

Monday, 18th February, 1929

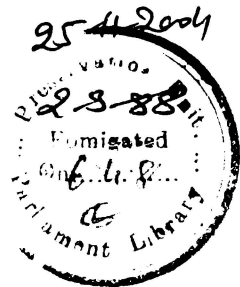
THE
COUNCIL OF STATE DEBATES

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SIXTH SESSION

OF THE
SECOND COUNCIL OF STATE, 1929



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COUNCIL OF STATE.

Monday, 18th February, 1929.

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

MEMBER SWORN.

The Honourable Mr. Charles Cunningham Watson, C.S.I., C.I.E. (Political Secretary).

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY : Sir, I beg to move the Resolution

THE HONOURABLE THE PRESIDENT : Order, Order. Secretary.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

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

“ In accordance with Rule 36 (1) of the Indian Legislative Rules, I am directed to inform you that the amendments made by the Council of State in the Bill to alter the order in which certain heirs of a Hindu male dying intestate are entitled to succeed to his estate, were taken into consideration by the Legislative Assembly at their meeting held on the 12th February, 1929, and that the Legislative Assembly have agreed to the amendments.”

ELECTIONS TO THE PANEL FOR THE STANDING ADVISORY COMMITTEE TO THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

THE HONOURABLE THE PRESIDENT : Nominations for three panels from which are to be constituted certain Standing and Advisory Committees attached to the Departments of the Government of India closed at 11 o'clock this morning. For the Standing Advisory Committee to the Department of Education, Health and Lands six nominations were required. Four nominations have been received, and I have to declare the four following Honourable Members duly elected :

The Honourable Khan Bahadur Sir Ebrahim Haroon Jaffer,

The Honourable Srijut Lokenath Mukherjee,

The Honourable Dr. U. Rama Rau, and

The Honourable Munshi Narayan Prasad Ashthana.

For the two remaining vacancies nominations will be received up to 11 o'clock to-morrow morning.

ELECTIONS TO THE PANEL FOR THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

THE HONOURABLE THE PRESIDENT: For the Standing Committee for the Department of Industries and Labour six nominations were required and six nominations have been received. I have therefore to declare the following six Honourable Members duly elected :

The Honourable Colonel Nawab Sir Umar Hayat Khan,
The Honourable Mr. Kumar Sankar Ray Chaudhury,
The Honourable Khan Bahadur Sir Ebrahim Haroon Jaffer,
The Honourable Srijut Lokenath Mukherjee,
The Honourable Sir Arthur Froom, and
The Honourable Sir Phiroze Sethna.

ELECTIONS TO THE PANEL FOR THE CENTRAL ADVISORY COMMITTEE ON RAILWAYS.

THE HONOURABLE THE PRESIDENT: For the Central Advisory Committee on Railways eight nominations were required and eight nominations have been received, and I have therefore also to declare the following eight Honourable Members duly elected :

The Honourable Mr. Mahmood Suhrawardy,
The Honourable Srijut Lokenath Mukherjee,
The Honourable Khan Bahadur Sir Ebrahim Haroon Jaffer,
The Honourable Mr. Kumar Sankar Ray Chaudhury,
The Honourable Rai Bahadur Lala Ram Saran Das,
The Honourable Sardar Charanjit Singh,
The Honourable Colonel Nawab Sir Umar Hayat Khan, and
The Honourable Mr. C. A. Natesan.

RESOLUTION *RE* REPEAL OF THE INDIAN ARMS ACT.

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

“ This Council recommends to the Governor General in Council that he should take steps to have the Indian Arms Act repealed or brought into line with the law in force in England.”

The history of the Arms Act in India, Sir, I venture to submit, is a history of mistrust of the people and failure of its professed object. The policy involved in this Act had been introduced ever since the advent of British rule in India. No other nation had imposed such disabilities upon a conquered nation in the world, and Sir Edward Bayley could cite the case of Ireland only, ruled also by England, when quoting a precedent from Europe. The actual Act restricting the use of arms in India was introduced at a time of panic some time after the Sepoy Mutiny with the object of crushing the freedom movement in India, but

its professed object was the maintenance of law and order. That it has been able to secure the real object for the time being was borne out by the speech of the Honourable Mr. Kincaid when he said :

“ In the year 1860 the first Indian Arms Act was passed. That was 58 years ago, and from that time to this there has not been one serious rising in any part of India ”,

while the fact of its failure in attaining its professed object of maintaining law and order except at the cost of emasculating the whole nation is amply borne out by the following words of the then Home Member, Sir William Vincent, in his speech on the Resolution of my friend the Honourable Mr. Khaparde :

“ To return to the Act of 1860, it was found in a few years after the measure was enacted, that a larger number of cheap fire-arms were being imported and used throughout the country and the consequence of that was that large gangs of armed bandits wandered about the country who became too powerful for the police to cope with. * * * It shortly became necessary therefore to impose further restrictions on the possession of arms to preserve law and order.”

The original Act of 1860 prevented the carrying of arms without licence, but the Act of 1878 made the possession of arms even illegal without a licence. The Government have thus been forging new fetters from time to time, and in their zeal for maintaining order been casting all principles of law even to the winds, but have they been able to maintain any order in the country unaided by the peaceful nature of the people of India ? Have, when the people are roused, crimes become less frequent, or riots, agrarian or communal, ceased to take place ? Or rather, have they not been more and more on the increase and do they not flare up at convenient moments for the Government at the instance of interested people, as stated by the Honourable Mr. Kincaid, acting behind the rioters ? Have the Government been able to prevent the dacoits from getting arms, or rather have they not been supplied with guns from the stock confiscated from the people by the police and from those held by poor Anglo-Indians so that the law had to be changed to prevent the easy confiscation of guns held by former licensees and to remove the distinction in favour of the Anglo-Indians ?

Instead of being able to confront us with the success of their efforts and with what really has been, the Government try to terrorise us into submission by drawing gloomy pictures of what would have been the result if they had not acted in the manner they have done. The cause of the difference in the law between England and India, Sir William Vincent went on to say, is the difference in conditions between the two countries, namely, that the people in England are more civilised, less prone to violence, and the necessity of avoiding force as a means of determining quarrels is fully recognized. Is it really so ? Are the Indians with their ancient civilisation more prone to violence than the English people ? If that were so, it would not have been an easy matter to disarm them. Is the necessity of avoiding force as a means of determining quarrels less fully recognised in India than in England ? Even Sir John Simon with his vast experience of English litigation was impressed with the enormous amount of litigation prevailing in India. Just as in India there are agrarian riots, so are there poaching affrays in England “ in which fire-arms are used ” (I am quoting Sir William Vincent) ; but, taking into consideration the difference in area and population between the two countries, can it be said that such riots or affrays are more frequent in India than in England ? And even if it be so, what is the cause of such difference and why are riots like these less frequent and almost non-existent in the Indian States existing co-mingled

[Mr. Kumar Sankar Ray Chaudhury.]

