

Monday, 18th March, 1929

**THE  
COUNCIL OF STATE DEBATES**

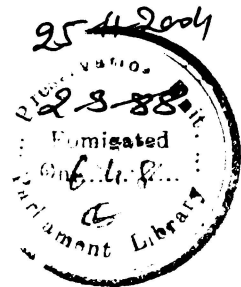
**VOLUME I , 1929**

*(12th February to 12th April 1929.)*

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**SIXTH SESSION**

**OF THE  
SECOND COUNCIL OF STATE, 1929**



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1929**

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**Monday, 8th April, 1929—**

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# COUNCIL OF STATE.

*Monday, 18th March, 1929.*

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

## QUESTIONS AND ANSWERS.

INCREASE OF THE RENT OF THE SHOPS IN DIAZ SQUARE, NEW DELHI.

122. THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY :

- (a) What was the annual rent of the Diaz Square shops in New Delhi in 1920 and in 1927 and what is the present rent ?
- (b) Is it a fact that the rent is increasing with every renewal of lease ?
- (c) Do Government propose to stop this increase of rent ?

THE HONOURABLE MR. A. C. McWATTERS : (a) The Diaz Square shops were not in existence in 1920. The annual rent in 1927 was Rs. 5,760 and the present rent is Rs. 10,080.

(b) Leases were granted for two years in the first instance, and when the term expired fresh tenders were called for. Old leases were not renewed.

(c) No.

TENDERS FOR THE LEASE OF SHOPS IN NEW DELHI.

123. THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY :

- (a) Is it a fact that tenders for the lease of shops in New Delhi were invited in or about September, 1928 ?
- (b) What was the total number of shops and the total number of tenders received ?
- (c) How many shops were allotted to the previous lease-holders and how many to new ones ?
- (d) How many of those who offered tenders were unsuccessful in securing an allotment ?
- (e) Is it a fact that the largest number of tenders were for the Diaz Square shops ?
- (f) Is it a fact that the Diaz Square shops are and remain fully engaged while other shops are still lying vacant ?

THE HONOURABLE MR. A. C. McWATTERS : (a) Yes.

(b) The total number of shops was 80, and the total number of tenders received was 214.

(c) 79 shops were allotted to previous lease-holders, and one to a new one.

(d) 134.

(e) Yes.

(f) Yes.

#### REDUCTION OF THE DUTY ON GLASS BANGLES.

**124. THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY :** (a) Did the Bombay Glass Bangles Merchants' Association submit a petition to the Governor General in Council in September, 1928, about the reduction of the import duty on glass bangles ? (b) If so, what steps have Government taken upon the petition ?

**THE HONOURABLE MR. A. C. MCWATTERS :** Sir, the Honourable Sir Geoffrey Corbett, being unavoidably absent, has asked me, with your permission, to answer this question and others which concern him.

(a) Yes.

(b) The Association was informed that its views had been noted.

#### CREATION OF THE KASHI TIRTH SUDHAR TRUST IN BENARES UNDER THE ANCIENT MONUMENTS PRESERVATION ACT.

**125. THE HONOURABLE MR. G. A. NATESAN** (on behalf of the Honourable Dr. U. Rama Rau) : (a) Is it a fact that a Trust by name the 'Kashi Tirth Sudhar Trust' has been created in Benares under the Ancient Monuments Preservation Act ?

(b) If so, when and on whose initiation and with what specific objects ?

(c) Is it a fact that some of the ghats at Benares are dangerously dilapidated, and does the Trust intend to have them repaired ?

(d) Has the Trust been registered under the Indian Companies Act ?

(e) What work has it so far done to attain its object ?

(f) What financial or other assistance has been given or is being proposed to be given to the Trust by the Government of India ?

**THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH :** The Ancient Monuments Preservation Act does not provide for the creation of Trusts, and the Government of India have no information about the Trust referred to by the Honourable Member.

#### GARAGE ACCOMMODATION FOR THE MOTOR CARS OF MEMBERS OF THE CENTRAL LEGISLATURE.

**126. THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** (a) Are the Government aware that very great inconvenience and considerable risk are being caused to the Members of the Indian Legislature for want of accommodation for their motor cars ?

(b) Are the Government aware that there are no garages provided with the quarters built for these Members on the Ferozeshah Road ?

**THE HONOURABLE MR. A. C. McWATTERS :** (a) Government are aware that some inconvenience has been caused to the Members by insufficient garage accommodation.

(b) Yes, but steps are being taken to provide sufficient garage accommodation.

\*127.

**MAXIMUM PERIOD ALLOWED FOR KEEPING A VALUE PAYABLE PARCEL IN DEPOSIT IN THE POST OFFICE.**

**128. THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY :** (a) Is the maximum period allowed for keeping a V. P. P. in deposit in the Post Office ten days ?

(b) Does the same limit apply to goods railway receipts sent per V. P. Post ?

(c) Are Government aware that there are places in India which are so distant from each other that a consignment takes more than a month to travel between them by goods train ?

(d) Have Government considered the advisability of extending the deposit time limit for postal V. P. Ps. in such cases ?

**THE HONOURABLE MR. A. C. McWATTERS :** (a), (b) and (c). Yes.

(d) Yes. The time limit was advisedly reduced to ten days in 1913, and there is no evidence that the shorter period now allowed causes any practical inconvenience.

**DISTINCTION MADE BETWEEN BANIA SHOPS AND SHOPS FOR GENERAL MERCHANDISE IN THE ALLOTMENT OF SHOPS IN NEW DELHI.**

**129. THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY :** (a) In the allotment of shops in New Delhi is a distinction made between Bania shops and shops for general merchandise ?

(b) If so, will Government be pleased to state the line of demarcation between these two classes ?

(c) Are the Diaz Square shops classified as Bania shops ?

**THE HONOURABLE MR. A. C. McWATTERS :** (a) Not generally. There are specific shops for Banias who sell *ata*, *dal*, ghee, rice, sweets, etc., as distinct from those in which oilman stores, tinned provisions, scents, soaps, chemicals, etc., are sold.

(b) The line of demarcation is that in those shops in which the sale of general merchandise is permitted by the New Delhi Municipal Committee, the sale of Bania stores is prohibited, whether tinned or otherwise.

(c) Yes.

**EXPENDITURE ON THE PUBLICITY DEPARTMENT ON EACH STATE RAILWAY.**

**130. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** What amount has been spent on the Publicity Department on each State Railway since its inception up to 31st December last, and what is the amount budgeted for each State Railway for the ensuing year ?

\* For this question see after question No. 144.



**THE HONOURABLE MR. A. C. McWATTERS :** The information required is being collected and will be supplied to the Honourable Member when it is received.

**BRANCH BOOKING OFFICES FOR PASSENGERS' PARCELS ON  
EACH OF THE STATE RAILWAYS.**

**131. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** How many branch booking offices for passengers' parcels have been opened during this year on each of the State Railways and at what places ?

**THE HONOURABLE MR. A. C. McWATTERS :** Information is being obtained and will be communicated to the Honourable Member on receipt.

**CAUSING OF DELAYS TO ROAD TRAFFIC AT THE LEVEL CROSSING AT  
MOGHALPURA STATION ON THE NORTH WESTERN RAILWAY.**

**132. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** Is it a fact that since the last few years quite a number of lines have been added to the Amritsar side road level crossing of the Moghalpura station of the North-Western Railway and that shunting operations cause unusually long delays to road traffic ?

**CONSTRUCTION OF AN OVERBRIDGE TO REPLACE THE ROAD LEVEL CROSS-  
ING AT MOGHALPURA STATION ON THE NORTH-WESTERN RAILWAY.**

**133. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** (a) Is an overbridge going to be constructed on the Amritsar side of Moghalpura station on the North-Western Railway to replace the present road level crossing ? (b) If so, when ?

**THE HONOURABLE MR. A. C. McWATTERS :** With your permission, Sir, I shall answer questions Nos. 132 and 133 together. Government have no detailed information on the point, though they understand that the provision of an overbridge is under consideration. They are making enquiries from the Agent of the North-Western Railway and, on receipt of his reply, further information will be sent to the Honourable Member.

**LOANS REPAYABLE IN 1930 AND THEREAFTER.**

**134. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** Will Government kindly state what Government loans are maturing for payment in 1930 and thereafter and what is the amount repayable in each year ?

**THE HONOURABLE MR. E. BURDON :** The Honourable Member is referred to the Return of the Rupee Debt of the Government of India for the 31st December 1928 and to the East India Loans Return for the half year ended on the 30th September, 1928. The former appears in the Gazette of India, Part II, of the 9th March, 1929, while a copy of the latter is available in the Library.

**PROVISION OF INDIAN DINING CARS FOR UPPER CLASS PASSENGERS ON THE NORTH-WESTERN RAILWAY IN 1929-30.**

**135. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS :** Will Government kindly state what number of Indian dining cars, if any, for upper class passengers are going to be provided on the North-Western Railway during the next year ?

**THE HONOURABLE MR. A. C. McWATTERS :** None.

**IMPROVEMENT OF THE CONDITIONS OF SERVICE OF THE SUBORDINATE STAFF ON THE STATE RAILWAYS.**

**136. THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** (a) Will Government be pleased to state what measures, if any, have been taken by them to improve the conditions of service, viz., pay, working hours, quarters, etc., of Indians of the subordinate ranks employed in the State Railways during the last three years ? (b) What is the expenditure involved on that account in each year ? (c) What proportion does that expenditure bear to the annual earnings of the State Railways ?

**THE HONOURABLE MR. A. C. McWATTERS :** Government have not full information in their possession on these matters as many of these questions can be dealt with by Railway Administrations individually. As has been explained in the Explanatory Memorandum to the Railway Budget, it is the intention of Government during the coming year to start an examination of the rates of pay and wages and other conditions under which the lower paid classes of railway servants are employed, and in connection with this Government propose to collect information of the nature suggested.

**OVERCROWDING OF THIRD CLASS COMPARTMENTS ON STATE RAILWAYS.**

**137. THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** Will Government be pleased to state what practical steps, if any, have been taken during the last three years to remove the inconveniences felt by third class passengers in the State-owned Railways owing to crowding of third class compartments ?

**THE HONOURABLE MR. A. C. McWATTERS :** Of the practical steps which have been taken to relieve overcrowding in third class passenger carriages, the most important have been the provision of more third class coaches and running of more passenger trains. Full details of the action taken by the Railway Board in this matter will be found in the annual Reports on Indian Railways under the head "Amenities and improvements for the travelling public." It is impossible to give the details within the scope of an answer, but I might mention that the third class seating capacity on all Railways has increased by 5.6 per cent. during the three years ending 31st March 1928, and the mileage of passenger trains by 23 per cent.

**DUTIES OF EACH OF THE OFFICERS IN THE RAILWAY BOARD.**

**138. THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** Will Government kindly lay on the table a list :

- (a) shewing the distribution of duties for each of the officers in the Railway Board ;
- (b) shewing the daily average number of cases disposed by each of them ?

**THE HONOURABLE MR. A. C. McWATTERS :** It would be impracticable to convey in such a list a clear idea of the various duties performed by the officers of the Railway Board, but if the Honourable Member wishes to have an approximate idea of the work done by the various officers, I would suggest his seeing at some time convenient to himself the Secretary of the Railway Board, who would be able to explain the matter to him clearly and in whatever fulness he desires.

#### RATES OF PAY OF THE OFFICERS AND THE STAFF OF THE RAILWAY BOARD.

**139. THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** Will Government please lay on the table :

- (a) a chart shewing the distribution with scales or rates of pay of the officers and the staff in the Railway Board ?
- (b) a statement shewing the total average monthly bill for each of the classes of officials separately for the years 1922, 1923, 1924 and 1928 ?

