certification by the Governor General.

THE HONOURABLE SIR MANECKJI DADABHOY: In answer to clause (a) the Honourable Member said that the rules as originally framed were not elastic enough to include a special class of Bills. Will he please explain what special class of Bills he referred to?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: Bills recommended by the Governor General under section 67B.

THE HONOURABLE MR. G. A. NATESAN: Will the Honourable the Law Member state whether it is a fact that the change in the rules is due to the fact that in April 1923 the validity of the Viceroy's action in certifying the salt tax was called in question?

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: My Honourable friend forgets that I said April 1922 and not April 1923. April 1924 has not yet arrived.

BILLS ASSENTED TO BY HIS EXCELLENCY THE VICEROY.

THE SECRETARY OF THE COUNCIL: Sir, information has been received that His Excellency has been pleased to give his assent to the following Bills:

The Indian Cotton Cess (Amendment) Act, 1924.

The Cantonments Act, 1924.

The Immigration into India Act, 1924.

The Central Board of Revenue Act, 1924.

The Indian Penal Code (Amendment) Act, 1924.

INDIAN FINANCE BILL.

THE HONOURABLE SAYID RAZA ALI: May I ask whether any information is available as to what happened to the Indian Finance Bill which was before the other House?

THE HONOURABLE THE PRESIDENT: I have no official information on the subject.

RESOLUTION *RE* DRAFT CONVENTION OF THE INTERNATIONAL LABOUR CONFERENCE CONCERNING THE USE OF WHITE LEAD IN PAINTING.

THE HONOURABLE MR. A. H. LEY (Secretary, Department of Industries and Labour): Sir, I beg to move the following Resolution:

"That this Council recommends to the Governor General in Council that he should not ratify the Draft Convention concerning the use of white lead in painting adopted by the third session of the International Labour Conference held at Geneva in 1921."

Sir, after the dialectics to which we have been treated, I feel that I owe an explanation to the House for having to come forward with a rather dull, and uninteresting Resolution of this kind. Of course, as the House is aware, it is simply this, that it is the duty of any member of the International Labour Organisation to place before the competent authority,

which in this case is the Indian Legislature, the terms of any Draft Convention drawn up at a Conference of the International Labour Organisation within a certain specified period. That, Sir, is the only reason why it is my unpleasant duty to bring this not very interesting subject before this Council.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Is this proposed to be brought up in the same way as a recommended Bill that the Honourable Member thinks it necessary apologetically to explain why he is obliged to undertake this unpleasant task?

THE HONOURABLE MR. A. H. LEY: If the Honourable Member does not wish to hear me on this point, I shall not make any more explanation. I shall come to the substance. I feel myself in a rather unenviable position in placing a Resolution before this Council, which seeks to put a definite negative on a proposal which has been recommended to us at a conference of the International Labour Organisation. India, as I think this Council is aware, has always shown herself ready and anxious to the utmost extent of her power to fall into line with proposals made by the International Labour Organisation, of which she is a member. She has already ratified 9 out of 16 Draft Conventions, drawn up at these Conferences. She has adopted numerous recommendations, and it is only with great reluctance, and for reasons which to the Government of India at any rate appear compelling reasons, that they have come to the conclusion that this particular Draft Convention, which is now the subject of discussion, should not be ratified. I can claim for India with confidence that she has done as much as, if not more than, any member of the League in this respect. While this is the case, however, she has also always kept steadily before herself one guiding principle in these matters, and that is simply this. If she ratifies a convention she will see it is carried out. If she ratifies a Convention and as is generally the case that ratification means legislation, she is determined not only to introduce legislation but to establish the machinery which will see that that legislation shall be enforced. That, Sir, is the whole crux of the position here. I do not want to weary the Council with the terms of this Draft Convention. I think the terms have been circulated. I have asked them to be circulated for this particular reason, to avoid wearying the Council with this rather dull and uninteresting subject. But the object is of course quite clear. It is designed to minimise the dangers of lead poisoning, which experience has shown to be a prevalent disease among working painters in certain countries. I say in certain countries advisedly, and I will come to that point later. Recent researches on this question seem to show that this disease is generally caused by what is known as the dry rubbing down process. When you paint an inside of a building, except in the roughest forms of painting, there are always several coats of paint given, and between each coat of paint it is necessary, or it is the usual practice, to let it dry and then rub it down with sandpaper or some similar substance, in order to get the surface perfectly smooth before the next coat of paint is put on. It is during that process that there is a certain amount of exhalation of lead dust, when the paint, which is usually used, is white paint, which has a base of lead. And it is when that lead dust is inhaled by the worker that this disease of "plumbism" as I believe it is technically called, is generated. It is a peculiarly unpleasant and distressing disease, leading to blindness, to paralysis, and not infrequently