with British India and peopled by the same races, although no such restrictions about the possession of arms prevail there? If the absence of any such provisions in the Indian States and in other countries of the world has in no way fostered lawlessness in those States and countries, there is no reason why it should do so in British India. Moreover, if one studies the psychology of these riots and assaults a little carefully, especially their latest developments, one cannot but come to the conclusion that they are entirely due to the utterly helpless condition in which the people of British India have been placed by Government by being deprived of their arms. For it is idle curiosity which leads light-hearted people to poke their noses into any small scuffle at a street corner which is the course of all these riots, and when the scuffle has further developed people flock to it in large numbers simply because of the absence of any deadly weapons with them which would otherwise have deterred them from doing so. When afterwards the riots do take a serious turn and passions are aroused, turning light-hearted curiosity into a spirit of angry revenge, there is no longer any open riot, and we witness the gruesome spectacle of secret stabbing and murder in which the ruffians can freely indulge because they know they can fly with safety on account of the people round about not being in possession of fire-arms. The Government have declared themselves powerless with the limited police force at their disposal to control such situations, and have gradually altered the rules so as to allow richer people to possess arms more freely. But how far these rules are being given effect to we do not know. My question on the subject has not been answered by the Honourable Mr. Haig. This, no doubt, has to some extent won the richer people over to the side of Government, but, unless the people as a whole are allowed to possess arms freely, I venture to submit that the situation cannot be tackled at all, because the richer classes will surely never rise so quickly to a sense of civic responsibility in times of rioting and trouble as people less favourably circumstanced. To this the Government object on the ground that they "must retain the power to impose restrictions to prevent arms, and particularly fire-arms, from falling into the possession of lawless and dangerous persons". But has any such power been thought necessary to be reserved to Government in any other country? If not, why should the Government ask for any such power here unless it be for the reason that it is a foreign Government and cannot trust the people of the country? Conceding for the sake of argument that it is necessary to prevent arms from falling into the hands of lawless and dangerous persons, why should not the power to brand persons as lawless and dangerous be vested in the hands of the judiciary rather than of the executive and be subject to appeal to higher Courts, so that it may be open to the executive to bring such cases to them whenever any one asks for a licence and they think he ought to be prevented from getting a gun, under provisions like section 110 of the Code of Criminal Procedure. Some of my friends on the other hand, I suppose, would like to suggest the wholesale arrest of such persons in times of trouble. But the Government have not the power to do that, and such a procedure without any trial whatsoever will not be tolerated in these democratic days, and I doubt very much the efficacy of such measures. The Goonda Acts passed in some provinces have proved a failure, partly owing to the difficulty of ascertaining who a *goonda* is and partly because they are able to buy off the police. Apart from the question of internal tranquillity, there is also involved the question of the defence of India. My friend the Honourable Mr. Khaparde, when he moved a similar Resolution on a previous occasion, was perhaps misled by the Delhi War Conference, which had taken place some time before, to believe that the Government was "willing to improve this law, or to make alterations

in this law so as to bring it more or less into conformity with the English Act," and he put forward his Resolution because he did not like the subject to be dropped. Otherwise he would not have beaten about the bush simply with his tin canister for the purpose of merely scaring away harmless beasts from his crops. I fail to understand why he did not deal at all with the question of the necessity of arms for "public purposes, that is to say, for national defence or national purposes", as he called it. The subsequent conduct of Government has cleared away all such misapprehensions and in the present state of international affairs, with the naval superiority of England gradually being equalled by other nations, the Bolsheviks trying to hug us in their embrace at our western gate across troubled Afghanistan and China shorn of her embarrassing pigtail and awakened on our eastern frontier, we cannot remain, nor is it to the interest of Great Britain to retain us, in a helpless and disarmed condition if she at all wants to retain any connection with India.

With these words I commend this Resolution to the acceptance of the House.

THE HONOURABLE MR. G. S. KHAPARDE (Berar Representative): Sir, I moved this Resolution in the old Council and there was a good deal of discussion. The general wish was to relax the rigour of the Arms Act; not to do away with it entirely, but to bring it into conformity with the English Act. Various reasons were given which need not be gone into now. The net result of the discussions was that a small informal Committee was appointed and they recommended relaxations and now the Act is much better than it used to be, though still it does not meet all the necessities of the situation. The difficulty is much felt in the mufassil. When you make an application for arms, generally it is referred to the head of the police, and the head of the police sends it to a subordinate and that subordinate to another subordinate until it percolates down to the village constable. Then the village constable's report goes back along the same official trail, and ultimately nobody knows what has happened. Often the petitions are lost. I would like therefore that the Act should be brought into conformity with the English law. I do not go so far as to say that the Arms Act should be repealed and that we should have no Arms Act in the Indian Empire. That is an impossible demand from my point of view. But it ought to be made easier for honest people to get licences and it ought to be difficult only for bad characters to get them. That is really the aim of our Arms Act. But I think, as things stand, that the honest man who applies for a licence has generally to wait for six months and then it is doubtful if the answer will be in the affirmative. But the dishonest man has his own ways of proceeding and he can easily possess himself of arms. So that the bad man who ought not to get arms is able to get them much more easily than the honest man. What I want is that the honest man should be put on the same level terms with the questionable character who can easily get arms now by underhand means. That is my whole contention. So far as one can judge from the English law, it is rather easy to obtain a licence in England and it does not take so much time. Time is often of great importance in this matter of a licence. When crops are growing up wild animals sometimes give a great deal of trouble and do much damage, and the old practice of tying up tin cans and making other noises to scare them away is not of much use, and the result is that before a licence and a gun can be obtained the damage has all been done. So you require something more. A man applies and generally he does not hear anything about his application until the crops are destroyed.

[Mr. G. S. Khaparde.]

I return to my old proposition that it should be made easy or at least as reasonable as it is under the English law and not so prolonged as it is under the Indian law. Sir, I therefore move my amendment :

“ That after the words ‘ Indian Arms Act ’ the words ‘ repealed or ’ be omitted.”

The rest of the Resolution stands. Sir, I move my amendment.

THE HONOURABLE MR. H. G. HAIG (Home Secretary) : Sir, the Resolution before the Council presents us with two alternatives, the repeal of the Indian Arms Act or the recommendation that it should be brought into line with the law in force in England. An amendment has also been moved restricting us to the second of those alternatives. I propose, in the first place, to deal with the former alternative, the more extreme, and therefore I hope the more easy to convince the House that it is not really practicable. The Honourable the Mover seemed to contemplate with equanimity a state of affairs in India where every person could supply himself with arms in any quantity, as he pleased. This may be from his point of view an ideal picture, but it did not appear to me that he had really carefully considered the actual facts which confront us in this country. We all know, in spite of what the Honourable the Mover said, that there are elements in the population in India which are essentially not law-abiding. I need only refer to the crime which is unfortunately in many parts of the country still very common, the crime of dacoity, robbery by armed gangs. Well, Sir, what would be the position if every dacoit in India could arm himself with a deadly weapon ? Is it probable that the police would be able to cope with this very difficult crime of dacoity as they cope with it now ? And further, surely the events of the last two or three years have revealed to us all a certain underworld that emerges with savagery during the riots that have unfortunately taken place in some of our big cities. It may be a revelation to some Honourable Members, but at any rate it is a fact that we cannot ignore. Suppose for a moment that in the deplorable events that have recently been taking place in Bombay the rioters and the murderers had been armed with fire-arms instead of with the improvised weapons with which they committed their outrages, does the Honourable Member really think that we should have got through this difficult and dangerous time as easily as we have ? He appeared to suggest—I do not wish to do the Honourable Member an injustice and I am not quite sure that I heard accurately what he said—but as far as I understood him he suggested that if everybody in the population were armed and habitually went armed they would not quarrel with each other, because they would all be too much afraid of the other man. Well, Sir, that is his view ; I think it is too pacific a view of human nature. That is not the experience, that the carrying of arms leads to peace. The carrying of arms, Sir, often leads to war. The restrictions on the carrying of arms are in the interests of the people, in the interests of the decent, law-abiding citizens whom I suppose the Honourable Member represents. I am not sure what peculiar virtue he imagines is to be found in the carrying of arms which is to outweigh these fatal disadvantages. The carrying of arms, Sir, is not ordinarily regarded as a sign of advanced civilization. The Honourable Member will perhaps accept the authority of Sir Henry Maine who once said :

“ There is no surer sign of barbarism than the habit of carrying arms, and no clearer mark of an advancing civilization than the gradual disuse of this practice.”

I think that that, Sir, is clearly the case. The system of carrying arms and settling our quarrels by ourselves is really the negation of law. We do not

want to produce all over India the conditions that prevail on the borderland of the North-West Frontier.