**THE HONOURABLE MR. A. C. McWATTERS :** The statements required are being prepared and will be sent to the Honourable Member.

#### ACTING ALLOWANCE TO SUBORDINATE READERS IN THE GOVERNMENT OF INDIA PRESS, DELHI.

**140. THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** Is it a fact that in the Government of India Press, Delhi, acting allowance is not given to the subordinate readers ?

**THE HONOURABLE MR. A. C. McWATTERS :** Acting allowance is not given to subordinate readers except when they officiate as head readers.

#### EXCLUSION OF MUHAMMADANS FROM RESPONSIBLE POSTS IN THE CLERICAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA PRESS, DELHI.

**141. THE HONOURABLE MR. MAHMOOD SUHRAWARDY :** (a) Is it a fact that the posts of Assistant Manager, Head Assistant, Head Computer, General Storekeeper, Assistant to Accountant and Cashier, Assistant to Head Assistant, Books in charge and Timekeeper in the clerical establishment of the Government of India Press, Delhi, are held by non-Muslims ?

(b) Since the time the Government of India Press, Delhi, was established has any Muhammadan official been appointed to any of the responsible posts in the clerical establishment ?

(c) If the answer is in the negative, will Government be pleased to state the reasons for the entire exclusion of Muhammadan officials ?

(d) Is the post of Accountant and Cashier at present lying vacant ?

(e) If so, will the Government be pleased to state how many applications have been received by the Controller of Printing and Stationery and Manager, Government of India Press, Delhi, from Muslim graduates and S. A. S. plucked, and what steps are being taken on them ?

**THE HONOURABLE MR. A. C. McWATTERS :** (a) Yes.

(b) Two posts in the upper clerical scale are held by Muhammadans.

(c) Does not arise.

(d) Yes.

(e) Applications have been received from three Muslim graduates, of whom one appeared in the Subordinate Accounts Service Examination but failed. All applications are under consideration.

OFFICIATING AND PERMANENT PROMOTION OF CLERKS IN THE GOVERNMENT OF INDIA PRESS, DELHI.

142. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: Is it a fact that the seniority is not observed in the Government of India Press, Delhi, in officiating as well as permanent promotion of the clerks from the lower to the upper scale of pay?

THE HONOURABLE MR. A. C. MCWATTERS: In deciding officiating as well as permanent promotion of clerks in the Government of India Press, Delhi seniority as well as efficiency is taken into account.

NUMBER OF VACANCIES OF SECTION-HOLDERS IN THE GOVERNMENT OF INDIA PRESS, DELHI, FILLED BY MUSLIM COMPOSITORS.

143. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: Will Government please state the total number of vacancies of section-holders in the Government Press, Delhi, during the year 1928-29 and how many have been filled by Muslim compositors?

THE HONOURABLE MR. A. C. MCWATTERS: Two vacancies in the post of section-holders occurred in the Government of India Press, Delhi, during the year 1928-29. Neither of these posts has been filled by a Muslim.

APPLICATION FOR THE PREVIOUS SANCTION OF THE GOVERNOR GENERAL TO THE BOMBAY COTTON CONTRACTS BILL.

144. THE HONOURABLE MR. ANUGRAHA NARAYAN SINHA (on behalf of the Honourable Mr. Mahendra Prasad): (a) When was previous sanction in respect of the Bombay Cotton Contracts Act, 1922, under clause (3) of section 80-A, Government of India Act, applied for and when was it given?

(b) What were the circumstances under which application for such sanction was made by the Bombay Government?

THE HONOURABLE MR. L. GRAHAM: (a) Application for the previous sanction of the Governor General under sub-section (3) of section 80-A of the Government of India Act to the Bombay Cotton Contracts Bill, subsequently enacted as Bombay Act XIV of 1922, was made by the Government of Bombay in a letter dated the 7th July, 1922, and the sanction in question was conveyed in a telegram dated the 19th July, 1922.

(b) Application was made for sanction because the Bill required sanction. The reasons for the introduction of the Bill will be clear to the Honourable

Member from the Statement of Objects and Reasons published in the Bombay Government Gazette of the 21st July, 1922, and from the proceedings of the Bombay Legislative Council for the 25th July, 1922.

THE HONOURABLE SIR PHIROZE SETHNA : May I be permitted to ask question No. 127 standing in the name of the Honourable Sir George Godfrey ?

(Permission was given by the Honourable the President, and the question was put by the Honourable Sir Phiroze Sethna.)

TON-MILES OF GOODS HANDLED, ETC., ON THE NORTH-WESTERN RAILWAY  
AND CERTAIN OTHER SPECIFIED RAILWAYS.

127. THE HONOURABLE SIR PHIROZE SETHNA (on behalf of the Honourable Sir George Godfrey) : Will Government be pleased to give the following information for the broad gauge systems of the North-Western, East Indian, Eastern Bengal, Bengal Nagpur, Madras and Southern Mahratta, Great Indian Peninsula and Bombay, Baroda and Central India Railways for the years 1926-27, 1927-28 :

- (1) The ton-miles of goods handled ;
- (2) The total number of goods vehicles of all kinds—
  - (a) on the register on the last day of the year ; and
  - (b) available for traffic, *i.e.*, excluding those laid up for repairs, those waiting for repairs, and those lent or transferred for other purposes ;
- (3) The total additions to the goods stock during the year ;

*Note.*—For (2) and (3) a bogie vehicle to be treated as two four-wheelers.

- (4) Is it a fact that the statistics of the above named Railways show a substantial increase of wagon miles per shunting engine hour ? To attain this increase have Railways reduced the number of shunting engines in use at many of the larger goods yards ?
- (5) If the answer to the last question is in the affirmative, is there any indication that wagons are being unnecessarily delayed in goods yards through insufficiency of shunting engines ?

THE HONOURABLE MR. A. C. MCWATTERS : (1), (2) and (3). A statement showing the figures required is laid on the table.

(4) and (5). Statistics show that the wagon miles per shunting engine hour increased in 1927-28 by 11.6 per cent. over the East Indian Railway, 7.4 per cent. over the Bengal Nagpur Railway, 8.4 per cent. over the Great Indian Peninsula Railway and 10.9 per cent. over the Bombay, Baroda and Central India Railway. Particulars in regard to the number of shunting engines in use and delay to wagons in goods yards have been asked for from these Railways and will be supplied to the Honourable Member when received.

Statement showing—

- (1) The ton-miles of goods handled ;
- (2) The total number of goods vehicles of all kinds
  - (a) on the register on the last day of the year ; and
  - (b) available for traffic ;
- (3) The total additions to the goods stock during the year ;

for the broad gauge systems of the North-Western, East Indian, Eastern Bengal, Bengal Nagpur, Madras and Southern Mahratta, Great Indian Peninsula and Bombay, Baroda and Central India Railways for the years 1926-27 and 1927-28.

| Railway.           | Year.   | Ton-miles of goods handled (in thousands). | No. of goods vehicles of all kinds—<br>(in terms of 4-wheelers)  |  | Total additions (or reductions) to goods stock (in terms of 4-wheelers). |
|--------------------|---------|--|--|--|--|
|                    |         |  | on the register on the last day of the year (serviceable stock, excluding departmental wagons and brake vans). | available for traffic (Col. 4 minus average number ordered or awaiting repair during the year).* |  |
| 1                  | 2       | 3  | 4  | 5  | 6  |
| N.-W. . .          | 1926-27 | 2,877,931                                  | 30,110   | 28,454   | + 302  |
|                    | 1927-28 | 3,090,145                                  | 31,218   | 29,743   | +1,108   |
| E. I. . .          | 1926-27 | 6,012,850                                  | 52,519   | 50,001   | —226   |
|                    | 1927-28 | 6,286,570                                  | 50,939   | 47,916   | —1,580   |
| E. B. . .          | 1926-27 | 531,458                                    | 8,437  | 7,969  | —2   |
|                    | 1927-28 | 577,209                                    | 8,414  | 8,125  | —23  |
| B. N. . .          | 1926-27 | 2,389,540                                  | 24,147   | 22,263   | +242   |
|                    | 1927-28 | 2,706,322                                  | 23,989   | 22,091   | —158   |
| M. & S. M. . .     | 1926-27 | 731,795                                    | 5,553  | 4,940  | +60  |
|                    | 1927-28 | 794,787                                    | 5,535  | 5,287  | —18  |
| G. I. P. . .       | 1926-27 | 2,748,726                                  | 21,843   | 20,809   | +216   |
|                    | 1927-28 | 3,006,265                                  | 20,518   | 19,635   | —1,325   |
| B., B. & C. I. . . | 1926-27 | 935,198                                    | 10,892   | 10,554   | +351   |
|                    | 1927-28 | 961,924                                    | 10,816   | 10,528   | —76  |

\*Number of wagons lent or transferred for other purposes is not separately available.

## BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table copies of a Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, which was passed by the Legislative Assembly at its meeting held on the 16th March, 1929.

## MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

SECRETARY OF THE COUNCIL : Sir, the following Message has been received from the Legislative Assembly :

"I am directed to inform you that the Legislative Assembly have, at their meeting held on the 16th March, 1929, agreed without any amendments to the Bill further to amend the Presidency-towns Insolvency Act, 1909, for a certain purpose, which was passed by the Council of State on the 19th February, 1929."

## RESOLUTION RE JURY TRIALS IN CASES OF SEDITION.

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY (East Bengal : Non-Muhammadan) : Sir, I beg to move the Resolution which stands in my name. It runs as follows :

"This Council recommends to the Governor General in Council to take steps to have the criminal law so amended as to make jury trial compulsory in cases of sedition."

In England the courts presided over by the Justices of the Peace are known as Petty Sessions. They can impose punishments only to the extent of a small fine or a maximum of three months' imprisonment. By the Summary Jurisdiction Act, 1879, section 17, sub-section (1), a person when charged before a court of summary jurisdiction with an offence in respect of the commission of which an offender is liable on summary conviction to be imprisoned for a term exceeding three months and which is not an assault, may on appearing before the court, and before the charge is gone into, claim to be tried by a jury and thereupon the offence shall, as respects the person so charged, be deemed to be an indictable offence. But the law in India debar any person from claiming a trial by jury in respect of such offences, in cases which are not triable exclusively by the Court of Sessions. Moreover, in criminal cases in England the law places a twofold barrier of a presentment and a trial by jury between the liberties of the people and the prerogative of the Crown. Every accusation for treason or felony is preferred to, and if found true, presented to the court upon oath by a grand jury, whereafter, the actual trial takes place before the petty jury. In the case of misdemeanours only the Crown can proceed by information instead of by indictment. Trial by jury in England, therefore, is a system in which the community undertakes the duty of prosecution and it has therefore been described as "the most democratical of juridical institutions, the cherished bulwark of English constitutional liberty".

"Historical writers",

says D. G. E. Hall in his English Constitutional History,

"are probably amply justified when they affirm that the use of the jury system which means the co-operation of ordinary men, in the securing of justice, was the real beginning of self-government among us."

In his History of Trial by Jury, Forsyth says :

"If Englishmen are distinguished for one moral feature, more than another, it is, I think, a love for fair play and abhorrence for injustice. Now the very essence of jury trial is its principle of fairness. The right of being tried by his equals, that is, his fellow-citizens, taken indiscriminately from the mass, who feel neither malice nor favour, but simply decide according to what they believe to be the truth, gives every man a conviction that he will be dealt with impartially, and inspires him with the wish to mete out to others the same measure of equity that is dealt to himself."