[Mr. A. H. Ley.]

to death. Well, the problem—how to deal with this was the problem before the International Labour Conference, held at Geneva in 1921. Now one would naturally suppose that the simplest way of tackling this problem would be to prohibit the use of white lead paints altogether. That would seem to be the simplest way of doing it. But the Conference—and I think everybody who has studied the question would agree that this was right—came to the conclusion that that was quite an impossible solution, and went a great deal further than the needs of the case required, for the simple reason that it has been definitely proved by experience that this particular kind of paint, which has a base of lead is the most suitable paint to use, more particularly for external painting work and the painting of buildings which are exposed to any particularly hard wear, such as railway stations or perhaps post offices. It would be a great burden on industry to prohibit altogether the use of white paint in these cases, and consequently the Conference came to the conclusion that the proper course to adopt was not to prohibit but to regulate. As you will see from studying the terms of the Convention, it is really a compromise in this respect. It allows the use of these paints on external buildings and prohibits them in internal buildings, except in certain circumstances, but there again there is a further compromise, in Article 1 of the Convention, because it allows it even in internal buildings in certain cases, namely, railway stations and in certain industrial undertakings where the competent authority so decides after consultation, I think the Convention says, with the Workers' or Employers' organisations. That was really put in—at least I understand that was so—because it was pointed out, when this Convention was under discussion, that there are certain industrial undertakings where also it is equally necessary from the point of view of the industry to use these particular kinds of paints; more particularly in cotton mills, I believe, mainly owing to the humidity in the atmosphere, which is artificial humidity required for the manufacturing processes.

Now, the question is, how we can carry out the regulations, which the Convention lays down, in this country. That is really the whole crux of the question. But, before I get on to that, I would just like to hark back for one moment to what I indicated at the beginning of my speech, namely, that this is a question which is not of any real importance in this country. I believe I am correct in stating that we have hardly any definite single instance of lead poisoning among the working painters in this country, arising from this cause. It is therefore a question of very small importance in this country, and the reason I think is pretty obvious, namely, that paint is not used to any large extent in ordinary building work in this country. It is probably for climatic reasons, I imagine, cooler to use white-wash, and that is, of course, the substance that is generally used. It is really only in temperate climates that this form of painting in interior buildings is important. When I say there have been no recorded cases, I do not mean to suggest that there have been no cases. It is possible that there have been cases in this country, but our machinery for reporting them is, as everybody knows, defective at the present time. But I do think that it is a far assumption that, if this was a disease which is really prevalent in India, we should certainly have had evidences of several cases, which would have been brought to our notice before now. Nor do I

suggest that this is necessarily a reason for refusing to ratify this particular Convention. I only mean that it is an additional consideration, if there are other reasons, why it is impossible or undesirable to ratify this Convention; and that there are other reasons, I think is fairly obvious. It is really exceedingly difficult to see what machinery can be set up, which will ensure that this Convention, if ratified, is carried into effect. It might be possible, it certainly would be possible, to carry out these regulations in factories. It might incidentally necessitate an amendment of the Factories Act, but that is beside the point. But it would, I think, be possible to introduce these regulations in factories, where you have a factory inspection staff already in existence who would be able to see that these rather minute regulations are carried into effect. But, when you come to consider how you are going to enforce these regulations, not in factories but in small buildings all over the bazaar, anywhere where there is any painting work being done, that is where the difficulty comes in. It is, as far as we can see, almost impossible to do it. I imagine that, if this Convention were ratified, and if legislation were passed, it would probably be necessary, in the first place, to license all working painters; the use as well as the manufacture of these paints would be forbidden except under licence; and I suppose a working painter would have to notify to the local authorities when he was intending to undertake any painting work and the local authorities would have to have an inspecting staff, a special inspecting staff, for this purpose, not only to go and examine the work when it is being carried out after notification, but also to see that work is not being carried out without notification. In other words, you would obviously have to have a rather elaborate and expensive machinery designed to meet what, as I have already indicated, is an evil, if it is an evil at all in this country, of very limited extent. I think it is obvious that that would be a very difficult matter. And, when I say it is unworkable, I am not merely giving my own opinion. We have consulted all the Local Governments on this question. Nearly all of them—as everybody will be—are in sympathy with the object of the Convention, but the general feeling is that it is one which it is not possible to work in this country. I will just read an extract from one Local Government, which is fairly representative of the lot.

