

Monday, 14th July, 1931

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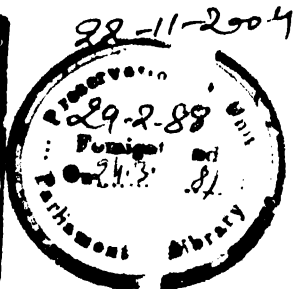
(9th July to 18th July, 1930)

NINTH SESSION

OF THE

SECOND COUNCIL OF STATE, 1930

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COUNCIL OF STATE.

Monday, 14th July, 1930.

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

MEMBER SWORN.

The Honourable Mr. Thomas Everard Tichborne Upton (Legislative Department : Nominated Official).

QUESTIONS AND ANSWERS.

OBTAINING OF ADVICE OF MEMBERS OF LOCAL ADVISORY COMMITTEES FOR RAILWAYS ON MATTERS AFFECTING FEEDER LINES, ETC.

82. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA : Will Government be pleased to state :

(a) whether members of Local Advisory Committees for main railway systems are asked to advise on matters within their province affecting the feeder lines of those systems ;

(b) whether the members are allowed opportunities to inspect and examine the system of working of traffic and goods and other matters relating to the railway ?

THE HONOURABLE MR. J. A. WOODHEAD : (a) In the memorandum which was sent to Railway Administrations in October, 1922 regarding the constitution and working of Local Advisory Committees, it was mentioned that among the subjects which might suitably be placed before them were proposals in regard to new projects and extensions. I understand that by "feeder lines" the Honourable Member refers to new projects.

The proceedings of Local Advisory Committees held in 1929-30 show that on five of the important Railways these Committees held discussions regarding new lines to be constructed ; and it is always open to members to apply to the Chairman for such a subject to be entered on the agenda of a meeting.

(b) I do not entirely understand the Honourable Member's question, but if the Honourable Member wishes to suggest that members of the Advisory Committees should be afforded opportunities to investigate the working of a railway it is not clear what special opportunities are required.

INVITATION TO MR. GANDHI TO PARTICIPATE IN THE DELIBERATIONS OF THE FORTHCOMING ROUND TABLE CONFERENCE.

83. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA : Will Government be pleased to state whether Mahatma Gandhi will be invited to participate in the deliberations of the forthcoming Round Table Conference ?

THE HONOURABLE MR. H. W. EMERSON : The Honourable Member is referred to the reply which I gave to the Honourable Rai Bahadur Sukhraj Roy's question No. 68 on the 10th instant.

INVITATION TO REPRESENTATIVES OF ZAMINDARS TO ATTEND THE ROUND TABLE CONFERENCE.

84. THE HONOURABLE KUMAR NRIPENDRA NARAYAN SINHA : Will Government be pleased to state :

(i) whether representatives from the Zamindar class will be invited to the Round Table Conference ?

(ii) If the answer is in the affirmative :

(a) whether separate representatives will be selected for Bengal, Bihar and Orissa ;

(b) what the number would be of such representatives ?

THE HONOURABLE MR. H. W. EMERSON : The Honourable Member is referred to the reply which I gave to the Honourable Rai Bahadur Sukhraj Roy's question No. 70 on the 10th instant.

ADULTERATION OF PURE GHEE WITH VEGETABLE PRODUCTS.

85. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Will Government kindly state what action they have taken or intend to take to safeguard the public from vegetable compound or product being mixed and sold as pure ghee in areas directly under the control of the Central Government and in provinces where no legislation identical with or similar to the Punjab Pure Food Act has been passed and enforced ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : In April, 1930 it was suggested to Local Governments and Administrations that regulation of the sale of ghee so as to ensure that what is sold as ghee is pure ghee, must be effected by means of local or municipal rules and bye-laws framed under provincial Statutes. It was also added that adequate grounds existed for prohibiting the application of the term ghee, or any term suggesting that the product is a kind of ghee, to solidified vegetable oils, and that the Government of India would be prepared to consider the question of central legislation prescribing conditions as to the nomenclature of vegetable product at the time of import, should a measure of this nature appear necessary to render provincial legislation effective. No proposal has, however, so far been received from any Local Government or Administration on the subject. Local Administrations are being asked what action, if any, they have taken or propose to take in the matter.