Speaking of the jury system Taqquille said :

"The jury serves to imbue the minds of the citizens of a country with a part of the qualities and character of a judge, and this is the best mode of preparing them for freedom. It spreads amongst all classes a respect for the decisions of the law ; it teaches them the practice of equitable dealing. Each man in judging his neighbour thinks that he may also be judged in return. \* \* \* It teaches every man not to shrink from responsibility attaching to his own acts and this gives a manly character without which there is no political virtue. It clothes every citizen with a kind of magisterial office, it makes all feel that they have duties to fulfil towards society, and that they take a part in its government. \* \* \* It is a school where the laws are taught him in a practical manner and are brought down to the level of his apprehension by the efforts of the advocates, the instructions of the judge and the very passions of the parties to the case."

It is thus a political institution of the highest value.

"It is to trial by jury",

says Lord John Russell,

"more than even by representation as it at present exists, that the people owe the share they have in the government of the country ; it is to trial by jury also that the government mainly owes the attachment of the people to the laws ; a consideration which ought to make our legislators very cautious how they take away this mode of trial by new, trifling and vexatious enactments."

I need not dilate any further on the merits of the jury system. Generally it has been accepted by almost all civilised countries and is prevalent in India also, but in India, as well as the continental countries of Europe, the Government have endeavoured to retain some influence over its decisions by entrusting the formation of the primary lists of jurors to their own officers. Not only this, the continental countries have by the establishment of Droit Administratif, and the Government in India by keeping the administration of criminal justice within the control of the executive, made the trial of cases in which the Government of the country is concerned almost a farce. Dicey in his Law of the Constitution observes :

"It is difficult for an Englishman to believe that at any rate where politics are concerned, the administrative courts can, from their very nature, give that amount of protection to individual freedom which is secured to every English citizen and indeed to every foreigner residing in England."

"It is no light matter,"

says Forsyth,

"in a constitutional point of view. Political grievances are really often of far less importance than judicial. Liberty becomes valueless when the very fountains of justice are poisoned."

"Freedom of the press, Sir, all justly "prize as one of the first blessings of society" and it is chiefly indebted in free countries "to the jury for its vigorous existence". "Every state trial for seditious libel," says Forsyth,



[Mr. Kumar Sankar Rây Chaudhury.]

"is an appeal from the Government to the people". And the verdict of the people is final in England, for up till 1907, there was no appeal to any higher court from it and even then the High Court, which has been authorised to hear criminal appeals, can only either modify the sentence or quash the original verdict. It cannot order the retrial of a case. That right of appeal to the people, Sir, has been denied to us by making sedition cases under section 124A of the Indian Penal Code triable by magistrates without a jury, while the rest of the sections in that Chapter of the Code provide for a trial by jury alone. Sedition cases, I may venture to submit, are cases which juries are most competent to try. They arise mostly in urban localities, where intelligent jurors are available, their trial involves the construction of documents simply and where they are in the vernacular language, the jury are far more competent judges of their meaning than foreign judges who are often illiterate so far as the vernacular languages are concerned, and have therefore to rely upon the verdict of oral testimony of witnesses, without any responsibility attaching to it as in the case of a verdict of the jury. No complaint has been hitherto made, as was done in Ireland, that the jurors are averse to conviction. Even if that were so, the fault could not be laid at the door of the jury system, but to the fact that

"Self-government is practically unknown, centralisation swallows up and absorbs all freedom of local action; the Government stretches out its polypus arms in every direction, and hardly anything is too minute and unimportant for its grasp; the people do not manage their own affairs, but are treated like children fit only to be under tutors and governors"

and

"the consequence will be that the executive will be made responsible for every real or imaginary evil; discontent at its measures will smoulder in the hearts of the people and the riot of a mob will lead to the overthrow of a throne".

I shall now conclude my remarks with the following observations of Dr. Johnson :

"The more contracted power is, the more easily it is overthrown. A country governed by a despot is an inverted cone. Government cannot be so firm as where it rests upon a broad basis gradually contracted."

I commend my Resolution to the acceptance of this House.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative) : Sir, I wish to support this Resolution. On the general considerations of jurisprudence and history which my friend has dwelt upon I do not wish to speak. But I shall deal with that aspect of the question which relates to the administration of justice. Sedition trials so far as India is concerned, and in England also from what I have read, consist of this—either a man has published an article or has made a speech which it is alleged has brought Government into contempt or something of that kind. The offence itself is very difficult to define. In the old books which I studied as a student it was stated that no definition could be given. If any 13 people true and good agree that something is good then that is good; if the 13 people do not agree that something is good then it is bad. That is the kind of definition which we were given, though there was quite a large literature on the subject. I shall concern myself with what happens in India. I have been associated with four or more

sedition trials myself—defending in each case and never offending. What happens is that an article is published. It is not denied that the newspaper has published it; the editor admits that he has published it and the accused admits that he wrote it. So there is no question of fact to be determined. The question to be determined is, what is the meaning of the article? On that the whole dispute rages. I remember that in a notable case in Bombay the meaning of a particular passage was in dispute. The prosecution produced the Oriental Translator and we cross-examined him. Unfortunately he was not a Sanskrit scholar and so he got into a great mess. Then they wished to call Sir R. G. Bhandarkar, whose pupil I was, and the position became awkward. Fortunately he was not called and then a third person was produced. Unfortunately in that case the jury, with the exception of one Indian, was composed entirely of Europeans. The Indian jurymen said it was not sedition but all the rest said it was sedition and the verdict of the majority was accepted. But whatever happened in that case, the point I wish to bring to the notice of this Honourable Council is that the question to be determined in these cases is not one of fact but of the interpretation to be put upon the expressions used, and the interpretation which they bear cannot be determined by the evidence of people, because different people will give different meanings to the same expression. But if the jury do not speak the same language as that employed in the offending article or speech, they have to depend upon translations. It is well known that words in their own setting convey one meaning, but if they are translated into another language they often convey a different meaning, and many phrases cannot be translated at all. In this way great difficulty arises. If you have studied sedition trials as I have studied them, you will know that the Judge has often found himself in great difficulty as to the interpretation to be put upon the offending words. To meet that difficulty the English law provides that a sedition trial should always be held before a jury. Of course there everybody speaks the same language and the interpretation which can be put upon words is not a matter of such difficulty as it is in this country. Here, therefore, it is much more essential that the suggestion conveyed by the words used should be interpreted by the people whose language it is. The true meaning and significance of the words is much more likely to be apparent to them than to anybody else. In the circumstances prevailing in India also you cannot always ensure that the trying magistrate will be a person who speaks the language in which the accused has used the offending expressions. And even if he does happen to in one court, in the next court to which the case goes the presiding Judge probably will not know the language. The Sessions Judge for instance probably speaks nothing but English; and then in the High Court the case may go before a body of persons who probably do not know anything about the language at all. That is how great difficulty arises. In a case of printed libel or sedition I say that there should be not one person but 10 persons to say what the meaning of the words is. If 10 persons sitting together agree that the suggestion carried by the words is productive of injury to the State, or brings Government into contempt, or is in any way improper, then I agree that the accused should be punished, but not otherwise. In a case of sedition alleged to have been contained in a speech, it often happens that the speaker admits that he made the speech, and sometimes admits the correctness of the extracts complained of, but he denies the connection in which he used the extracts and he affirms that the whole context does not bear out what the isolated passage by itself may be considered to mean, and on that a fight ensues. And how is that to be determined? It can only be determined by people who know the language and can fit in the extract and study it with reference to the context as a whole. Therefore it comes to this, that in sedition

[Mr. G. S. Khaparde.]

trials there is no question of fact to be decided. The sole question is, what does the offending passage mean? That meaning cannot be made clear with the help of a dictionary, because no dictionary of a spoken language can be up to date. The meaning and suggestiveness of words change from day to day. And this also can never be determined by the calling of evidence, because even people who know the language may be biased by the view of the side on which they appear and people on one side will take one view and people on the other another view. For instance, there is a notable trial going on in Delhi in which 12 learned people have been called on one side and another set of 12 on the other side and they are disputing over the interpretation to be put upon certain passages. Therefore, to really judge the meaning of a passage you must get 10, or 13 as in England, disinterested people who know the language to come to a decision. I speak purely from an administrative and judicial point of view, not at all from the racial or the legal point of view or even from the point of view of jurisprudence. I therefore submit that sedition is an offence pre-eminently fitted for being tried by a jury; it cannot be correctly tried by any other means and in England it has always been tried with a jury. In India also I believe—I was not able to verify it this morning—originally it got dropped out of the Penal Code by some oversight which we do not now understand. Then it was introduced and when it was introduced it was made a jury offence and tried by juries in Presidency-towns, and in the mofussil with the aid of assessors. Then it was latterly that the third enactment came in and then the offence was made triable by specially qualified magistrates and now it has been made triable by first class magistrates. I humbly submit that I always think that it is a mistake and it is neither fair to the magistrate, nor fair to the accused, nor fair to anybody. How could one poor man give an opinion as to what impression it will produce on the public generally? One word may convey one meaning to you and another meaning altogether to me or to a different person, and it puts a man in an unfair position if he is to say that the whole world will consider it in this way. Poor magistrates get into a bad position; I do not say that justice miscarries, but justice is not done in that sense in which it should be done. Not only should magistrates do the right thing but the world should be convinced that they are doing the right thing. Unless these conditions are fulfilled, justice will not be done. I therefore heartily support this Resolution. I hope that early steps will be taken to carry it out. Newspaper readers are aware that in Bombay there was a sedition trial and the accused prayed that the case should be sent to the High Court and the magistrate declined to do so. Then the accused took it to the High Court and ultimately the High Court decided that the case should be submitted to the High Court. Naturally, if I am to be tried I should prefer to be tried by a jury, where 10 people agree to one opinion or not, whereas in the case of a magistrate he is called upon to decide the case and very likely he is a man who does not speak that language in which the accused spoke. On these grounds, therefore, Sir, I heartily support this Resolution.

THE HONOURABLE MR. H. G. HAIG (Home Secretary): Sir, the Resolution before the Council recommends that the law should be amended so as to make jury trial compulsory in cases of sedition. The case put forward by the Honourable the Mover rests on the assumption, or I might say on the assertion, that jury trial in itself is something superior to any other form of trial. Well, Sir, had the Honourable the Mover been English I should not have been surprised at that assertion. Trial by jury is essentially an English institution. It

rests on—I think it has developed perhaps from—that respect for the opinions and the judgment of the average man which lies at the root of much of the strength as well as much of the weakness of our British national institutions. We are a conservative people and we are apt to say that our institutions are the best in the world ; they have made us what we are ; and not only are they best for us but they are best for every body else. That is another perhaps of our national characteristics. But no Briton could have put it more strongly than my Honourable friend the Mover who recited a fervent panegyric on the merits of the system of trial by jury. I suggested recently, Sir, in this Council that in India we might claim to think for ourselves, that we need not always assume that an institution which works well in England must necessarily be the best for India ; and this seems to me to be a case in point. What we are concerned with is not any question of political privilege or status but the effective administration of justice, and I submit, Sir, that there is more than one method by which justice may be effectively administered in different countries. The system, I admit, has on the whole worked well in England, but I think it is really based on a different theory of the administration of justice to that which prevails in India. As I understand it, the principle for deciding criminal cases of importance in England was that there should be one single and final decision. Now, to put the responsibility for such a single final decision on one man might naturally be regarded as going too far. The judge was assisted by a jury, but the decisions of that jury were to be final. Now here, as an eminent authority Sir James Stephen pointed out, we proceed on a totally different principle. Referring to the whole of the Indian criminal procedure he said the very essence of it is control and supervision by one set of courts over another. We do not put the final responsibility on an individual. We provide for an elaborate system of appeals and the result of that different theory of administration of justice, it seems to me, is that when an attempt was made to adopt the English system and to introduce trial by jury into India we did not really introduce the English system of trial by jury. The decision of the jury was by no means final ; the jury did not have to be unanimous ; we had the system of decision by a majority ; we had the provision that the High Court can upset and reverse the decision of a jury. That, Sir, is not the English system, as I understand it, and consequently though trial by jury was introduced in imitation of the English law, I maintain that it has never really fitted in with our system of criminal administration in India, and that is why it has never been a normal part of our machinery. It has been, looking at the country as a whole, an exceptional and an experimental procedure and it has been left to Local Governments to introduce this experiment where local conditions appeared to justify it. The local conditions which have generally been held to justify such an experiment are that there should be an ample supply of intelligent and public-spirited citizens and that the cases referred for the decision of the jury should be those in which the members of the jury are likely to be free from prejudice, political, racial, communal and social.