I turn now to the amendment. The Honourable Mr. Khaparde recognises that certain restrictions on the carrying of arms are necessary, and he merely wants this Council to support the proposal that our law in India should be brought into line with the law in force in England. He referred to the Resolution which he moved on the same lines in the old Imperial Legislative Council in 1918. I read that Resolution with great interest, and one of the things which struck me most was how far we have advanced since those days—a point which I think the Honourable Mr. Khaparde did not perhaps fully recognise, though he gave us credit for having done something. His point then was, and his point I think now is, that the English practice, by which he understood the right of every man to carry arms, subject to negligible limitations, should be introduced in this country. Well, Sir, he assumes that the English practice is necessarily better than the Indian practice. I do not think we need always make that assumption. I think that, while we have much to learn from England, occasionally we are in a position to show the way to England. In the Department of my Honourable friend Sir Geoffrey Corbett not very many years ago the policy of discriminating protection was adopted which probably at the time shocked the more orthodox opinion in England, and yet two or three years later we find England adopting in its own interests almost exactly the policy which India had adopted a few years before. Well, Sir, the House possibly does not realise that in regard to this question of arms, the matter is not so very different. In 1918, the Honourable Mr. Khaparde was urging India to adopt the principles of England. The Government of India thought otherwise, and, while introducing many modifications of their practice, did not abandon their principles. Only two years later, in 1920, the English people, realising the dangers of their own practice, decided to follow ours. In 1920, a Fire-arms Act was passed in England which, I maintain, is based essentially on the principles that are found in our Indian Arms Act. In England a man can no longer claim a fire-arm as an ordinary right. He has to satisfy an officer—and I may mention that that officer is not a Magistrate but a chief officer of police—he has to satisfy the chief officer of police that he is a proper person to be entrusted with arms. And what were the reasons for this change of policy? Precisely those reasons which have always made the Government of India oppose any change in our existing policy. It was found that the crime of robbery under arms had become common. The police were constantly confronted by armed criminals, and this was found in a population which, with all due respect to the Honourable Mr. Kumar Sankar Ray Chaudhury, I maintain is probably the most law-abiding population in the world. Yet that was the effect in England of the unrestricted right of any person to obtain arms. I admit, Sir, that there were grounds for complaint in 1918 as to the manner in which the Arms Act was administered. The procedure for obtaining a licence was often dilatory and uncertain. I think the Honourable Mr. Khaparde has hardly realised the complete change that since that time has come over the administration of the Arms Act, very largely, I think, as a result of the Resolution which he himself moved in 1918. The whole matter was carefully considered by a Committee and a new administrative policy was adopted and enunciated in a Resolution of the Government of India, dated the 21st March, 1919. That Resolution covered one of the main points of complaint, as I have always understood the matter. It said that to persons of approved character and status licences will ordinarily be issued on application and without previous inquiry. And that policy, Sir, was carried further in 1923 when the general definition which was commended

[Mr. H. G. Haig.]

to the attention of Local Governments of persons who should be regarded as being of approved character and status was extended to cover those who were paying Rs. 500 land revenue, any payer of income-tax, and Government servants in receipt of a pay of Rs. 100 a month. Well, Sir, I maintain that that introduced into the administration of the Arms Act an extremely liberal policy, a policy indeed which some of my predecessors might have regarded as even dangerous. I want to give some figures to the House to show them what has been the actual effect of this change of policy. The Honourable Mr. Kumar Sankar Ray Chaudhury made it a matter, I do not say of complaint but at any rate of comment, that I had not furnished him with certain figures in answer to a question he asked the other day. Those figures were not available, but I will give him some figures which are available. I have here before me the figures showing the number of licences in British India in 1921, which was a year or two years after the new policy had been introduced, and in 1927. I will give the House merely those which relate to breach-loading guns, for the great majority of those who have under the new policy applied for licences applied for licences for breach-loading guns. In the Honourable Member's own province of Bengal—I give the figures roughly—there were 18,000 such licences in 1921. In 1927 there were 36,000 licences. In the Punjab there were, in 1921, 11,000 licences for breach-loading guns; in 1927 that figure had risen to 29,000. The same kind of figures are to be found in all provinces. Burma 7,000 in 1921 and 20,000 in 1927. I do not wish to weary the House with any further detailed recital of these figures, but the total for British India of this one form of weapon only, namely, breach-loading guns, was in 1921 roughly 97,000 and in 1927,—197,000. That is to say, that in these six years, the number of breach-loading guns in British India had been increased by 100,000. I hope that the House will consider those figures as a very striking comment on the new policy that has been adopted in the administration of the Arms Act in the last few years.

I hope, Sir, that I have convinced the House that restrictions on the possession of arms in India are required, and that that principle moreover has been recognised after painful experience even in England. I hope I have shown that the rules have been worked in a liberal spirit and that restrictions have been relaxed to the very limit of what is safe. I hope, therefore, that this Council will have no hesitation in rejecting a Resolution, one part of which is plainly foolhardy and the other part of which, I submit, is superfluous.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab : Nominated Non-Official) : Sir, whenever a question like this has come before the House I think I have always been consistent. Some of the Honourable Members who come from the South do not realise that there are different parts in this big Empire where people are absolutely different from one another. If one goes still further north, the people are still more different. In my province, Sir, there are so many murders that they will exceed in number the murders in all the rest of India put together. They have not got fire-arms but they have invented certain other weapons which are better than swords, called *chavis*. A *chavi* is a sort of sword tied on to a big club, and it is heavier and more deadly. Many murders and dacoities are committed with them. There are enmities among the people, and instead of removing the animals from the crops, as pointed out by the Honourable the Mover of the amendment, our people try to remove enemies from their houses. That is the difference between the people of the North and South. Directly the War began, two or three districts where there were people of martial spirit got entirely

out of hand, and it was with the greatest difficulty that Government were able to cope with them, for, ordinarily speaking, the police constables in one police station are only eight or ten and they have to cope with a population of thousands in villages where there are no *pucca* roads. If any disturbance is created among warlike people like these and if they also possess fire-arms, I think that without summoning the army it will be very difficult for the police to put affairs right, and perhaps a very large sum of money and double or treble the present police will be required to cope with the situation. All know, Sir, about the Babar Akali menace. When it was at its height every man who tried to come in their way and help the administration was murdered. One hot weather two police officers came to my place and I thought I must have done something wrong and that they might have come to arrest me. But later on I found out that they had letters from the Government that I should at once raise about a squadron of armed police, which I did in no time, and it was with that, Sir, that the Babar Akali menace was put right. We had dacoits whom nobody could get at because they were ex-army people and possessed rifles, and they went on for six months before they were hunted down. So that, if there is no restriction and if arms are given to those who are at the same time poor and can use the arms, I think it will be more or less creating a sort of civil war. I think the House also knows about the present trouble in Afghanistan. They have got rifles and you see day after day how many men are being killed in the conflict. China also has been mentioned, but we know what sort of trouble China has had with these arms. If arms were made common, what will happen? I think some secret societies—they already exist—would get possession of arms and would so terrorise the officials by killing them one by one that the smooth running of the administration would become very difficult. In these circumstances, especially in my part of the country, I think it will be disastrous to give arms as suggested by the Mover. He says that we should be on a par with England and that we should get those powers which the Parliament possesses in England. If we were on a par with them in other things we would require no Reforms Commission. But if we are not on a par with them in other things, why should we on this particular point be considered on a par with them and why should we, with such a large Empire, perhaps ten or twenty times larger than England, adopt such rules? Again, Sir, if so many arms were given, already every beast and bird is being removed, good or bad, from the country, and perhaps one may now go to some places where one could find some sort of *shikar*, and kill something, but when the arms are made common no sport of any description will be left in the country. It is not really for sport. I think they would simply kill everything which comes in their way and those who are humanitarian and who think that even birds and beasts should not be killed would not support the idea of wholesale arms being placed in the hands of the people. In Bengal itself, from where my friend comes, I think we all know that when pistols or revolvers get into the hands of some hot-headed youngsters, what sort of trouble they create by killing police officials and magistrates and people even in the jails. We had the experience only the other day of one of our best police officers being killed by fire-arms. Even people who are more or less harmless in nature would very soon change to the contrary if they had arms. So I would suggest to the House, from what experience I have of the possession of arms in my part of the country, that they should not hesitate to reject this Resolution.