NON-DELIVERY OF POSTAL REGISTERED INSURED LETTERS, PACKETS AND PARCELS FOR SEVERAL DAYS AFTER CONTINUOUS POSTAL HOLIDAYS.

86. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is hardship caused to the public by non-delivery of postal registered and insured letters, packets and parcels for several days whenever there are continuous postal holidays. If so, does Government intend to remove this hardship ? When and how ?

THE HONOURABLE MR. J. A. SHILLIDY : Continuous postal holidays for several days are extremely rare and Government do not therefore consider

that any real hardship is caused by registered and insured articles not being sent out for delivery on such few occasions.

The latter part of the question does not therefore arise.

INFLATION OF THE CURRENCY DURING THE MARKETING OF THE *Rabi* CROP.

87. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether they intend to inflate the currency during the marketing of the *Rabi* crop in order to finance the Imperial Bank of India to discount trade bills and thus to keep the rate of interest down? If so, when and to what extent?

THE HONOURABLE SIR ARTHUR MCWATTERS: Government's actions in their capacity as currency authority are guided by the needs of India as a whole and are dependent on general financial conditions. The existing powers of the Government and the practice hitherto followed by them provide for adequate expansion of the currency to meet genuine trade requirements. Due account will always be taken of such requirements, but it is impossible at present to foresee what precise action will be needed. Even if Government could now foresee what the nature of such action might be, they would not be prepared to make a preliminary announcement on the subject.

RESTRICTIONS ON THE EXPORT OF BONES AND OTHER ARTICLES OF AGRICULTURAL MANURE.

88. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether they intend to stop or restrict the export from India of bones and other articles of agricultural manure in the interests of Indian agriculture? If so, when? If not, why not?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN: The Government have accepted the recommendation of the Royal Commission that neither an export tax nor the total prohibition of the export of oilseeds, oilcakes, bones, bonemeal or fish manures can be justified. In this connection, the attention of the Honourable Member is invited to the debate on the Honourable Dr. Rama Rau's Resolution in the Council of State on the 23rd September, 1929. The whole question of the conservation and development of indigenous manurial resources is now engaging the attention of a Committee appointed by the Imperial Council of Agricultural Research, and its report is awaited.

HOLDING OF AN ANNUAL CONFERENCE OF THE MEMBERS OF ALL RAILWAY ADVISORY COMMITTEES.

89. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Will Government kindly state whether they intend to hold a Conference annually of the members of all the Railway Advisory Committees at a central place to allow the discussion and exchange of views on railway matters of public interest?

THE HONOURABLE MR. J. A. WOODHEAD: The answer is in the negative.

ABOLITION OF SMALL GOVERNMENT TELEGRAPH OFFICES AT SMALL PLACES.

90. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is there any necessity of keeping Government telegraph offices at small places ? Has Government considered the advisability of transferring their work to combined post and telegraph offices ? If so, when ? How many such offices have been thus abolished ? Will Government lay a list of offices so abolished on the table ?

THE HONOURABLE MR. J. A. SHILLIDY : Ordinarily it is not necessary to maintain a departmental telegraph office at a small station. The policy of closing down Government telegraph offices at such stations and transferring their work to post offices has been steadily pursued since 1925-26. Fifty-four such offices have been closed. A list of these offices is placed on the table.

Statement showing names of small departmental telegraph offices either closed or whose work has been transferred to post offices since 1925-26.

1925-26	..	..	..	..	Kamptee. Murree.
1926-27	..	..	..	..	Khargpur. Barrackpore. Comilla. Myitkyina. Meiktila. Madras Fort. Trimulghery. Nowshera. Lahore Cantonment. Chaubattia. Poona Wanowrie. Hyderabad Sind.
1927-28	..	..	..	..	Dinapur. Manikganj. Calcutta Armanitola. Bhamo. Prome. Bolarum. Guntakal. Wellington. Mount Abu. Abbottabad. Allahabad Fort. Bombay Umarkhadi. Devlali. Dinapore Cantonment.
1928-29	..	..	..	..	Narayanganj. Dibrugarh. Toungoo. Tavoy. Taunggyi. Salem. Hyderabad Deccan. Jaipur. Amraoti. Dalhousie Cantonment. Fyzabad. Allahabad Cantonment. Bombay Kalvadevi. Myitta. Elephant Point.