The Honourable Mr. Khaparde in recommending an extension of the system of trial by jury gave us a story which I thought provided an excellent argument against the system. He told us of a case in which a jury consisted of 7 persons, 6 of whom were Europeans and one was an Indian and the 6 Europeans were unanimous for conviction and the one Indian was for acquittal. The implication is, Sir, that the jury did not give a fair verdict but that its verdict was coloured by its prejudices.

**THE HONOURABLE MR. G. S. KHAPARDE :** That was not my implication at any rate.

THE HONOURABLE MR. H. G. HALG : Well, I am sorry, Sir, if I have attributed to the Honourable Member a meaning which he did not intend to convey, but that was what suggested itself to me as the moral of his story.

I do not want to labour the point that the jury system has not universally or even generally been found very successful in India. I could quote the opinions of various Judges of the High Court on the subject but I do not want to go into the matter. Now, Sir, the Honourable the Mover proposes that this system should be made compulsory, that is to say, in all places, in the case of one particular offence. He does not consider apparently whether it would be possible to secure a suitable jury in all places, whether the system would be suitable for application in all places. Nor have I fully understood why this particular offence should be regarded as always suitable for trial by jury. The Honourable Mr. Khaparde explained that it was a question of judging words. I have always understood that the law of sedition is a complicated matter, that it is more than the mere general impression—this is seditious, this is not seditious. That is not really the system under which we endeavour to reach decisions in criminal cases in this country. I do not know whether the Honourable the Mover would be anxious to see section 124A abolished from the Code. I hope not. But if we maintain it in the Code we must ensure that cases under this section are tried in the most effective way and we must remember that the object of the criminal law is that the innocent should be acquitted and that the guilty should be punished. I cannot persuade myself that those objects are likely to be attained with any more certainty or with as great certainty by a system of jury trials as they are under the system which at present prevails, where a case is tried either by a magistrate or by a Court of Session sitting with the aid of assessors and there is an appeal and the matter goes up eventually to the High Court where it is adjudicated upon by those whose opinion is the most authoritative on these subjects in India.

Sir, I maintain that no case has been made out for the action suggested and I trust that the Council will reject this Resolution.

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY : Sir, I beg to submit that the Honourable the Government Member has not been able to meet my arguments quite fully. He admits that the law of jury trials has worked very satisfactorily in England but he does not say whether it has done so in India or not. On the contrary he says that the introduction of the system of trial by jury has been left to the Local Governments to be extended. And so far as I am aware, my information is that it is being gradually extended and trial by assessors is being replaced by trial by jury in the provinces. So there is no doubt about trial by jury being satisfactory in this country. My Honourable friend then said that the trial by a magistrate is subject to an appeal to the High Court and can be revised by the High Court. Is there no appeal against a trial by jury also provided in the Criminal Procedure Code ? And I am not asking this House to abolish that appeal.

Then my Honourable friend said that the jury are not likely to give a verdict of conviction in cases of sedition. If the public are so perverse, I think the blame ought to lie on the Government for initiating harassing seditious trials. That was the case in Ireland, as I have already pointed out in my opening speech, and the state of Ireland had to be attended to and remedied before that defect could be cured, and unless similar remedies are adopted here, the state of things will go from bad to worse.

Then my Honourable friend said : Why should this particular offence be made triable by jury ? It is not a question of this particular offence being

made triable by jury. It is a question why this particular offence should be excluded from the provision of a trial by jury. The whole Chapter, beginning from section 121, provides a trial by jury. It is only section 124A which is excepted. So it is not a question of making only this particular offence triable by a jury. It is rather the contrary. This section has only been excepted from the operation of a trial by jury while all the other sections of the Chapter are made triable by jury. These, I think, are all the points that were raised by my Honourable friend, Mr. Haig, and I submit that they have no substance in them.

THE HONOURABLE MR. H. G. HAIG : Sir, my Honourable friend challenged me to give reasons why I maintain that the system of trial by jury was not universally successful. I said I did not want to go into this matter, but as he has made a point of my not developing it I should like just to read out certain extracts from a debate which took place in the United Provinces Council in the year 1916, in which the opinions of certain Judges of the High Court were quoted. One distinguished Judge observed :

"It has always seemed to me that the jury system fails just where we require assistance. In simple cases, where the accused are men of low caste or position, juries may be trusted to return reasonable verdicts ; but as soon as you have either a complicated case or a case in which the accused are men of position, the system breaks down."

Another Judge of the High Court observed that the system failed in cases complex in nature or tinged with politics or racial or religious or social strife. That is really my case for maintaining *prima facie* that this is not a suitable class of case for trial by jury.

One other point raised by my Honourable friend was that this was the only offence in that particular Chapter of the Indian Penal Code which was not triable by jury. I do not think that that is exactly the right way of putting it. This is the only offence in that Chapter which can be tried by a magistrate. There is nothing to prevent such an offence being tried by a Sessions Judge if the magistrate commits it to him, and there is nothing to prevent, when the case comes before the Sessions Judge, if the system of trial by jury is . . . . .

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY : Can the magistrate be compelled to commit him to the Sessions ?

THE HONOURABLE MR. H. G. HAIG : No, Sir. That is not our system. The magistrate exercises his own discretion.

THE HONOURABLE SETH GOVIND DAS : That is the defect of the system.

THE HONOURABLE MR. H. G. HAIG : The reason presumably why this particular section is triable by a magistrate while other sections in the same Chapter are triable only by a Court of Session is that this is in that particular class of offences the least serious, and I think, Sir, that is a sufficient answer.

THE HONOURABLE THE PRESIDENT : The question is :

"That the following Resolution be adopted, namely :

'This Council recommends to the Governor General in Council to take steps to have the criminal law so amended as to make jury trial compulsory in cases of sedition'."

The Council divided :

AYES—13.

Desika Chari, The Honourable Mr. P. C.  
Govind Das, The Honourable Seth.  
Jaffer, The Honourable Sir Ebrahim  
Haroon.  
Khaparde, The Honourable Mr. G. S.  
Manmohandas Ramji, The Honourable  
Sir.  
Muhammad Hussain, The Honourable  
Mian Ali Baksh.  
Ram Saran Das, The Honourable Rai  
Bahadur Lala.

Rampal Singh, The Honourable Raja  
Sir.  
Ray Chaudhury, The Honourable Mr.  
Kumar Sankar.  
Sethna, The Honourable Sir Phiroze.  
Sinha, The Honourable Mr. Anugraha-  
Narayan.  
Suhrawardy, The Honourable Mr. Mah-  
mood.  
Zubair, The Honourable Shah Muham-  
mad.

NOES—23.

Akbar Khan, The Honourable Major  
Nawab Mahomed.  
Akram Husain Bahadur, The Honour-  
able Prince A. M. M.  
Basu, The Honourable Rai Bahadur  
Suresh Chandra.  
Braidwood, The Honourable Mr. H. L.  
Burdon, The Honourable Mr. E.  
Charanjit Singh, The Honourable Sardar.  
Chettiyar, The Honourable Raja Sir  
Annamalai.  
Clayton, The Honourable Mr. H. B.  
Commander-in-Chief, His Excellency  
the.  
Froom, The Honourable Sir Arthur.  
Graham, The Honourable Mr. L.

Habibullah, The Honourable Khan  
Bahadur Sir Muhammad.  
Haig, The Honourable Mr. H. G.  
Harper, The Honourable Mr. K. B.  
Irving, The Honourable Mr. M.  
Maqbul Hussain, The Honourable Khan  
Bahadur Sheikh.  
McWatters, The Honourable Mr. A. C.  
Muzammil-ullah Khan, The Honourable  
Nawab Sir Muhammad.  
Symons, The Honourable Major-General  
T. H.  
Thompson, The Honourable Sir John.  
Umar Hayat Khan, The Honourable  
Colonel Nawab Sir.  
Wacha, The Honourable Sir Dinshaw.  
Weston, The Honourable Mr. D.

The motion was negatived.

## RESOLUTION *RE* LEADER OF THE INDIAN DELEGATION TO THE LEAGUE OF NATIONS.

THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muham-  
madan) : Sir, I beg to move the Resolution that stands  
12 NOON. against my name, namely :

"This Council recommends to the Governor General in Council that he be pleased to make a strong representation to the Secretary of State that in order to give practical effect to the admitted principle that there is no bar to an Indian leading the Indian Delegation to the League of Nations, this year's Delegation be led by an Indian."

This is my hardy annual, and I can only express the hope that this time at least the authorities in whose hands lies the appointment of members of the Indian Delegation to the League of Nations will show sweet reasonableness, and that in consequence the necessity will not arise of again knocking at the door until it is opened. The House is familiar with the history of this question, and I shall not trouble it with a statement of facts which it knows so well. I shall only refer to the debate that took place last year on the subject. The Resolution I moved a year ago was very wide in its scope. It urged that Indian representation not only on the League of Nations but also on other Imperial or International Conferences should be by a delegation predominantly Indian and led by an Indian. Honourable Members will remember that the position,

of Government on the Resolution was explained not as before by the then Honourable the Law Member, the late Mr. S. R. Das, but by the Honourable Mr. Haig, the Home Secretary. He asked me not to divide the House on the Resolution but to withdraw it. I expressed my willingness to do so, provided he gave the House the assurance that the Government of India had put forward our claim very strongly, had, in fact, done their very best to support our demand, and that the responsibility for a different decision rested not with them, but with the Secretary of State who was the ultimate authority to decide the matter. Let me quote what I then said :

"I am perfectly agreeable that if Mr. Haig tells me that there is even a likelihood that the next Delegation to at least the League of Nations is to be led by an Indian, I am prepared to withdraw my Resolution here and now. I know he cannot bind himself, but if he will assure me that an honest endeavour has already been made or will be made this year by the Government of India, if he tells me that they will put forward the claims of Indians, if he is prepared to assure me in this House to-day that so far as the Government of India are concerned, they have once again put forward our claim very strongly and that the decision is left to the Secretary of State, I am prepared to withdraw my Resolution, but not otherwise."

I even went further to meet the Home Secretary. I said :

"If the Honourable Member will tell us on behalf of the Government of India that they have made a strong representation to the Secretary of State that the Leader of the next Delegation to the League of Nations will be an Indian, I shall be content."

This will prove to the House how moderate was my demand, but Mr. Haig was unable to give any such assurance and meet moderation and reasonableness on my part with moderation and reasonableness on his.