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY :
Sir, I am sorry I cannot withdraw my Resolution. The Honourable Mr. Haig has, I submit, thoroughly exposed the fallacy of the arguments of previous

[Mr. Kumar Sankar Ray Chaudhury.]

Government Members that the condition of India is different from that of England. That the law in England has now been made somewhat similar to that of India shows that the British Government, now that labour is striving for power, is becoming more and more autocratic. That is why I want the repeal of the Arms Act and have asked for its being brought into line with the law in England only in the alternative. There has no doubt been some increase in the grant of licences, but some of this is due to the fact that all persons, irrespective of their nationality, have now to take out licences. As regards the prevalence of riots I have already submitted that the only way of preventing them is to allow people to have arms. I have no quarrel with the observation of Sir Henry Maine. In ordinary times that is perfectly valid. But when times are out of joint it is desirable that people should have arms so as to be able to defend themselves and to prevent riots from taking a serious turn. With these words, Sir, I submit my Resolution to the acceptance of the House.

THE HONOURABLE THE PRESIDENT: The original question was that the following Resolution be adopted, namely:—

“ This Council recommends to the Governor General in Council that he should take steps to have the Indian Arms Act repealed or brought into line with the law in force in England ”.

Since which an amendment has been moved :

“ That after the words ‘ Indian Arms Act ’ the words ‘ repealed or ’ be omitted ”.

The question is that that amendment be made.

The Council divided :

AYES—10.

Assthanan, The Honourable Mr. Narayan Prasad.
Govind Das, The Honourable Seth.
Jaffer, The Honourable Sir Ebrahim Haroon.
Khaparde, The Honourable Mr. G. S.
Mookerjee, The Honourable Sriput Rama Prasad.

Mukerjee, The Honourable Sriput Lokenath.
Natesan, The Honourable Mr. G. A.
Rama Rau, The Honourable Rao Sahib Dr. U.
Ray Chaudhury, The Honourable Mr. Kumar Sankar.
Zubair, The Honourable Shah Muhammad.

NOES—25.

Abdul Karim, The Honourable Khan Bahadur Maulvi.
Akram Husain Bahadur, The Honourable 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.
Clayton, The Honourable Mr. H. B.
Commander-in-Chief, His Excellency the.
Corbett, The Honourable Sir Geoffrey.
Dadabhoi, The Honourable Sir Maneckji.
Godfrey, The Honourable Sir George.
Habibullah, The Honourable Khan Bahadur Sir Muhammad.
Haig, The Honourable Mr. H. G.

Harnam Singh, The Honourable Raja Sir.
Harper, The Honourable Mr. K. B.
Irving, The Honourable Mr. M.
Maqbul Hussain, The Honourable Khan Bahadur Sheikh.
McWatters, The Honourable Mr. A. C.
Mitter, The Honourable Sir Brojendra.
Suhrawardy, The Honourable Mr. Mahmood.
Symons, The Honourable Major-General T. H.
Thompson, The Honourable Sir John.
Umar Hayat Khan, The Honourable Colonel Nawab Sir.
Watson, The Honourable Mr. C. C.
Weston, The Honourable Mr. D.

The motion was negatived.

THE HONOURABLE THE PRESIDENT: The question then is :

“ That the original Resolution be adopted.”

The motion was negatived.

RESOLUTION *RE* RETURN TICKETS ON STATE RAILWAYS FOR THIRD CLASS PASSENGERS.

THE HONOURABLE SETH GOVIND DAS (Central Provinces : General) :
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 take steps for the issue from an early date of ordinary and eight-monthly return tickets at reduced rates to third class passengers on all State Railways ”.

At the very outset, Sir, I want to assure the House that I am not going to take very long to-day and that I will finish my remarks within a few minutes. Two years ago, I moved a Resolution in this very House asking for a reduction of third class fares to the extent of 33 per cent. At that time Sir Charles Innes, the then Commerce Member, opposed my Resolution most vehemently and said that if my Resolution was accepted it would entail a loss of 11 crores of rupees to Railways. He declared that the Resolution was entirely impractical. But what followed ? After one year we find that on many Railways, though not on all, third class fares were reduced by 16 per cent. Things such as these lead us to believe that whatever is brought forward by non-official Members of this House is always deemed impractical, but when the Government wants to do the same thing it becomes entirely practical. Sir, I do not want to conceal the motive which has led me to table this motion. My object is to give as much relief to the poor of this country as possible. Everybody knows, and it has been repeated times without number, that nowhere in the world is there a population so poor as in this country. Everybody knows that there are millions of people who do not get sufficient food to keep their bodies and souls together ; everybody knows that there are millions in this country who have not sufficient clothing to cover their bodies. It goes without saying that the people who travel third class are generally people of this sort. Travel for them is not a luxury. They travel only when necessity compels them to do so. Now, Sir, if we look at the percentages of the various classes of passengers, we find that third class passengers comprise 98 per cent. of the whole. We find the same thing in regard to railway earnings from passenger traffic. A recent report published by the Railway Board shows that first class passengers have paid only Rs. 1,13,71,000 by way of fares. Second and intermediate class passengers have paid about 3½ crores. But, Sir, what third class passengers have paid is eight times more than all the higher class passengers taken together. And what are the facilities which are being given to these third class passengers ? We find a big list of these facilities in this very report. I admit that some facilities have been given ; I admit that fares have also been reduced to some extent, but the question is whether it is satisfactory. I say, Sir, it is not satisfactory. Even to-day a first class passenger gets fourteen times more space in his compartment than a third class passenger....

THE HONOURABLE SIR MANECKJI DADABHOY (Central Provinces : Nominated Non-Official) : How many times more does he pay ?

THE HONOURABLE SETH GOVIND DAS : I was coming to it myself.
12 Noon. He pays only six times more. Besides he gets sleeping accommodation which nowhere in the world does a higher class passenger get without paying extra for it. Then, Sir, the treatment that is given to these third class passengers is also deplorable. I should like to place before this House my own personal experience in this respect. Once I was waiting at Cawnpore station for a train. I went near the third class waiting room entrance, and I found that the passengers were made to wait there like a flock of sheep. To add insult to injury, I noticed an Anglo-Indian ticket collector saying to another Anglo-Indian who

[Seth Govind Das.]

also looked like a ticket collector, " Well, this Bharatpur lot has given too much trouble to me to-day, because it has turned up to-day in too big a number and proper punishment ought to be given to it ". And the punishment that he proposed was that they should be let out from the waiting room after five minutes of the arrival of the train. On that day I learnt, Sir, that these third class passengers were called " the Bharatpur lot " with contempt and their turning up in a big number and giving more revenue to the Railway Department is also considered to be one of their crimes.

These return tickets which my Resolution demands are given on certain lines to first and second class passengers only, and not to third class passengers. Sir, this year, according to my opinion, is the best year for bringing such a Resolution. We see from the Railway Report that this year has been the best year for the traffic. What do we find in the Report? The gross earnings of State-owned Railways reached the record figure of 104 crores, or an increase of 5½ crores as compared with 1926-27. The net profit which accrued to Government after meeting interest charges amounted to 11 crores as against 7½ crores in the previous year. The total earnings of all Railways including those with which the Government of India are not directly concerned amounted to Rs. 118½ crores, of which Rs. 69½ crores were from goods traffic and Rs. 39½ crores from passenger traffic. There was a large increase in earnings from goods traffic chiefly due to improved earnings from oil-seeds, fuel, metallic ores and iron and steel. Now, Sir, if we see the earnings from passengers we find the same thing. The passenger earnings increased by 1 crore, which is accounted for by an increase of over 18 millions in the number of passengers carried. The increase in passenger traffic is mainly attributed to the stimulus given by reduction of fares. Two years ago, Sir, when I moved a Resolution for reduction of fares to an extent of 33 per cent., the Honourable the Commerce Member said that it would bring a loss of 11 crores to Railways. It is noteworthy that though on certain lines the fares were reduced by 16 per cent., yet the revenues increased by 1 crore of rupees in one year on account of more traffic. And, Sir, this increase is also neither from first class passengers, nor from second class passengers. If we see the number of passengers who travelled first class, we find that it is already reduced ; the number of second class passengers has remained the same. There has been an increase in intermediate class passengers and there has been an immense increase in traffic in third class passengers. It clearly shows that on account of the reduction made in third class fares on certain lines, this increase has taken place, and I say, Sir, if return tickets are issued at reduced rates to third class passengers, traffic will still more increase and the loss to Government on account of reduced rates will be more than compensated for by the greater amount of traffic.