1929-30	..	..	..	..	Calcutta Store-Yard.
					Calcutta Fort.
					Barisal.
					Mymensingh.
					Lyallpur.
					Delhi Old Secretariat.
					Meerut Artillery Lines.
					Gorakhpur.
					Dehra Dun.
					Ranikhet.
					Taungup.

DESPATCH BY PEONS TO TELEGRAPH OFFICES OF TELEGRAMS BOOKED AT COMBINED POST AND TELEGRAPH OFFICES.

91. THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is Government aware that in big towns where there are Government telegraph offices the combined post and telegraph offices have generally no signalling instruments and so send at intervals telegrams booked there by peons to Government telegraph offices for being signalled ? Will Government kindly state what is the basis of fixing such intervals and are such intervals exhibited to the public at the combined offices concerned ? If not, why not ?

THE HONOURABLE MR. J. A. SHILLIDY : Yes ; but only in the case of a few offices the traffic of which can be conveniently disposed of by being transferred by hand.

The intervals at which the messages are so transferred are fixed with due regard to the requirements of each individual office. These intervals are not exhibited for public information as it is purely an internal arrangement of working of the office.

TOTAL COST OF ELECTRIFICATION OF THE SALT MANUFACTURING CENTRES AT SAMBHAR, PACHBHADRA, DIDWANA, KHEWRA, ETC.

92. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

(i) the total cost of electrification of the salt manufacturing centres at Sambhar, Pachbhadra, Didwana, Khewra, Wardha and Kalabagh ;

(ii) whether the first three places and the last three places stated above were grouped together for purposes of electrification or the electrification of each of these centres was done separately ;

(iii) the total cost originally estimated for electrification ;

(iv) the total cost actually incurred for electrification ;

(v) the names of firms entrusted with the work of electrification ;

(vi) the amount of recurring expenditure by Government which this scheme of electrification has involved ;

(vii) the cost of production at each manufacturing centre for two years since the inauguration of the system of electrification and for two years prior to it ;

(viii) the total annual output at each centre for two years after electrification and two years prior to it ?

THE HONOURABLE SIR ARTHUR MCWATTERS: (i) The total cost of electrification at Sambhar and Khewra up to date is Rs. 8,07,615 and Rs. 5,58,172 respectively. There is no electricity at Pachbhadra, Didwana, Warcha and Kalabagh.

(ii) Only Sambhar and Khewra are electrified.

(iii) Sambhar Rs. 4,93,708 and Khewra Rs. 6,40,000.

(iv) This has already been stated in reply to part (i).

(v) *Sambhar*.—The work was done departmentally and through the agency of local contractors, but the engines and certain materials were purchased from Messrs. Vickers Petters, Metropolitan Vickers Electric Company, Ltd., and the General Electric Company.

Khewra—

1. Messrs. Mirrlees, Bickerton and Day.

2. Metropolitan Vickers Electric Company, Ltd.

3. The English Electric Company.

(vi) The recurring expenditure due to the electrification has been:

				Sambhar. Rs.	Khewra. Rs.
1924-25	..	..	..	84,683	..
1925-26	..	..	..	1,02,889	..
1926-27	..	..	..	87,000	..
1927-28	..	..	..	1,07,139	1,44,372
1928-29	..	..	..	95,983	1,32,653
Total				4,77,694	2,77,025
Average per year				95,539	1,38,512

(vii) and (viii). Two statements giving the desired information are laid on the table.

Statement showing the cost of production at each manufacturing centre for two years since the inauguration of the system of electrification and for two years prior to it.

Year.		Khewra.		Warcha.	Kalabagh.
1923-24	..	.. 0/4/1.50		0/1/11.30	0/2/8.50
1924-25	..	.. 0/3/5.14		0/2/6.52	0/3/9.64
1925-26	..	.. 0/5/9.66	} under construction.	0/5/5.26	0/5/11.67
1926-27	..	.. 0/4/10.53		0/4/9.97	0/5/5.93
1927-28	..	.. 0/6/8.59		0/4/1.28	0/4/3.32
1928-29	..	.. 0/5/2.36		0/3/5.45	0/3/11.37