In his speech in reply to the debate last year the Honourable Mr. Haig repudiated the proposition that the ablest men—men competent enough to lead the Delegation to the League of Nations and other Delegations—were never to be found among Indians. It was very nice of my Honourable friend to have made that repudiation, and we are all grateful to him for his vindication of our fitness to fill such an important and responsible rôle as that of a leader of such Delegations as that to the League of Nations and other International bodies. But what satisfaction can this repudiation give us when we remember the cold fact that hitherto, though so many sessions of the Assembly of the League of Nations have been held, not even once has an Indian to whose merits Mr. Haig has thus paid a theoretical tribute been chosen to lead the Delegation? What can mere academic appreciation, however flattering it may be to us, avail when in practice, our merits and claims are refused recognition and our representatives are made to play second fiddle? I do hope that Mr. Haig does not think that we are such simple minded people—that sweet words will please us and do duty for what is really necessary by way of action. Mr. Haig further said that Government must be free to select those for leadership whom for the particular purpose in view and at the particular time it might hold to be best suited. It is very curious that the freedom which Mr. Haig claims for Government has never yet been exercised in favour of an Indian. Evidently he thinks, and the Government he represents think, that during the past so many years, no purpose has been in view, no time has arisen, for an Indian being considered as the best suited. If there has been no such purpose and no such occasion, one wonders what purpose India's membership of the League of Nations is designed to fulfil. I cannot help saying, Sir, that Government have yet to prove their *bonâ fides* in the matter, and if the real truth is to be told, they are influenced by their bias in favour of a Britisher. The real trouble is that they cannot shake off the old prejudice that an Englishman, whoever he may be, is intrinsically superior to an Indian, however able and



[Sir Phiroze Sethna.]

eminent the latter may be, and that their decisions are due to this prejudice and also to the feeling of racial prestige which is so difficult for an Imperial people to overcome, however vehemently they may declare that no such prejudice and no such feeling really affects their policy.

In my previous Resolutions on this subject my complaint against Government has been that it has till now never appointed an Indian to head a Delegation either to the League of Nations or to any of the International or Imperial Conferences. To-day I go further and say that Indian Delegates to the League of Nations are not entrusted with work which should be given to them, but from which either deliberately or otherwise Government has so far excluded them. I will now explain what I mean. Indian Delegates do not grudge to do their share of work. It is well known that Sir C. P. Ramaswami Aiyar and Sir Basanta Kumar Mullick, who were Substitute Delegates in 1926 under the leadership of Sir William Vincent, did perhaps the bulk of the work that was done by the Indian Delegation in that year. Yet it is very remarkable that even these two gentlemen I have named, whose ability and efficiency are unquestioned even in the opinion of Government themselves, were not nominated to those Committees, the work of which related to Disarmament or related to purely political questions. All such work was entrusted to the Leader, Sir William Vincent, and to Sir Edward Chamier. That being so, it was not possible for the Indian members of the Delegation to be in touch with the main work for which the League was brought into existence, although it cannot be denied that such work as was originally contemplated has been thrown into the background and the humanitarian aspect has been augmented and emphasised. On previous occasions I have referred to criticisms offered at the League by representatives from different parts of the Empire in regard to Indian members of the Delegation from India being given a back place and have quoted such criticisms. Even in 1926 the representatives of almost every other nation felt the incongruity of the Indian Delegation being led by a non-Indian, and the delegates from the Dominions, especially Ireland and Canada, were loud in their expressions of dissatisfaction. I will repeat to-day what I have said before that Sir William Vincent proved a very good Leader and I will also add that on a particular occasion our Delegation with his active support differed from the delegates of Great-Britain itself in regard to the discrimination sought to be made between European-owned and other ships relating to the right of search.

The House will remember that on previous occasions we have been told that Indian Princes, if they are members of the Delegation as they often are, would not like to be led by an Indian who is only a commoner. Surely the answer to this is obvious, namely, that there cannot be any objection to an Indian Prince leading the Delegation provided such a Prince is capable enough to be appointed the head of the Delegation, I am sure such Indian Princes as the Maharaja of Patiala, the Jam Sahib of Nawanagar or the Maharaja of Bikanir would prove most excellent leaders. (*An Honourable Member*: "The Nawab of Bhopal".) He may be.

Take the year 1927. Sir Fazli Hussain and Sir Basanta Kumar Mullick were Substitute Delegates and Sir C. P. Ramaswami Aiyar, who in the previous year was similarly a Substitute Delegate, was advanced to the position of one of the three Delegates. The head of the Delegation in 1927 was Lord Lytton. I believe I am not wrong when I say that not only Lord Lytton himself, but the League officials full well realised that because Sir C. P. Ramaswami Aiyar had been in Geneva in the year previous he had far greater knowledge of the

problems than any of his other colleagues. It is not surprising therefore that the work of the Delegation fell mainly on the shoulders of Sir C. P. Ramaswami Aiyar and yet, although perhaps he bore the brunt of the work, he was left out completely from the work of both those Committees which dealt with questions of Disarmament and which dealt with political questions in general. I ask Government if that was intentional or otherwise. Without any satisfactory reply from them, the Indian public cannot be blamed if they doubt the intentions of Government.

Again, I ask Government if it is not within their knowledge that criticisms were openly made at Geneva why an Indian of the standing, position and capability of Sir C. P. Ramaswami Aiyar should not have been chosen as the Leader in 1927 when he had served, and served so efficiently, as a Substitute Delegate in 1926. This wonder was intensified because Sir Atul Chatterjee's Presidentship of the International Labour Conference was attended with such signal success.

One of the factors which militates against Indians inevitably becoming Leaders of the Delegation is the discontinuity of the personnel. Every other country sends practically the same men year after year, and it is well known that personal touch and mutual acquaintanceship are of the utmost value in the discussions and decisions at the League. India alone changes the Delegates practically year after year. If Sir C. P. Ramaswami Aiyar and Sir Basanta Kumar Mullick attend the League not twice, as they have done till now, but say for three or four years in succession, it would be impossible to pretend that anybody else could lead the Delegation better. It has been sometimes suggested that the change of personnel is really due to the realisation of this factor.

This Council has discussed this particular Resolution in one form or another so often by now that I can hardly add anything further to the arguments that have been previously advanced. Much water has flowed under the bridges even after I brought up this Resolution a year ago. Lord Birkenhead is no longer the Secretary of State for India. He has always been regarded as a man of great ability, but oftener than not great ability in such persons perhaps proves a source of trouble and misfortune to those he has to deal with. Lord Birkenhead's successor, Lord Peel, is credited with solid common sense, and I sincerely hope that in this particular matter Lord Peel will display the same good sense that he has shown in regard to the question of an independent Secretariat for the Legislative Assembly.

One word more and I have done. I fully realise that the acceptance of my Resolution will raise a question of the status of the Indian States' representatives on the Indian Delegation to the League. A suggestion has been made in certain quarters that the Indian Princes should seek separate representation at the League Assembly. Far be it from me to intend or desire such a situation arising out of my Resolution. I stand now, as I have always stood, for an honourable federal relation between Indian States and British India, and I appeal to the Indian Rulers, in the interest of our common Motherland, to stand united with us before the nations of the world. This can and should be secured by providing opportunities for representatives from both sides of India to lead the Indian Delegation by turns. In that view, as the mover of the Resolution, I would welcome a progressive Indian Prince from amongst the leaders of the Princes' Chamber leading the Indian Delegation this year, provided the Indian States agree to a British Indian leading next year, and so on.

Sir, I commend my Resolution to the House.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to congratulate my Honourable friend Sir Phiroze Sethna on his bringing this Resolution in this Council for the fourth time. I beg to support the line of argument so ably advanced by my esteemed friend the Mover. So far, the Leader of the Indian Delegation to the League has not been an Indian, and this has placed an undesirable ban of inferiority on our country in the Council of the World. I am confident, Sir, that His Excellency the Viceroy will lend his powerful backing to the elimination of this omission. I also feel that in the best interests of the country the Leader of the Indian Delegation should alternately be a progressive Indian Prince, and I would appeal to all Honourable Members who may speak after me to realise and emphasise this point of view. Such a gesture is necessary at this stage to secure that closer federal relation between the Indian States and British India which all true friends of India look forward to. As remarked by the Honourable the Mover, Sir, the selection alternately of an Indian Prince will save us from another bone of contention amongst the political and communal groups in the country, and I would appeal to the Government not to detract from the chance of securing the unity which is being striven for in the country at the moment by introducing any fresh element of discord. To avoid that, the selection of an Indian Prince would be an invaluable asset. Most of our Princes have traditions of tolerance amongst all classes of their subjects, and it can be truly said that they belong to no community and that they belong to all communities. As such I support the suggestion that a progressive Ruling Prince from amongst the leaders of the Chamber of Princes may be selected this year to lead the Indian Delegation. I beg to suggest the name of His Highness the Maharaja of Patiala, the able Chancellor of the Chamber of Princes, for selection this year.

With these remarks, Sir, I strongly support the Resolution.

THE HONOURABLE MR. L. GRAHAM (Secretary, Legislative Department) : I should like to congratulate the Honourable the Mover, Sir, generally on the tone of his speech, and, if I take exception to one passage, I think on the whole, when he observes the nature of the exception which I take, he will probably agree with me. He took objection to the lack of continuity in the personnel of our Delegations. If he only knew the difficulty which we have experienced in securing continuity—an object for which we have consistently striven—I think he would not have made that criticism so lightly. But, Sir; when he proceeded to insinuate that we had deliberately avoided continuity in order to prevent an Indian from acquiring such capacity and experience as would make him obviously the man to lead the Delegation, I say, Sir, that I must most emphatically repudiate that insinuation and I trust, Sir, he will withdraw it after what I have said.

“ The Honourable Member did not take the House into the history of this Resolution and I do not propose to do so either. I am glad to note that he has not on this occasion charged the Government with deliberate breach of faith. Possibly he remembers what my Honourable friend, Mr. Haig, said to him last year when he pressed that charge against the Government. I am particularly interested, in the course this debate has taken so far, in the change of mind which seems to be animating my Honourable friend, and what particularly struck me was his suggestion that we should find the solution of our troubles in appointing one of the Indian Princes who has previously not been on the Delegation to lead a Delegation. I shall have a word to say about that later, Sir. There are one or two points of detail which I should like to take up before making a definite statement on this subject. I think it is rather

hard on the Government representative that he should be expected to say without any notice why a particular member of the Delegation was not placed on Committee No. 3 or Committee No. 6 in the year 1926.

THE HONOURABLE SIR PHIROZE SETHNA : And 1927.

THE HONOURABLE MR. L. GRAHAM : That, Sir, is the sort of question for which one would be fully justified in asking notice. I have only brought with me the report of the Indian Delegation of 1928. The Committees to which my Honourable friend refers, so far as I remember, were the Committee which dealt with the reduction of armaments ; on this Committee I find the members were the Earl of Lytton and Sir Edward Chamier. I think I am right in saying that these two gentlemen were members of that Committee last year also : another instance of the advantage of continuity. Committee No. 6 was the other Committee to which I think he referred,—relating to political questions. I find that on that Committee in 1928 the members were His Highness the Nawab of Palanpur and Sir Venkata Reddy. Another grievance removed, I hope. Now again, talking of Sir Venkata Reddy, I should like to take this opportunity on behalf of Government of congratulating him on the services which he performed at Geneva last year. There is another case where our policy of continuity was frustrated by the demands of the Empire. Sir Venkata Reddy is now engaged elsewhere on work, I suppose, of even higher value and perhaps I shall not be charged with having sent Sir Venkata Reddy to South Africa in order to prevent his going back to Geneva.