Some of my friends told me some days back, when I had a conversation with them on this Resolution, that if eight-monthly return tickets were given to third class passengers, they would probably lose them, because even many first and second class passengers lose them. Well, Sir, the first and second class passengers might lose their tickets, because money is not very dear to them ; they can afford to keep these tickets carelessly. But third class passengers who are so poor can never lose their tickets. I have seen, Sir, how carefully they keep even their tobacco in their *chadder* which they wrap round their heads and their match boxes in the pockets of their *mirjai*. Their tickets are very valuable to them and they will never be lost, because their earnings are not by speculation or by such other means. They earn their little money by the sweat of their brow.

Sir, I commend this Resolution to the acceptance of this House.

THE HONOURABLE MR. NARAYAN PRASAD ASHTHANA (United Provinces Northern : Non-Muhammadan) : Sir, I rise to support the Resolution which has just been moved with such lucidity by my friend, the Honourable Seth Govind Das. In supporting the Resolution I have to say a very few words, and my reason for supporting the Resolution is this. On the East Indian Railway very recently week-end return tickets for third class passengers have been introduced. Now, if week-end third class return tickets have become very popular, I see no reason why ordinary and eight-monthly third class return tickets should not become as popular. The week-end return ticket is from Friday, as we know, and ends on the midnight of the following Tuesday. These week-end return tickets are issued at $1\frac{1}{2}$ fares, while the ordinary return tickets at $1\frac{1}{2}$ and eight-monthly return tickets at $1\frac{1}{2}$ fares, and they expire after some time depending on the distances, 18 days, 10 days or 9 days. Therefore, any reason that might be given for not introducing these tickets would equally apply to the introduction of the week-end third class return tickets. Therefore, my submission to this House is that, if the Government come forward with any reason for not introducing these tickets, they would be stultifying themselves, because they have already sanctioned the introduction of week-end return tickets on the East Indian Railway.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU (Madras: Non-Muhammadan) : Sir, the question before the House is whether the Government are willing to extend the privilege which they have extended to first and second class passengers to third class passengers. We know from the accounts in the Railway Administration Report that third class passengers contribute a large portion of the collections. Such being the case, if any concession should be granted at all, it must be for the third class passengers, because the income from third-class passengers will always be a big amount, eight times the total sum from first and second class passengers. So that it seems to be both unfair and unsound for the railway authorities to grant concessions to first and second class passengers alone. And further, if this concession is granted to third class passengers, the increase in traffic will be enormous. That is proved by the fact that since the recent reduction in third class fares, the income from that source has considerably increased. There is another aspect of the question that has not been brought out sufficiently. It is that there are a large number of servants and poorly-paid employees who are employed in different firms and Government offices in big cities ; many of those working in the Punjab, Bengal and Delhi, for instance, have come all the way from Madras. They have to travel thousands and thousands of miles before they reach home. If this concession is granted, it will be a great boon to them : otherwise it will not be possible for them to visit their distant homes at least once a year, as my Honourable friend put it. If this concession is introduced, it will be a great boon to them and will facilitate their going home and coming back without causing any inconvenience. And so I appeal to the Members of this House to extend to third class passengers the same privilege which is granted to first and second class passengers of ordinary and eight-monthly return tickets at reduced rates.

With these few observations I support the Resolution of my Honourable friend.

THE HONOURABLE MR. KUMAR SANKAR RAY CHAUDHURY (East Bengal : Non-Muhammadan) : Sir, I also rise to give my support to this Resolution, and I have to draw the attention of the House to a fact which has come to my knowledge. It is this, that a large number of people from Bihar every year flock to the northern districts of Bengal for purposes of cultivation,

[Mr. Kumar Sankar Ray Chaudhury.]

and if return tickets are available to them, it will give them a great impetus to go to different parts of the country to avail themselves of such opportunities. It will thus relieve a large amount of unemployment among these people. I therefore submit that these concessions should be extended to them.

THE HONOURABLE SIR GEOFFREY CORBETT (Commerce Secretary) : It must be a matter of great satisfaction, Sir, to the Honourable the Mover, and indeed to this Council generally, that the suggestions made by him two years ago, in spite of the vehement opposition of the Commerce Member, were so rapidly accepted by the Railway administration ; and if I have to oppose the motion to-day, I hope he will regard it as a good omen of eventual success. It is an interesting question, this question of return tickets, and there are, I think, two difficulties that we have to face. In the first place, there is the administrative difficulty. The Honourable the Mover has already referred to the danger of a man losing his return ticket. Well, I do not know that the Railways are much troubled by that, because he would have to buy another. The difficulty really is this. If you issue a single ticket, it has got the date stamped on it and it can only be used on that date. It is a very good check. But if you issue a ticket for a long period, the return half has no date stamped on it, and there is a danger that, if by any oversight the return half is not given up, it may be used several times. Now, I am not putting this up as an excuse. It is a thing that actually occurs already, I am afraid, in the case of first and second class passengers. I think it is generally admitted that travelling without a ticket is very rife in this country, and the administration of the Railways has to be directed towards preventing it as far as possible. I do not stigmatise this country on this account. I think it is a general feeling all over the world that no moral obliquity attaches to three forms of cheating,—railway companies, income-tax and customs. I think that is generally admitted in all countries, and just because there is no moral sanction against this travelling two or three times over with the same ticket, it is necessary in the interests of the public revenues and the tax-payers generally that no stimulus (to use the word of my Honourable friend) should be given to this form of cheating.

THE HONOURABLE SIR MANECKJI DADABHOY : Is there any difficulty in stamping the return half ?

THE HONOURABLE SIR GEOFFREY CORBETT : There is, because it must be stamped on the date of the journey. If he does not give it up, it cannot be stamped. I thought that was fairly clear. If you have a return half, you can always keep it and use it again and again, if it is not given up. And if you have an eight-monthly return, you can use it many times. Until it has been actually stamped, it can never be identified.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU : It is the same with the first and second class tickets.

THE HONOURABLE SIR GEOFFREY CORBETT : I am afraid it is. As I have already said, it is reported by the Railways that this abuse of the first and second class return tickets is not uncommon. We do not wish to extend the field of it any more than is necessary ; and as the Honourable Dr. Rama Rau has pointed out, the third class passengers exceed the first and second class passengers very largely.

THE HONOURABLE SIR MANECKJI DADABHOY : Are you not able to devise any other check ?