The Government of Bihar and Orissa say:

"The manufacture of paints based on white lead or sulphate of lead could be controlled and their use on public works or in industrial establishments regulated by legislation, but a general prohibition against their use inside buildings would not in practice be enforceable by any machinery at present existing. Such paints can legitimately be used for certain purposes and will be generally on sale in the bazars. Painting in this province is largely in the hands of small contractors and *mistris* over whom it will be impossible to exercise effective control. His Excellency in Council would, therefore, deprecate any legislation which will in practice be to a large extent inoperative."

The same opinion is expressed by several other Local Governments. The Bengal Government particularly—in a rather weighty opinion—quote a lengthy and well-considered opinion of the Bengal Chamber of Commerce, who say very much the same thing. They say:

"In these circumstances it is difficult to see how any prohibition of the use of paints containing white lead on the insides of buildings can possibly be made effective in India, where painting is largely in the hands of small and frequently very ignorant contractors and *mistris*. The Committee are inclined to think that it would be impossible to provide machinery to prevent such use."

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : General) : What about regulating imports?

THE HONOURABLE MR. A. H. LEY : That is one way of doing it. It occurred to us, as Sir Maneckji Dadabhoy suggests, that it might be possible to regulate imports, but the difficulty there is that you cannot prohibit the import of these particular paints containing white lead altogether, because for certain purposes they are required, namely, for the exterior painting of buildings. They are necessary for that purpose.

THE HONOURABLE SIR MANECKJI DADABHOY : The issue of these paints can be regulated by licences.

THE HONOURABLE MR. A. H. LEY : That is just the difficulty. You have to have a very elaborate machinery for controlling the issue of these paints under licence, and I submit that that is quite unnecessary. An elaborate machinery would be necessary to see that the conditions of the licence are observed. That is the whole difficulty.

Before I close I should like to make two other points. If it were the case that the other members of the International Labour Organisation had ratified this Convention, it would obviously be very much more difficult for the Government of India to stand out. But that is not the case. This Convention, which was drafted in 1921, has, as far as our information goes, been ratified so far by only three States, Sweden, Estonia and Czecho-Slovakia, and by no other State at all. Great Britain has refused to ratify the Convention. She has not yet ratified this Convention, possibly because she seems to think that these practical difficulties, which are obviously very much less in a country where trade is better organised than it is in India, are possibly insuperable. I do not say that is altogether her reason. There is one other reason, and that is the last point I wish to refer to. It is this. I believe it to be the case that other countries who have considered this problem have come to the conclusion that the Draft Convention of this particular Conference is by no means the last word on this subject of the use of white lead. This Convention, which, if I may say so, was rather hastily drawn up, bears all the impress of a compromise in itself. Very recent researches may suggest that the problem can best be attacked on slightly different lines. The British Government have, as a matter of fact, since then, appointed a Departmental Committee to re-examine the whole subject of the danger of lead paints to working painters, and they have just issued their report which has come to hand only a few days ago. It is a very interesting document—to anybody that is, who takes an interest in this particular trade. But it does suggest that there are other considerations and that it is possible, with further research, to attack this problem probably on rather different lines. I submit that it is obviously much wiser for India to wait and see what conclusions are arrived at by other countries, who, after all, are very much more interested in the question.

I have only one more word to say before I sit down; and that is, to explain what the Government of India have done. When they came to the conclusion that it was impossible for them to ratify this Convention because it was impossible for them to see that it could be enforced, they did agree, and have taken action, to give executive instructions to their own Departments in the Central Government, where there is any painting

work of this kind done to any considerable extent, that is to say, the Public Works Department, the Military Works and the Railway Departments, to follow those instructions as far as they possibly can in painting work that is being executed by them, and they have also asked Local Governments to do likewise in their Departments so far as they can, and also to draw the attention of local bodies and local companies, who do any extensive painting work, to the provisions of this Convention, and ask them to carry it out as far as they possibly can; that is to say, the Port Trusts, steamship companies and the like. They are also considering what action can be taken to follow the lines of this Convention as far as possible under the Factories Act, in factories and in industrial establishments which they can control. It is really only the fact that they cannot control the painting work done all over the bazaars by local *mistris* and contractors, that renders it impossible for them to contemplate ratifying this Convention.

THE HONOURABLE MR. S. VEDAMURTI: (Burma: General): May I ask the Honourable Member one question? If it is a fact that the Legislatures of only two small States have ratified the Convention, why did the representatives of the other nations agree to the Convention?