Sir, the Honourable Member asked me to be sweetly reasonable. I think it is time I was, Sir. I should like to read out a statement. I am going to read it out because I attach great importance to this statement, a statement which does really amount to an offer. I think it meets the Honourable Member fully although it may not exactly meet the words of his Resolution. I would ask his very careful attention to what I am now going to read :

“The House will recall the announcement made by the late Mr. Das in the Council of State on the 24th of August, 1926, and the subsequent debate which took place on the 13th March, 1928, on a Resolution recommending that the Delegation should be predominantly Indian in its composition and led by an Indian. On this latter occasion the Honourable the Home Secretary pointed out that the Government must be free to select those whom they consider most suitable for the particular purpose in hand and that they cannot, therefore, bind themselves by any promise that the Leader would invariably be an Indian. To that policy Government must obviously adhere ; but since that debate, this matter has been continually in the mind of Government and I am authorised to state that in selecting the Leader for the coming session of the League of Nations, Government will make it their earnest endeavour to meet the wishes of the House by securing the services of an Indian who may worthily uphold the high traditions which previous Leaders of the Delegation have established. It must, however, be clearly understood that for subsequent years Government retain and will exercise full discretion to entrust the Leadership as may seem to them most appropriate to an Indian representative from British India, or to an Englishman or possibly to a Ruling Prince, though this last alternative would raise questions of a different nature which would require careful consideration.”

Now, Sir, the principle which underlies that declaration is that inevitably the Delegations from India will represent different sections, will in fact be a partnership, and the idea is that the partners should take it in turn to lead the Delegation. My Honourable friend, in his Resolution, asks us to make a strong representation to the Secretary of State that this year's Delegation be led by an Indian. That, Sir, is not precisely the procedure that we should follow. Our method is to suggest names to the Secretary of State as suitable members of the Delegation, and what we have undertaken to do this year

[ Mr. L. Graham. ]

in connection with this announcement which I have just made is to look for an Indian, to find an Indian whom we think suitable to lead, to secure his willingness to go and then to recommend to the Secretary of State that he should be No. 1 on the Delegation. The Honourable Member is fully aware that the title of 'Leader' is largely a courtesy title. The first delegate on the list leads the Delegation, and what we have really agreed to do is this. This is really an undertaking. We have agreed to do our very best to find an Indian who in our opinion will be suited to lead the Delegation and in sending his name home we shall ask that he should be the first delegate, in other words, that he should lead the Delegation. I trust, Sir, that the Honourable the Mover of the Resolution will admit that though this may not verbally meet his Resolution, it does meet it in spirit and that this undertaking of ours is one which he should certainly be ready to accept.

THE HONOURABLE MR. G. A. NATESAN (Madras: Nominated Non-Official): Sir, there have been two occasions in the Council of State when in a discussion upon this question I have had the privilege of taking part. Like my Honourable friend Sir Phiroze Sethna and others I was deeply disappointed at the attitude of Government, and it is now a matter of satisfaction that the Honourable Mr. Graham has just read out to us a declaration of policy which the Government of India will pursue in regard to the future. I should like to state at once that I hardly think this is the occasion when we should discuss which type of Indian should lead the Delegation, whether he should be a Prince, a representative of the people, or of this class or of that community. I am sure no suggestion will be made that anybody here is anxious to press the claims of any particular individual for occupying this position of distinction on behalf of India. But I should state that there is absolutely no doubt that if an Indian happens to go abroad, as I myself had the privilege of going and visiting England, Canada and America, undoubtedly questions regarding our political status and our political aspirations are put to us, and it is often with a sense of humiliation that we have to say that the tallest amongst us are not given the privilege of serving our country and the Empire in the manner in which they could do so worthily if only the opportunity were given. I will not stress this point further and I hope that, after this declaration of policy and after the attempt to find a suitable Indian, Government will not tell us that in the whole of this country, with all the best of Indian talent that has been available to the Empire in many directions and with all the encomiums that have been, if I may say so, bestowed upon people who have done honour to this country and to the Empire, Government have not been able to find this year an Indian suitable for this place. I have no doubt that if Government look about with anxiety and solicitude to see that the feelings of India in this matter are respected, they will be able to find the appropriate individual. Having regard to the very happy turn the discussion has taken, I only hope that this matter will not be pursued in the manner in which we were forced to do so in previous years and that this discussion will end in peace and satisfaction to all the people concerned.

THE HONOURABLE SIR SANKARAN NAIR (Madras: Non-Muham-madan): Sir, I find myself in disagreement with everybody who has spoken on the Resolution. India was a party to the Treaty of Versailles. She is entitled, therefore, to representation on the League of Nations, not for a formal purpose, but to take part in it as the other nations have been taking part. One of the main reasons for which the League of Nations was started, as stated

in the interim report to which the Honourable Mr. Graham has just referred, is to carry out arbitration, security, disarmament. This composite subject is generally regarded as the most important which the League has in hand. Now, Sir, there are various subjects which the League considers—economic, social, and various others, but this is the most important of them. Now, what has been the case? In 1926 and 1927, the years to which my friend referred, the representatives of India divorced themselves altogether from the others in so far as this subject was concerned. I speak from recollection, but I have no doubt that I am right. Lord Lytton and Sir C. P. Ramaswami Aiyar, who were the representatives of India at the League of Nations, said that India is only indirectly interested in the political problems like that of disarmament as their interests are in the charge of the British Delegation, and therefore they did not propose to take part, so far as India was concerned, in questions which referred to disarmament or arbitration or security, but would confine themselves to humanitarian questions. I regard that, for reasons which I shall presently refer to, as unfair to India. The reason is this. What is it that underlies all these questions of arbitration, security and disarmament? There is no use disguising it. It lies on the surface. So far as England is concerned, it is the fact that Russia is disseminating her revolutionary ideas, communistic and socialistic, all over the world, and in India in particular. Therefore, England does not like disarmament that might prejudice her. That has been plainly stated. In 1926 or 1927 Lord Cushendun, the Leader of the British Delegation, said that for the reason that Russia is spreading her revolutionary principles within the British Empire, England must take objection to the form in which the disarmament proposals had been put forward. Lord Cushendun did not refer to the other reason, but the other reason was put bluntly by Lloyd George and these are his words:

“There is one obstacle to acceptance by the great Powers which may be well called insuperable. France will ask herself whether she can hold Morocco and Algeria without an army; Britain will put herself the same question about India; Italy will have to consider the consequences in Tripoli, and America will also weigh the result upon her Dominion in the Philippines.”

I do not discuss the question whether England or India is right, but when that is the state of things it is but right that India should speak for herself. If she agrees with England in all her proposals about disarmament it must be an Indian representative who must at the League of Nations say that India agrees with England in all these proposals. If it is a question of the spread of Communism—we know that the Home Member referred to the spread of Communism in India when speaking the other day in the Legislative Assembly on the Public Safety Bill—if that is to be a reason against disarmament, England's Delegation speaking on behalf of herself and of India cannot carry the weight which an Indian representative in the League of Nations will carry if he says that we do not want the spread of Communism in India. But take the other reason, the ground on which Lloyd George has put it. The real reason for England refusing to disarm is, he says, her dominion over India. That is eminently a matter in which India should make her voice heard. Again, I do not say that India should speak with the same voice as England or with a different voice. But however it may be, on all these questions of disarmament and arbitration it is India who should state India's mind and that can really be done only by an Indian. I do not say that no Englishman could do it; but properly the man who should speak for India on these great questions should be an Indian. It may be on the side of England or, if it unfortunately happens that the Indian representative differs from England, then against England. But it is the voice of India which should be heard. India has a

[Sir Sankaran Nair.]

peculiar responsibility in this matter—if I am incorrect Mr. Graham will correct me. I believe that India is the only member who can represent the interests of all these mandated territories and those countries to which Lloyd George referred in his speech. There is nobody there to speak for all the countries which are under France, Morocco and Algeria, nor for the territories under Italy. There is nobody there who can speak for them as India can. Therefore, for all these reasons it is necessary that an Indian should go there to speak for India, and England should not speak for India. Whether India supports the views of England or whether she goes against the views of England, it is India herself who must be there to speak for herself. What weight will be attached to Lord Cushendun's words when he says, "I am speaking on behalf of India as of England" on all these questions of arbitration and disarmament? No weight will attach to them, for others will say, "That is not the voice of India". I therefore heartily support the motion—though for a different reason—that an Indian must speak there for India.

Then the question has been advanced, if an Indian is to speak it will not be a British Indian, it must be one of the Princes. I say that if the Indian Prince cannot be guided by a British Indian, even when the latter is superior, I say it is an argument which cannot be listened to for a moment, for the simple reason that we cannot recognize any distinction in a matter of this sort. Capacity and ability and suitability for the work to be done can be the only determining principle. It may be that there is an Indian Prince who could well represent India, or it may be there is a British Indian who could represent India better. But to say that when there is a British Indian who could represent India better than an Indian Prince, that even then the Indian Prince should be the spokesman is not right. From the interim report of the Commission compare the speech of the Nawab of Palanpur with the speeches of the other members of the Delegation—the speeches of Lord Lytton and of Sir Edward Chamier on these questions which are vital to India. Personally I prefer very much the speech of the Nawab of Palanpur to the other speeches as he claimed equality for India. He says in effect that India has not been accorded her due share.

With these words, Sir, I support the Resolution.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab : Nominated Non-Official): Sir, my friend has moved this Resolution with his usual, or I would rather say unusual, ability, and I must thank and congratulate the Government for more or less accepting the Resolution. We have often been told that if you knock at the door the door will be opened. And to-day we find that by knocking at the door it has opened. Now, Sir, when it is admitted that there should be an Indian leading the Delegation, we have to consider what kind of person he should be. At this time unfortunately, owing to the Nehru Report and various other communal troubles, if any one community sent its representative the others will object. (*An Honourable Member : "Question."*) If I put before the House the ideas of the people generally in rural places as well as in urban places and the troubles we have had, I think there will be no difficulty in proving this. But, Sir, as has been pointed out before, Princes have Christians, Hindus, Sikhs, Muhammadans and others as their subjects, and they possibly cannot take a communal point of view. So they are common to all communities. If any Prince is chosen, no doubt he will be acceptable to Muhammadans, Hindus and people of other religions alike. Reference has been made to Communism and the trouble from Russia.

Those States which are in the Punjab and near the Frontier are more afraid of any such trouble coming than those who are far away. I think a Prince from the Punjab has been already suggested. The Maharaja of Patiala who has been for the last two or three years chosen by his brother Princes as the Chancellor of the Princes' Chamber, would no doubt be the best man. Then, as we have got troubles owing to dissensions this year, if the Maharaja of Patiala leads the Delegation this year, next year the position would be different with new reforms and there would not be so much communal trouble and then a British Indian may take his turn as already suggested. While strongly supporting the Resolution, I would urge that the suggestion that His Highness the Maharaja of Patiala should lead the Delegation this year, put forward by two or three Members of the House, may be adopted by the Government.

THE HONOURABLE SIR PHIROZE SETHNA: Sir, this is the fifth time that I have brought forward this Resolution before the Council of State. On the three previous occasions, the officers of Government who replied, Sir Muhammad Shafi, the late Mr. Das and Mr. Haig, all expressed their profound sympathy with the idea underlying the Resolution. To-day for the first time from what we have heard from the Honourable Mr. Graham, Secretary to the Legislative Department, it is at least proposed to convert that lip sympathy into action and reality. We congratulate Government on the step they mean to take.