THE HONOURABLE SIR GEOFFREY CORBETT : Well, Sir, I would not press this difficulty too far. I dare say some means might be found to overcome it. But there is this difficulty. The second point is the question of finance. I was very glad to see that the motion was so worded as to call for *reduced* rates and not *concession* rates, and that the Honourable the Mover, who is a sound business man, made no suggestion that we should make a concession in this matter, but emphasised very strongly that the increased traffic would more than recoup us for the loss incurred by any reduction made. He quoted in support of this view the fact that there had been an increase in traffic as a result of the reduction in single third class fares last year. Naturally there has been an increase in traffic, but I think he is likely to hear from the Chief Commissioner of Railways in his budget speech to-morrow that the increase in traffic has been rather disappointing, not so much as we had hoped, and has failed to recoup us to the extent that we had expected for the loss incurred from the reduction. Well, as the Honourable the Mover has really put it, the Railways have got to run at a profit, at least they have got to pay their way, and this reduction would only be justified if there were a sufficient increase in traffic to recoup the loss. Now, the actual loss has been estimated—I have had it worked out for me—the actual loss from this reduction, if 50 per cent. of the third class passengers availed themselves of the privilege of buying return tickets, would be 250 lakhs in a year. That is without allowing for any increase in traffic. Probably it would lead to a net loss of 150 lakhs if there were a substantial increase in traffic—perhaps rather more. Well, that is a considerable sum. I should say that our general policy in the working of Railways is to follow the line which the Honourable the Mover himself laid down two years ago, and that is, to make a general reduction in the single fares of third class passengers rather than make special reductions for return fares. It is believed that that is on the whole to the benefit of the third class travelling community, and also that it acts as a greater stimulus to travelling than any reduction on return tickets. That is the general policy of the railway companies in this matter. But as one of the speakers pointed out, third class week-end tickets have been introduced on certain Railways. It is a very interesting experiment, and we hope that it will result in a stimulus to traffic which would justify a further extension. They are for short periods only—for week-ends—and the administrative difficulty that I mentioned of using a ticket twice or three times over is not likely to arise. The week-end may perhaps be regarded as a peculiar period for third class passengers. We do not expect the third class passenger to develop “the week-end habit” to any great extent. But it is a fact, that in the large towns where the factories are closed on Sundays, if the workers can get out for short distances for the week-end, it is advantageous to them, and, at the same time, they react more sharply to the stimulus of cheaper fares than persons travelling on business. You indulge in pleasure more frequently if you can afford it ; if you are travelling on business, you have to go anyhow. Well, as I have said, week-end return tickets are now being issued in certain localities, and its effect is being carefully watched, and I think we can rely on the Agents, with the advice of their Advisory Committees to extend the practice to wider fields, perhaps to ordinary return tickets, perhaps even for long periods, provided some satisfactory arrangement for check can be found. But any extension in this direction must be subject to two considerations, firstly, to the financial consideration, namely, that it must repay itself, not at once perhaps, but over a period, and, secondly, following on the first really, that some means must be devised to prevent the cheating of the

[Sir Geoffrey Corbett.]

Railways by using the return half more than once. I hope the Honourable the Mover will not be disappointed in my reply, and will forgive me if I am unable to accept his Resolution that steps should be taken at an early date for the issue of ordinary and eight-monthly return tickets.

THE HONOURABLE SETH GOVIND DAS : Sir, to-day is the first day in this House, so far as I am concerned, that I am willing to withdraw my Resolution. Sir Geoffrey Corbett has really not opposed my Resolution as vehemently as was done by Sir Charles Innes, but has given me certain assurances. As I said, Sir, when I was moving the Resolution, my object in bringing forward this Resolution was to give as much relief to the poor people of this country as possible, and when, Sir, he is ready to consider the matter... ..

THE HONOURABLE SIR MANECKJI DADABHOY : I rise to a point of order, Sir. Is the Honourable Member entitled to speak when he withdraws his Resolution ?

THE HONOURABLE THE PRESIDENT : The Honourable Member has not yet withdrawn his Resolution. I think he is quite entitled to speak and explain the reason why he is withdrawing. The case of a Resolution withdrawn after a debate is very different from the case of a Resolution withdrawn at the outset.

THE HONOURABLE SETH GOVIND DAS : Thank you very much, Sir. What I was going to say was that my object in bringing this Resolution was to give as much relief to the poor people as possible, and I am glad to see that the Honourable Sir Geoffrey Corbett is willing to consider the matter. Whether he gives them return tickets or sees his way further to reduce the fares does not matter much to me.

Now, Sir, as regards the loss of 250 lakhs to the Railways by issuing return tickets to third class passengers, I might say that it is an exaggeration just as Sir Charles Innes indulged in an exaggeration two years ago. He said, Sir, that 11 crores of loss will be sustained by Railways if a 33 per cent. reduction was made in third class fares. But, Sir, as I said, a 16 per cent. reduction was made on certain lines and there has been an increase in earnings. In that very way, Sir, I think that this 250 lakhs is also an exaggeration.

Then, Sir Geoffrey Corbett said that there has not been as much increase in traffic as the Railway Department expected when the reductions were made. That might be the case, but there is no doubt about one thing, and that is that in spite of the reduction there has been an increase in earnings to an extent of one crore of rupees from passengers.

Sir Geoffrey Corbett has said much about corruption on account of return tickets. I shall be the last person to make a suggestion to make the people more immoral by travelling twice or thrice with the same ticket. With these few words, and in view of the assurances which I have received from the Honourable Sir Geoffrey Corbett, I am willing to withdraw my Resolution.

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

RESOLUTION *RE* BETTING AT RACES.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU (Madras : Non-Muhammadian): Mr. President, I beg to move the following Resolution which stands in my name :

"This Council recommends to the Governor General in Council that betting at the races within the jurisdiction of the Local Administrations under the direct control of the Government of India be prohibited."

Sir, this Resolution, though restricted in its application only to Local Administrations under the direct control of the Government of India, has a wider significance in that it deals with the whole subject of betting and gambling at the horse races throughout India which has become a growing evil, sapping the morals of the people and undermining the wealth of the country, apart from making the entire Indian nation physically and mentally weak and effete. Betting at the races is a western vice, only very recently imported into our land, and has already caused untold suffering in many a happy home and has led to many suicides, murders and crimes of a nefarious nature, and it is high time, therefore, that the Government should intervene and put a stop to this vice before it gets out of control. The economic evil of betting is too patent to need elaboration. It takes immense sums annually from the national pocket without yielding any positive good in return. In England it has been estimated that peoples' wealth is drained annually to the extent of £300,000,000 on all forms of betting, out of which £170,000,000 go to the pockets of book-makers for which they make no useful return of any sort. There is at least this consideration, that in England, the money betted does not go out of the country, but here in India, except perhaps a small fraction of it, all that money goes into the pockets of foreigners who more freely take part in these games and gambles than the sons of the soil and who have acquired a more thorough knowledge and gained much greater experience in these parts than the people of this country.

Betting at the races to my mind seems to be another variety of foreign exploitation of which India has long been a victim. No reliable statistics are available as to the exact national drain annually involved in respect of betting in India, but when we consider that in Madras alone the local race club could boast of a net gain of several lakhs every year, the national loss must be considerable indeed. A poor country like India with its annual epidemics and famines, with a major portion of its inhabitants depending solely on agriculture for their sustenance, and with a heavy and oppressive land tax to bear, cannot afford this additional drain, whether it is for the purpose of sport or for purposes of trade. I say for purposes of trade, because this curious explanation was devised some time ago by His Excellency Lord Willingdon, late Governor of Madras, when his race course policy was seriously criticised by me in the Madras Council. He said that racing fostered the trade in horses, and that betting at the races was meant to test the power of resistance of the people to temptations of that sort. I do not know what additional volume of trade in horses the races have brought about and how far the people have stood the test of temptations. We have in Sir Clement Hindley a recent convert to Lord Willingdon's curious theory. Apart from the growing volume of trade expected in horses and the pleasurable pursuit of horse breeding and rearing which racing affords, he finds in racing also the prosperity of the Railways, of which he was the virtual head in India till a few months ago as the President of the Railway Board. Sir Clement Hindley has been peculiarly fortunate in his career. He has left the Railway Board in India to take up a similar position in the Race Course Board in England. The comfort of third

[Rao Sahib Dr. U. Ram Rau.]

class passengers always looms large in his mind, whether he be in England or in India. He takes credit for having done much in the way of draining the poor man's small savings in India by providing him with railway facilities and comfort in order to enable him to attend races with the least possible trouble and inconvenience. He made a notable utterance at the Savoy Hotel recently which is worth quoting here. Sir Clement said :

"There was one problem of railway working which was always prominent—it was the problem of comfort for third class passengers. The Board wants to see racing adopted more for third class passengers of the turf, and as we have found on the railways in India, it is a policy which pays not only politically but as a means of bringing back prosperity to the whole business of racing in the country."