THE HONOURABLE MR. A. H. LEY: The representatives of other nations discussed this question at Geneva when they met at the International Labour Conference. They did not bind the Governments of their States. They discuss the terms in which a Convention should be drawn up, and it is then laid before the members of the Organisation, to consider whether they will or will not ratify. That is the usual procedure that has been followed in numerous other cases. The representatives of the various members of the Organisation are there to discuss the subject, but they cannot bind their own Governments. I think I am correct in saying—I am not sure, but I think I am correct in saying—that the representatives of India at this particular Conference in Geneva in 1921 refused to vote on this subject, because they did not feel that they had sufficient information to place before their Governments to bind their Governments to follow the terms of the Convention.

THE HONOURABLE MR. S. VEDAMURTI: Do not these representatives carry with them the sanction of their respective Governments to vote on the questions coming before them binding their Governments?

THE HONOURABLE MR. A. H. LEY: No, Sir.

THE HONOURABLE SIR ARTHUR FROMM: (Bombay Chamber of Commerce): Is there not a period within which the Convention should be ratified? I think it is six months or at any rate not more than a year.

THE HONOURABLE MR. A. H. LEY: Yes, Sir. The Honourable Member has caught me at rather a weak point. The period is 18 months. This Convention was drafted in October, 1921. It is quite true that it was not placed before either of the Houses of the Legislature in sufficient time. That was because we were considering in communication with Local Governments what steps we can possibly take. I think the last reply of the Local Governments—the reply from the Government of Bengal—came in January or February 1923, and it was, strictly speaking, necessary to place the Convention in some form before some body of the Legislature by the end of March 1923.

[Mr. A. H. Ley.]

It was, as a matter of fact, impossible for the Government, who had not had time to come to their conclusions at that time to place a definite Resolution before either House, but they did consult the Standing Advisory Committee of the Department of Industries and Labour on the subject. The recommendation of that Committee was that they should go into the subject further, and that it was undesirable to come to any conclusion without further consideration.

THE HONOURABLE DR. SIR DEVA PRASAD SARVADHIKARY: Were the workers' organizations in any way consulted about this dead horse?

THE HONOURABLE MR. A. H. LEY: As far as possible by the Local Governments. They were requested to consult all workers' associations and employers' associations, and I understand that they did so.

THE HONOURABLE SIR ARTHUR FROMM: If any signatory does not ratify the Convention within the specified period, *ipso facto* I presume that country does not agree with the Draft Convention although . . .

THE HONOURABLE THE PRESIDENT: I do not want to interrupt the Honourable Member, but I may point out that it is not consistent with ordinary debate to embark on cross-examination by question and answer. I suggest that Honourable Members will formulate their points in such a manner that the Honourable Member in charge of the Resolution may deal with them in his reply.

THE HONOURABLE MR. A. H. LEY: I do not wish to make any further remarks. I think the subject has been discussed sufficiently already.

THE HONOURABLE THE PRESIDENT: The question is:

"That the following Resolution be adopted:

"That this Council recommends to the Governor General in Council that he should not ratify the Draft Convention concerning the use of white lead in painting adopted by the third session of the International Labour Conference held at Geneva in 1921."

The motion was adopted.

INDIAN FINANCE BILL.

THE HONOURABLE THE PRESIDENT: I would ask the Leader of the House if he has any statement as to future business to make, and in doing so, I would ask him to satisfy the curiosity which was expressed in a question to me and tell us what has happened to the Finance Bill.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: The motion to take the Finance Bill into consideration was rejected by the other House yesterday. I understand that a new Finance Bill with certain modifications in one or two respects has been introduced or will be introduced in the other House to-day with a recommendation from the Governor General under section 67B. In all probability, it will be laid on the table of this House either to-morrow or the day after. I cannot make any further statement on that; I am not in a position to make any further statement. Copies of the Bill have already been placed before Honourable Members in this House this morning. (The Honourable Dr. Sir Deva Prasad Sarvadhikary: "In anticipation.") The statement which I had

originally intended to make was this. As at present arranged, there will be a meeting of this House on Thursday, the 20th, but the business to be transacted on that day must depend on the progress made in another place with the Finance Bill.

THE HONOURABLE SIR MANECKJI DADABHOY: May I inquire when the Finance Bill is likely to be discussed in this House?

THE HONOURABLE THE PRESIDENT: I may point out in the first place that the mere fact that a copy of the Bill has been placed on Honourable Members' desks does not in any sense amount to laying of the Bill on the table of the House. Copies of the Bill have been placed in Honourable Members' seats merely as a matter of courtesy and for the convenience of Honourable Members by the officers of the Chamber. Till the Bill is laid on the table of this House, it is obviously impossible to say on what date the discussion will take place, but I am quite sure that the Honourable the Leader of the House will give information as early as possible.

THE HONOURABLE DR. MIAN SIR MUHAMMAD SHAFI: Undoubtedly.

The Council then adjourned till Eleven of the Clock on Wednesday, the 19th March 1924.