I will now endeavour to reply to some of the points raised by Mr. Graham in the course of his speech. He said that I insinuated that the Government of India deliberately bring about a change of personnel. I am quite prepared to withdraw such insinuation, if he interprets it as such, and I am ready to accept his explanation that the position of Delegate or Substitute Delegate has been offered to a particular individual or individuals year after year but that such individual or individuals, as in the case of Sir K. V. Reddy, have had to decline the offer for one reason or another. I would, however, suggest to the Honourable Mr. Graham that in the appointments Government will make this year, they should let the Delegates and the Substitute Delegates know that Government intend to send them regularly for the next three or four years at least. If those to whom they offer the positions are willing to accept the same on this condition, well and good; otherwise Government may well turn to others and I am sure they will have no difficulty in getting suitable men to give such assurance.

In regard to the other charge I laid against Government, namely, that Indians were deliberately kept out of the two Committees I named, the Honourable Mr. Graham said that he would require notice of such question. My Honourable friend Sir Sankaran Nair said that so far as he knows Indian Delegates, or at any rate some of them, deliberately refused to serve on those Committees. He said that, I suppose, on hearsay.

THE HONOURABLE SIR SANKARAN NAIR: From the report of 1926.

THE HONOURABLE SIR PHIROZE SETHNA: I have it on good authority that some Indian representatives at least who were willing to serve on these Committees were deliberately kept out of them. I hope therefore that Mr. Graham will be good enough to inquire into this matter and see that hereafter, especially for the reasons advanced by my friend Sir Sankaran Nair,



[Sir Phiroze Sethna.]

Indians are appointed on these two Committees which I have named in particular.

In the statement which my Honourable friend Mr. Graham read out, he concluded by saying :

"It must, however, be clearly understood that for subsequent years Government retain and will exercise full discretion to entrust the Leadership as may seem to them most appropriate to an Indian representative from British India or to an Englishman or possibly to a Ruling Prince, though this last alternative would raise questions of a different nature which would require careful consideration."

I will take the last point first. If it does require careful consideration, I hope careful consideration will be given to it and no difficulty raised in the matter of selecting a suitable Ruling Prince on occasions to preside over the Delegation ; for, as my Honourable friend Sir Sankaran Nair pointed out, some Ruling Princes have discharged their duties as Delegates very efficiently and there is every reason to believe that there are some very sound men among them in the Princes' Chamber, and if one such is selected from amongst them as a Leader he will discharge his duties as efficiently as perhaps any able Indian who is only a commoner and who is asked to preside over the Delegation.

My friend Mr. Natesan has raised a point. Government have promised to search for a suitable Indian whose name they will submit to the Secretary of State. Mr. Natesan expressed the hope that Government may not come back and say that they could not find such an Indian. Let me remind my Honourable friend of the assurance given by the Honourable Mr. Haig last year that there certainly are Indians to be found who are quite capable of being appointed Leaders and that there are a good many. If the offer made by Government is refused by one or two suitable Indians there will be yet plenty of others from whom to select, and I am sure that such an excuse will never be put forward. In Mr. Graham's statement there is also mention that besides an Indian and a Ruling Prince, on occasions an Englishman may also be appointed. I do sincerely hope for the sake of the Government of India and for the British Government themselves that those occasions will be very very rare indeed or none at all. I for one would not mind an Englishman presiding over a Committee or Commission that works in India, but when there is a Delegation going from this country to other parts of the world where they have got to mix with people of other nations, it is then that Indians feel the humiliation greatly and the more so when there are competent Indians, on the admission of Mr. Haig himself, in this country who could discharge the duties that are expected of Leaders. It is therefore that in such positions as heads of Delegations to the League of Nations, also as heads of Delegations sent to the Imperial Conference and one other position in particular, namely, the High Commissionership for India in England, I do hope that Government will never again make the mistake of sending any other but an Indian.

Mr. President, I once again congratulate Government on the step they propose to take. I do not say that the millenium will be brought about just because the head of the Delegation will be an Indian or that the heavens will fall, but I do say that this is a step in the right direction. It behoves Government to pursue a truly liberal policy and conciliate public opinion. It is only by doing so that you will weaken the force of extremism which is so rampant in this country to-day and for which I for one lay the blame on Government themselves for not listening to the voice of those of us who call ourselves Moderates or Liberals. I am glad they are doing so in the matter of this Resolution, and I hope the same good sense will prevail whenever any equally reasonable and legitimate proposals are put forward from our side of the House.

Mr. President, I will now, with your permission, beg leave to withdraw the Resolution after the assurance that I have received from Government to-day, which virtually amounts to an acceptance of my Resolution.

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

### RESOLUTION *RE* DISTRIBUTION OF SPINNING WHEELS TO THE FAMINE-STRICKEN PEOPLE OF THE NORTHERN DISTRICTS OF THE CENTRAL PROVINCES.

THE HONOURABLE SETH GOVIND DAS (Central Provinces : General) :

[1 P.M.] Sir, I rise to move the Resolution which stands in my name.

It reads thus :

"This Council recommends to the Governor General in Council that he should call the attention of the Government of the Central Provinces to the desirability of giving relief to the famine-stricken people of the Northern districts of the Central Provinces by distributing spinning wheels to them and by opening depôts in village centres from which the village people may buy cotton."

It is the misfortune of my province, Sir, that, while the slightest economic distress in other parts of the country attracts universal attention, the most terrible conditions in our midst go almost unnoticed by the rest of the country. The floods of Gujarat commanded sympathy even in England, but though the Northern districts of the Central Provinces have been suffering continuously for the last four years, neither the Government of India nor the people of the neighbouring provinces have shown any sympathy with us.

Sir, our misfortunes began in 1926 when, on account of the excessive rains and floods, the agriculturists were very badly hit. On account of these excessive rains and floods the soil was so badly spoiled that we could not get a good harvest also in 1927. In 1928, the rust did tremendous harm to the standing crops and in most of the places of the Northern districts the cultivator could not even reap what he had sown. The people were eagerly looking forward to this year's crop and up to the end of January it seemed to be a bumper crop; but early in February the long-suffering agriculturists got up one morning and found that their hopes had vanished. The unprecedented cold wave and the frost did havoc and in one night the whole crop was destroyed. The area thus affected consists of the whole of the Jubbulpore Division of five districts, i.e., Jubbulpore, Saugor, Damoh, Seoni and Mandla, and some portions of the two neighbouring districts of Hoshangabad and Narsingpur in the Nerbudda Division. The total area of these seven districts is 24,622 square miles inhabited by 30,57,403 people. In large portions of these districts, we have only one major crop, that is *rabi*, and it can easily be imagined what a terrible shock the people must have received on account of the continuous failure of the *rabi* crops for four years. Last year, after the rust, we the landlords and the tenants combined together and tried our utmost to get the Famine Code applied to this area, but, in spite of our best efforts, the Code was not applied and only a state of scarcity was declared by the Central Provinces Government in this tract. Then there was no remission of the land revenue. Even so far as suspension was concerned, in the beginning the Central Provinces Government only applied Scale A and it was after continuous agitation that Scale B was applied to the tract for the suspension of the revenue. This year's condition is much more serious than what had prevailed last year. His Excellency Sir

[Seth Govind Das.]

Montagu Butler came to these districts, and he consoled the people to the utmost extent he could. But I am sorry to say that His Excellency did not give us any definite idea as to what his Government was going to do in the matter. We hear that the Honourable Mr. Nelson, our Revenue Member, is shortly coming to these districts and it is expected that we shall know then the definite plans of the Government. For the present, Sir, the Central Provinces Government communiqué which we have before us is altogether unsatisfactory, as it declares only a partial failure of crops. I myself visited 13 centres of the Jubbulpore District recently and I saw there about 20,000 people of about 300 villages. In each centre, people from 20 to 30 villages assembled and in many centres their numbers rose to thousands. They came with the samples of their crops. They came weeping, and many of them had not got food for days together. I can say from my personal knowledge that their condition is simply shocking. This is, Sir, in short the history and the condition of the people in the Northern districts of the Central Provinces. Now, Sir, the least we can expect from the Central Provinces Government is the application of the Famine Code to this area and of course all the other relief which automatically follows from the application of this Code.

As regards the relief that my Resolution seeks, it is that *charkas* should be distributed in this area and dépôts should be opened from where the agriculturists may buy cotton. But let me not be misunderstood. I do not mean that the relief should be given only in this way. What I mean is that along with other reliefs this additional relief should also be given. The relief which was given to the people last year was in the shape of breaking metal and digging moorum for the roads. The people had to walk for miles to get this relief and in spite of their working for eight continuous hours, they could only get from one and a half annas to two and a half annas a day according to the work they could do. Then, Sir, most of the people who went to these centres of relief were from the labouring classes. The majority of the farmers did not go for this kind of relief. It cannot be expected that farmers of high caste, I mean Brahmins, Thakores, and others, would go with their wives and children and do this kind of work. Therefore, Sir, they could not take advantage of the relief which was given by the Government last year in these tracts. Let Government not be under the impression that extreme necessity would drive such people to do anything and everything. They are in trouble and in great trouble no doubt, but then their family traditions of self-respect will not allow them to go for such kind of work. They would rather prefer to die in their homes than go for miles, with their children and with their wives, to break metal and dig moorum. It is for such a class of people that I propose that *charkas* should be given and cotton dépôts should be opened. It may be asked whether this relief is economically adequate. According to the Government, the standard famine wage is two annas per head per day and I can prove that if they ply the *charka*, they will be able to get much more than the standard famine wage of the Government. In 1927 there was a spinning competition in the Satyagraha Asram of Mahatma Gandhi and four of the young men of Sabarmati made the following records of spinning. Three of them spun from 23 hours to 24 hours continuously and one of them spun for 11 hours. The first youth could spin 14,784 yards of yarn in 23 hours. The average per hour was 641 yards. The second one could spin 12,889 yards of yarn in 24 hours. The average was.....

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THE HONOURABLE THE PRESIDENT: I think the Honourable Member might spare the Council these statistics.

THE HONOURABLE SETH GOVIND DAS: I was only proving, Sir, how much the people would be able to spin if they.....

THE HONOURABLE THE PRESIDENT: Will the Honourable Member please proceed with his speech? I have asked him to spare the Council these statistics.

THE HONOURABLE SETH GOVIND DAS: All right, Sir. I will go forward. What I mean, Sir, is that according to the competition which was held in Sabarmati Asram about 600 yards of yarn of about 14 counts weighing about  $\frac{1}{2}$  lb. were spun per hour. Now, Sir, after a little practice of, say, about 15 days, the average spinner will be.....

THE HONOURABLE THE PRESIDENT: The Honourable Member is doing deliberately what I have told him to refrain from doing. Unless he can come to the substance of his speech, I shall have to ask him to resume his seat. He is wasting the time of the Council.

THE HONOURABLE SETH GOVIND DAS: I will not give figures, Sir, but I would request you to allow me to say what an average spinner will be able to spin, because it will be necessary to know whether the relief would be adequate to him if he took to spinning. What I mean to say is that if he worked for eight hours and spun even  $\frac{1}{4}$  of the yarn spun by the experts of Sabarmati per hour, of even 12 counts, he would be able to spin one pound of yarn in eight hours which will bring him four annas a day. Now, Sir, in breaking metal, in spite of working for more than eight hours, he could get only two annas, while if he plies the *charka*, he will be able to get four annas a day. Then he has to break the metal under the hot sun, amidst hot breezes, and after walking for miles, while the *charka* would be plied under the cool shade of his own house, amidst comforts associated with "sweet home" resounding with the music of the spinning wheel and homely songs of his womenfolk. Sir, what a contrast between two kinds of reliefs!