I have nothing to say about Sir Clement's race policy in England, but so far as India is concerned his policy has already made the miserable third class passengers all the more miserable. The poor third class passenger goes to the races not to enjoy the sight but in expectation of a windfall, and he returns a sadder though not wiser man. However much Sir Clement may boast of his railway *cum* race course policy in India before his English audience and gloat over the financial prosperity of the whole business of racing in England, the incontrovertible fact remains that the people of India have been ruined physically, mentally, morally and materially to an unutterable extent already by these races, and unless the Government and the Legislature try to grapple with the serious situation caused by betting at races at once and prevent further ruin, I am afraid that all hope of India's salvation will be lost.

So much for the economic side. On the social evil due to betting and gambling I need not dilate at any length. In the first place gambling among all classes of workers reduces the national output by at least 20 per cent. Secondly, the result of gambling imposes a heavy burden on the whole trading community. Thirdly, betting is beyond all comparison the most fruitful source of crime. Fourthly, betting corrupts every sport it touches. Fifthly, betting is at once a source of violent crime and the means whereby the ranks of violent criminals are recruited. And sixthly and lastly, it is a cause of much demoralization and corruption among the police. These were the conclusions drawn by a violent critic of gambling—a true clergyman, a man of God and a God-fearing man after long and careful study of the conditions existing in England at the present day. He sums up his conclusions in these pathetic words :

"If then gambling wastes wealth, hinders output, injures honest traders, creates criminals, ruins homes, corrupts sport, fosters violent crime and demoralizes the police, surely there is a strong obligation, not merely on every Christian"—

—and may I add, on every Christian Government—

"but on every decent citizen to abstain in every way from this vice and to refuse to countenance or encourage it in any way."

Coming next to the moral aspects of gambling, it must be said that gambling is unquestionably injurious to character. It is a sin against one's own soul, it is a sin against one's neighbour and against society as a whole. Again, Sir, I would quote the words of that great Churchman, the Reverend Peter Green, M.A., Canon of Manchester and Chaplain to His Majesty the King Emperor, from his book on betting and gambling :

"There is as far as I can see only one thing that can be said in extenuation of this vice. The lives of many men and women, we are told, are so dull and dreary under the unnatural conditions of our modern civilisation that they turn to betting as a remedy and

it does yield a little colour, a little excitement, a little real if quickly passing pleasure and relief. No doubt it is a true description of life alike for many of the bored and idle rich and for the depraved and unwashed poor. But as good a defence might be put up on these lines for drunkenness or sexual vice. These things also yield a little colour, a little excitement, a little real if quickly passing and dearly purchased pleasure and relief. But the real recipe for happiness is not to drug oneself with vice, whether by means of alcohol, sexual indulgence or gambling, but to learn the joys of service and to fight in noble battles. In the long run it is more interesting and exciting to fight Satan than to serve him."

Sir, I think I have said enough to convince you about the evils of gambling and betting. There is a mistaken impression in the public mind that the State itself winks at betting in races and so people can freely and with impunity bet and gamble. Such an impression should be removed by the State legislating strongly and completely against betting. It is with that end in view that I have tabled this Resolution. I know that this Resolution may be unpalatable to many, but like the bitter pill it ought to be swallowed if you want to keep the nation healthy and wealthy and save the people from wreck and ruin. The Government of India must set the example and prohibit betting in the areas under their direct control. The Provincial Governments will then follow suit, and with drastic legislation and the creation of a strong public opinion against it by education and propaganda, the betting evil will, I am sure, soon be eradicated and the people will be spared from misery and starvation.

With these words I commend my Resolution for your kind acceptance.

THE HONOURABLE SIR GEORGE GODFREY (Bengal Chamber of Commerce): Sir, I rise to oppose this Resolution on principle, but not because one of my principles is to encourage betting. Far from it. Whenever I come away from a race course with light pockets I feel that I should rejoice if betting were unknown in the world and I mentally consign totalizators and book-makers to another kingdom. No, Sir, I am not objecting on moral grounds, nor on immoral grounds, but solely because I think opposition is necessary on account of the impracticability of any law which might be passed. A law which can be transgressed so readily is objectionable in itself. It would immediately produce a huge number of law-breakers and criminals. The Resolution recommends a prohibition which is impracticable. It might be possible to stop open, straightforward, honest betting, but until human nature, and in particular the oriental nature is changed, no prohibition can stop gambling or betting. Betting if prohibited on race courses would take place in secret or with veiled publicity, the prohibition would create criminals and would certainly introduce corruption and dishonesty among the police whose duty it would be to ferret out those who were secretly betting. In my opinion, the crime which has been referred to in such glowing terms by the Honourable the Mover would be increased, amongst the police particularly, if such a law was introduced. Moreover, the magistrates and the law courts would be submerged and overcrowded with real and trumped-up cases of infringement of the law. Whatever the moral feeling may be, I regard the impracticability of such a law as overwhelming; and on those grounds and for the credit of this House I certainly oppose this Resolution.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN (Punjab: Nominated Non-Official): Speaking, Sir, from the Muhammadan religious point of view, betting in our religion is prohibited. On that point, I will not proceed any further. But there are two kinds of betting which are not prohibited but even encouraged, and that is betting on horses and betting on shooting. One is meant to get a better breed of horses in order to beat the others. This is more or less from a soldierly point of view so that a man may be able

[Sir Umar Hayat Khan.]

to get away when needed from his enemy or pursue his enemy and catch him. I am a member of the Horse Breeding Society and we have been trying to see various clubs and to encourage races for indigenous horses, and that is only with this aim, that we may be able to breed such horses as may compete well with others. That is for the good of the horses of the country. The other betting about shooting is also on the same principle, that each man should learn to shoot and by competition he may be a better soldier and a better shot. So, directly there is a law made which prohibits us from performing a religious duty, naturally I should object to it, and any Muhammadan who knows about Islam would object on the principle of religion. I am not at all, as I have said, from the religious point of view or other points of view against the Mover, because ordinarily betting and gambling are not good things, but I think in places where they bring revenue to the State they might be allowed. I hear that coursing electric hare in England brings so much money that all the widows of the country get their pensions out of that. That I think we have read in the papers. If a poor man has got no money to gamble with—and as we heard just a little while ago that most of the Indians cannot get food and clothing—I do not think the majority of the population will ever gamble ; but those who have got money have got lots of ways to throw that money away when they please, as in gambling dens. (*The Honourable Seth Govind Das*: “ There is no harm ; it is a very good suggestion.”) Especially when I see it from the religious point of view and the point of view of having better horses for regimental purposes or for racing, there is nothing against betting.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE (West Bengal : Non-Muhammadan) : Sir, gambling in general is illegal and therefore anybody who proposes or supports gambling at races has to show that an exception ought to be made in that case. Two arguments have been advanced in England and those also have been advanced in India as to why gambling ought to be allowed at races. One, which has already been referred to, is that horse breeding ought to be encouraged, and unless there is racing you do not encourage horse breeding in the same way as you would otherwise do. To take up this point first so far as we in India are concerned. So far as I am aware, almost all the races in India are run by horses which are imported. How many horses are country-bred that run races in India ? I would stand corrected if any Honourable Member could give any information to the contrary.

THE HONOURABLE COLONEL NAWAB SIR UMAR HAYAT KHAN : They are increasing daily.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : The Honourable Sir Umar Hayat Khan says they are increasing daily, but to what extent are they increasing ? So far as Calcutta, Bombay or Lucknow is concerned and as far as I have been able to see from the papers, almost all the races, with one or two exceptions, are run by horses which are imported from outside India. Are we here in India to encourage horse-breeding in places outside India even if we recognise betting to be an evil ? The second argument has been that it gives money to the State, but what is the amount that the State actually receives ? Is it not infinitesimally small when compared with the colossal amount which is lost by the nation at large and which is made by the book-makers and by the Turf Clubs ? I do not know much of the Turf Clubs, but recently I saw a report of the Calcutta Turf Club. What fabulous money is at the disposal of that Turf Club and for what purpose is it used ? Is it used for any part of the national development of the country ?