Then, Sir, I am not suggesting a novel kind of relief. This kind of relief was given to many famine-stricken tracts in various provinces. We find that the *charka* was successfully used in famine relief at Miri, near Ahmednagar, in 1920-21; in Kurnool District, Andhradesh, in 1922; in Coimbatore in 1924; in Atrai, North Bengal, in 1923-24; in Pudupalayam, Salem District, Tamil Nadu, in 1925; and in Utkal and Morattupalayam, Coimbatore District, in 1925. Also for flood relief in South Kanara in 1924; Duadoreda, Hooghly District, Bengal, in 1922; Rajshahi and Bogra Districts, North Bengal, in 1922-23. Also by the cotton mill labour unions for relief of striking employees of the Ahmedabad mills in 1923. In Orissa, Sir, this work succeeded wonderfully. This is what we find in the *khadi* guide published by the All-India Spinners' Association in 1927:

"Utkal is the province of chronic famine. Here therefore is an obvious field for *khadi* work. But for various reasons the work in this province could not be properly organised before 1925. \* \* \* The progress made can be realised from the fact that while in 1924-25 Utkal had a production of only Rs. 4,703, in 1925-26 it had a production of Rs. 32,500. About the same time the imports from other provinces were stopped and Utkal *khadi* alone was sold by the All-India Spinners' Association sale bhāndars. The sales in 1925-26 amounted to Rs. 29,020."

The *khadi* work has succeeded mainly during the last nine years, and there is no doubt that people who are famine-stricken in the various tracts of this

[ Seth Govind Das. ]

country have received great relief on account of this work. But, Sir, it is noteworthy that in this respect the Government did not do anything. This work has been carried on only by non-official organisations. The reason for the Government not having done this work or helped these organisations is that from the very beginning their attitude has been hostile towards our spinning industry. History clearly shows that organised and continuous efforts were made by the British, not only to give protection to their industry—I mean the textile industry of England—but also to kill the textile industry in our own land. I can prove this by many quotations from historians, but I would not do that for the present. Of course, if these facts are challenged by the Government, then, when replying to the debate, I will prove from the historians that every method was used to kill our spinning industry in this country. Even to-day, Sir, the hostility of the Government towards the *charka* is clear from the fact that while the Royal Commission on Agriculture has suggested so many cottage industries as supplementary occupations for the agriculturists it has not said a word about the *charka*.

In conclusion, Sir, I want to assure the Government that if they accept my Resolution and if they induce the Central Provinces Government to take this work in hand, it will not require a big capital. An ordinary *charka* can be had for Rs. 1-8-0. In 1920-21, when we manufactured *charkas* in big numbers, it could be had at Re. 1-0-0 only, and I am sure that even to-day, if they are made in big numbers, Government will be able to get them at a cheaper price. On cotton they will not have to spend anything. They will only have to invest money. And then our turn will come, I mean the turn of the unofficial organisations. They will buy the yarn, get *khadi* made and sell it. On behalf of the Congress Committees of these famine-stricken areas, I assure the Government that if they are ready to fulfil the first part, namely, the supply of *charkas* and the opening of cotton depôts, we will be ready to co-operate with them as far as the second part of the work is concerned, that is, buying yarn and getting *khadi* made. Here is the hand of co-operation, Sir, extended by the Congress workers in the interests of the starving millions of the people of the Central Provinces. Will the Government come forward and accept the hand of co-operation?

With these few words, Sir, I move my Resolution.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH (Education, Health and Lands Member): Sir, I do not propose to take up the time of the House by entering into a discussion of the ethics of this Resolution, nor even will I attempt to dilate upon its economic aspect. I will merely content myself by making a few general observations for the information of the House, and I trust they will convince the House that this at any rate is not the forum for the consideration of the suggestions contained in the Resolution of my Honourable friend Seth Govind Das.

Before, however, I explain my attitude on this Resolution, let me make it clear beyond all possible doubt with what grave concern the Government of India have watched, and are still watching, the progress of distress in the Central Provinces. The distress in question began last year, owing to rust in epidemic form severely attacking wheat in three districts principally, all in the Jubbulpore Division. Scarcity was declared in three districts and appropriate measures of relief were taken. With the harvesting of the last *kharif* crops, conditions improved and the Local Government anticipated that no relief measures of any kind would be needed after March in the present year. But the exceptionally cold weather which occurred in January and culminated

in frost most unfortunately changed the outlook completely. Crops were then severely affected and serious damage was caused to the bulk of the wheat crop in some six districts, particularly as cloudy and unsettled weather followed the cold wave. The extent of the distress is still being investigated, but the evidence already to hand shows that the damage to standing crops has been very considerable.

Appropriate measures of relief have, however, been taken, and these, according to the information just supplied by the Local Government, are as follows :

Firstly, scarcity has been declared to exist or to continue in the six districts principally affected ;

Secondly, suspended land revenue of the previous year has been remitted to the amount of nearly 14 lakhs ;

Thirdly, instalments of *takavi* loans and the interest thereon have been suspended ;

Fourthly, the *rabi kist* of 1928-29 has been suspended to the extent of 20½ lakhs in the Jubbulpore Division and of about 3 to 4 lakhs in the Narsinghpur District ;

Fifthly, *takavi* has been distributed liberally for agricultural purposes and improvements, and special arrangements have been made for the provision of seed ;

Sixthly, public works and forest works have been opened in the different areas ;

Seventhly, Government forests in the affected areas have been thrown open for the free extraction of head loads of grass and minor forest produce ; and

Eighthly, gratuitous relief has been widely distributed to the poor and incapacitated in certain of the affected districts.

The above measures, which have all been adopted by the Local Government to meet the existing situation, are still in progress and will, so far as can be foreseen at present, meet the situation.

Sir, let me repeat that deeply concerned as we are with the distress which this brief account shows to prevail, the Government of India cannot accept this Resolution for reasons mainly of a constitutional nature. I need hardly remind this House that Famine Relief is a Provincial subject under the Devolution Rules. The House will, I am sure, agree with me when I say that the Governor General in Council should ordinarily refrain from issuing instructions to Local Governments as to their method of administering a Provincial subject such as this. I do not of course mean that such instructions should never be issued ; circumstances might arise in which the issue of instructions by the Governor General in Council might be advisable in exercise of the general powers of superintendence, direction and control conferred by the Government of India Act. But I do say, Sir, that such instructions should not issue without the clearest evidence of their necessity and suitability. But neither the necessity nor the suitability of the proposed instructions has been proved in the present case. The facts which I have narrated above go to show that in the exercise of the ordinary methods of famine relief the Local Government have taken all appropriate steps, and have the situation well in hand. The issue of instructions in such circumstances would, I feel sure the House will agree, be constitutionally undesirable and administratively uncalled for.

[Khan Bahadur Sir Muhammad Habibullah.]

Then again, Sir, it has not been proved that it would in fact be suitable to advise the Local Government to combat the prevailing distress by distributing spinning wheels and opening dépôts for the sale of cotton to villagers. I do not propose to enter into a discussion with the Honourable Member as to the profits likely to be earned from hand spinning. I have already stated that I do not propose to enter into a discussion of the economics of hand spinning as an industry. I will merely add that the development of hand spinning is not a Central subject, and we have no data to show the economics of the industry. We are thus not in a position to recommend to the Local Government the adoption of the particular form of relief proposed, and it should be left to them to take the step proposed, if they think it suitable. It may well be that there would be difficulties in the way ; the ordinary official machinery for the administration of famine relief may not be adapted for the distribution of spinning wheels and for necessary supervision of the work after the distribution was complete. I venture to think that the method of relief proposed could, if useful at all, probably be worked best by non-official agency. Again, it may not be desirable to encourage the agriculturists and peasants affected to look for indoor relief in place of aid from relief works and the like provided on the time-honoured system of famine relief, which has proved its utility in the past.

Sir, I think I have said enough to show why I cannot accept this Resolution. I would only add that, had the adoption of this particular form of relief been so necessary as to justify the issue of the proposed instructions by the Governor General in Council, the desirability of the proposed form of relief would, I think I may claim with confidence, have been ventilated in the local Legislative Council or represented direct to the Local Government. I can assure the House that neither of these things has happened ; there were indeed several references to the prevailing distress at the recent Session of the local Council, when reductions of grants were moved in order to criticise relief arrangements, but, Sir, there was no mention whatever of any proposal for the distribution of spinning wheels and the opening of dépôts for the sale of cotton. Nor was the matter mentioned at a meeting of Members of the Legislative Council of the Northern Districts of the Central Provinces, which was specially called recently by His Excellency the Governor to discuss the situation in the affected areas. This shows conclusively, I feel, that there is no case for the action which it is here suggested that the Central Government should take. If the Honourable Member so desires, I have no objection to send a copy of this debate to the Local Government for information, but, for reasons already explained, I am sorry I am not prepared to accept the Resolution, as no ground has been made out for interfering with the discretion of the Local Government in its administration of a Provincial subject.

THE HONOURABLE SETH GOVIND DAS : Sir, I have very carefully listened to the speech of the Honourable the Leader of the House and especially to the list of the reliefs which has been sent to the Honourable Member by the Central Provinces Government. Sir Muhammad Habibullah considers those reliefs sufficient and appropriate. What I want to say is that, as far as the people of my province are concerned, and as far as the people who are stricken with famine are concerned, they consider that these reliefs are not sufficient. Last year after this much-boasted relief was given, there was continuous agitation in these districts. However, I did not say that nothing had been done by the Central Provinces Government ;

but the question is whether it has been sufficient to meet the appalling circumstances which prevail in our province. I say, Sir, that if there had been our own Swaraj Government, a thousand times more would have been done.

Now, Sir, as regards the suitability of the relief which I ask the Government to give, while moving the Resolution I tried to prove that in many famine-stricken areas such kind of relief had been given.

Sir Muhammad Habibullah further said that this question was not raised in the Provincial Council. There is the question of ballot, and a Resolution could not be balloted in the local Council for such kind of relief, and I think, Sir, that this was the reason why a Resolution like this was not moved there. Here we have a Resolution very easily out of the ballot, and therefore we can discuss matters more easily.

Sir, I am not satisfied with what the Leader of the House has said, that is, that he will merely send a copy of the debate to the Central Provinces Government. A report of the debate will reach His Excellency Sir Montagu Butler through the ordinary newspapers sooner than the copy of the debate would do. I would have been satisfied if the Honourable Member had given me an assurance that he would send the debate with certain recommendations; but as he has not done so, I am not in a position to withdraw my Resolution. I therefore commend it to the acceptance of the House.

THE HONOURABLE THE PRESIDENT: The question is:

"That the following Resolution be adopted, namely:

'This Council recommends to the Governor General in Council that he should call the attention of the Government of the Central Provinces to the desirability of giving relief to the famine-stricken people of the Northern districts of the Central Provinces by distributing spinning wheels to them and by opening depôts in village centres from which the village people may buy cotton.'

Those who are of that opinion will say "Aye". (*A voice* "Aye".)  
Those who are of the contrary opinion will say "No." (*Voices*: "No".)

I think the Noes have it.

THE HONOURABLE SETH GOVIND DAS: Ayes.

THE HONOURABLE THE PRESIDENT: Will those Honourable Members who vote for the Resolution rise in their places? (Three Honourable Members rose.) The Ayes are three. Will those Honourable Members who vote against the Resolution rise in their places? (Several Honourable Members rose.) The Noes have it.

The motion was negatived.

The Council then adjourned till Eleven of the Clock on Tuesday, the 19th March, 1929.