THE HONOURABLE SIR MANECKJI DADABHOY : They spend a lot of money on charities.

THE HONOURABLE SRIJUT RAMA PRASAD MOOKERJEE : Sir, the Honourable Sir Maneckji Dadabhoy is correct in saying that a portion is spent on charities. Again I ask, how many lakhs and lakhs are made out of race courses and what small portion is given out to charities ? If for the purpose of having a few thousands for charity we are to support a crime of this character—I would regard betting as a crime—I would be the last man to support betting at the race course. We in India had never any betting at races before the advent of British rule here. Sir Umar Hayat Khan has stated that according to his *Shariat* betting is allowed on horse races. I plead ignorance of his *Shariat*, but certainly he has not stated that a religious benefit would accrue to the man if he bets on the race course ; he has not and cannot put it that way. From the economic point of view, from the social point of view, betting at the races has been creating havoc in every part of the country. People who live in the southern part of Calcutta know to what extent betting at races has permeated to every stratum of society,—how people who cannot earn their living, who cannot feed the members of their family both times in the day, how even students in their teens go to the race course week after week on the offchance of getting something. But in attempting to get something from the race course the majority of the people lose there ; for the simple reason that if a person pays one rupee or five or ten rupees and gets ten to twenty times over from the race course by staking that sum, for every person who wins there must be a hundred or five hundred others who must be losing thereby, and that is certainly economic wastage. I would strongly support the proposition which has been moved by the Honourable Dr. Rama Rau.

THE HONOURABLE MR. H. G. HAIG (Home Secretary) : Sir, I should like to invite the attention of the Council to the actual terms of the Resolution moved by my Honourable friend because I cannot help thinking that some of the speeches have travelled a little widely. He recommends to the Governor General in Council that betting at the races within the jurisdiction of the Local Administrations under the direct control of the Government of India be prohibited. The Honourable Dr. Rama Rau denounced in strong terms betting and racing and gambling in general, and in particular referred to the evil effects in Madras, and as far as I understood him made some reflections on the present activities of Sir Clement Hindley in England. Well, Sir, I am not taking a purely technical point against the Honourable the Mover when I remind him of the terms of his Resolution. He has drawn his Resolution in these terms because the subject—the regulation of betting and gambling—is a provincial subject and this Council can only directly deal with matters within the jurisdiction of the Local Administrations under the direct control of the Government of India. But, Sir, why is the regulation of betting and gambling a provincial subject ? The regulation of theft and murder is not a provincial subject. We do not leave it to the provinces to decide whether theft or murder is a crime. The very fact that the regulation of betting and gambling is a provincial subject shows that in the judgment of Government betting and gambling are matters to be regulated more or less in accordance with local facts and circumstances. They are not necessarily outside the moral pale and that is my first point of disagreement with the Honourable Dr. Rama Rau. They have to be looked at with reference to their effects. The principle which I think guides legislation in India on this subject is that, wherever betting or gambling is felt to be doing real harm, there legislation is introduced in the interests of the community. But it has never been accepted as a principle that betting is in

[Mr. H. G. Haig.]

itself an immoral thing. Only in its effects it may have evil results on the community. I would refer to the Public Gambling Act which is in force in the areas mentioned in the Resolution,—and similar Acts are in force all over India. That Act is a permissive Act. It may be applied locally in certain areas where betting or gambling is likely to have evil effects on the population. It may be applied in towns or in places in the immediate vicinity of towns. But it does not apply without special notification even to towns. It is only where there is felt to be an evil that the Act is applied. I would not like the Council to think that I am not alive to the evils that may be produced by betting or gambling. In my earlier days it was very often my duty as a magistrate to try cases under the Gambling Act, and I was well aware of the public opinion that there was against gambling and of the evil effects on certain portions of the population who indulge in this practice. But with regard to the actual matter before the Council, the question we have to ask ourselves, I suggest, is whether in these particular areas betting at horse races has become a serious evil that should be regulated by legislation. I had expected when I came here this morning that the Honourable Dr. Rama Rau had perhaps been prosecuting his researches into this matter, in time unfortunately denied to me, by attending the races in Delhi last Saturday. But I heard no reference to any such experiences. In fact, he gave us no practical instances at all of the evil which by this Resolution he is suggesting should be prohibited. Where betting or gambling really leads to abuse, the public opinion in this country is not slow in asserting itself and drawing the attention of the authorities. I know myself that at Agra, opium-gambling was a great scandal, and it disturbed public opinion there very seriously. It was admitted on all hands that it was a matter to be dealt with by legislation, and special legislation was introduced to make *satta* or opium gambling, rain gambling and such things illegal. In the same way in this very city of Delhi, I notice that in 1916 the Chief Commissioner wrote to the Government of India drawing attention to the same evil of opium gambling and he said :

“ I have received constant representations from respectable Indians of Delhi City regarding the prevalence of opium gambling and the evils consequent on the presence of a number of shops for this form of wagering.”

Well, Sir, my point is this, that where an evil that requires remedy is present, there representations are made to the Government and Government take action. In this case no representations have been made, and I cannot help feeling that my Honourable friend's Resolution, so far as the particular areas to which he refers are concerned, is a theoretical Resolution, and that really what he wants us to do is to suggest to Madras or to Bombay that they should prohibit betting within their jurisdictions. Well, Sir, in these areas if the matter is really a serious evil, public opinion may be expected to assert itself. Actually I believe in Bombay some years ago it was felt that betting at races required regulation and legislation was introduced. I think, Sir, we must leave the Local Governments to deal with their own problem, and as no case has been made out for action within the particular jurisdictions under the Government of India, I would invite this House to vote against my Honourable friend's Resolution.

THE HONOURABLE SRIJIT RAMA PRASAD MOOKERJEE: In Calcutta at least the race course is within the Fort area and under the jurisdiction of the military authorities.

THE HONOURABLE MR. H. G. HAIG : I think, Sir, it is under the jurisdiction of the Bengal Government.

THE HONOURABLE RAO SAHIB DR. U. RAMA RAU : Sir, the Honourable
 1 P.M. Member opposite has admitted that gambling is bad and betting is bad, but he says that we have not brought forward any specific cases. It is not possible to bring in specific cases either in Delhi or in any other place because it requires a good deal of working and tact. It is for the purpose of handling such cases that we want Government to take some steps either by enacting a law or by taking some other safeguards to prevent betting. My sole object was to draw the attention of the Government of India to the evil of betting not only in Delhi alone but also all over India. In Madras there is an impression going round that the Government are in favour of betting at horse races because successive Governors used to attend the races in State. That gives the impression outside that the Government also is a party to it. So, my object in bringing this Resolution was that the Government must come out with their opinion, whether they approve of betting at the races or whether they do not approve of it, and if they do not approve of it, let them say that gambling is bad, that betting is bad and that they do not like these things, and I withdraw the Resolution. But in the observations of my Honourable friend opposite there is nothing to indicate whether the Government of India approve of it or disapprove of it. If he assures me that the Government of India disapprove of betting at the races, certainly I have no objection to withdrawing the Resolution. Otherwise I will press the Resolution to a division.

THE HONOURABLE THE PRESIDENT : The question is :

“ That the following Resolution be adopted, namely :

‘ This Council recommends to the Governor General in Council that betting at the races within the jurisdiction of the Local Administrations under the direct control of the Government of India be prohibited ’.”

The motion was negatived.

STATEMENT OF BUSINESS.

THE HONOURABLE KHAN BAHADUR SIR MUHAMMAD HABIBULLAH (Leader of the House) : I promised, Sir, to make a statement of the business for this week, to-day. To-morrow, as Honourable Members are aware, the Railway Budget will be presented. A motion will then be made by the Honourable Sir Brojendra Mitter that the Presidency-towns Insolvency (Amendment) Bill be taken into consideration, and if that motion be carried, that the Bill be passed. As there is at present no other official business which can be placed before the House there will be no meeting of the Council on the 20th or 21st February. Thereafter the House will meet on Friday the 22nd when the general discussion of the Railway Budget will take place.

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