Year.		Sambhar.		Didwana.	Pachbhadra.
1920-21	..	.. 0/2/11.90		0/2/3.01	0/2/3.83
1921-22	..	.. 0/3/8.12		0/1/4.80	0/3/0.07
1922-23	..	.. 0/3/7.66	} under construction.	0/1/8.78	0/6/7.29
1923-24	..	.. 0/2/11.00		0/1/6.75	0/2/10.46
1924-25	..	.. 0/3/5.23		0/3/10.55	1/4/2.69
1925-26	..	.. 0/2/7.27		0/3/3.65	0/5/2.98

Note.—It appears from the Honourable Member's question that he required the information about those sources only which have been electrified but for facility of comparison cost of production at other sources also have been given.

Statement showing total output at all the centres for two years after electrification and two years prior to it.

Year.		Khewra.		Warcha.	Kalabagh.
		Mds.		Mds.	Mds.
1923-24	..	16,87,371		5,39,345	95,668
1924-25	..	36,98,389		12,50,156	2,54,500
1925-26	..	20,14,260	} under construction.	8,91,944	1,56,019
1926-27		27,66,606		5,44,509	3,00,975
1927-28		26,95,776		5,47,463	3,38,436
1928-29		30,56,478		6,51,716	4,32,062
Year.		Sambhar.		Didwana.	Pachbhadra.
		Mds.		Mds.	Mds.
1920-21	..	63,37,198		2,71,576	12,99,862
1921-22	..	51,36,273		6,92,682	7,25,347
1922-23	..	57,85,743	} under construction.	7,49,334	1,62,391
1923-24	.. ..	*87,37,080		3,22,773	10,51,146
1924-25	.. ..	†53,01,827		2,97,242	95,530
1925-26	.. ..	89,34,721		1,23,213	6,62,822

* Good output due to the electrification scheme being well in hand.

† Low output due to the heavy rain of 1924, hence only low density brine was available in 1924-25 and manufacture was hampered.

Note.—It appears from the Honourable Member's question that he required the information about those sources only which have been electrified, but for facility of comparison figures of total output at other sources also have been given.

PROHIBITION OF THE WEARING OF GANDHI CAPS.

93. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state whether the wearing of Gandhi caps is prohibited anywhere?

THE HONOURABLE MR. H. W. EMERSON: The Government of India have no official information regarding any such prohibition, but in view of statements they have seen in the Press they are making inquiries from the Madras Government.

CATTLE AND OTHER ACCIDENTS BETWEEN AZIMGUNJ AND BARHARWA ON THE BANDEL-BARHARWA SECTION OF THE EAST INDIAN RAILWAY.

94. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state the number of cattle and other accidents that have occurred between Azimgunj and Barharwa (Bandel-Barharwa Section, East Indian Railway) between February, 1929 and March, 1930?

THE HONOURABLE MR. J. A. WOODHEAD: I am making enquiries and will let the Honourable Member know in due course.

TIME TAKEN FOR THE JOURNEY BETWEEN AZIMGUNJ AND HOWRAH BY NOS. 117 AND 118 LOCAL TRAINS.

95. THE HONOURABLE MR. SURPUT SING: Will Government be pleased to state the time which it takes to do a journey by Nos. 117 and 118 local trains from Azimgunj to Howrah?

THE HONOURABLE MR. J. A. WOODHEAD: Six hours and 55 minutes in one case and 7 hours and 54 minutes in the other.

RATES OF COOLIE HIRE FROM PLATFORMS AT RAILWAY STATIONS TO THE CARRIAGE STAND OR STEAMER GHAT.

96. THE HONOURABLE MR. S. C. PAKRASHI : Will Government kindly state :

(a) Whether lists of rates of coolie hire from the platform to the carriage stand or steamer ghat, as the case may be, are kept hanging at railway stations for convenience of reference of passengers ?

(b) If the answer to (a) is in the negative, have Government considered the desirability of maintaining tables of such rates at prominent places on railway platforms as well as in railway compartments ?

THE HONOURABLE MR. J. A. WOODHEAD : (a) In November, 1929 all Railway Administrations were asked to arrange, if this had not already been done, for suitable notices in the vernacular to be posted at stations showing the charges which station coolies are entitled to make. Government presume that this is now being done.

(b) In view of the answer to part (a) these questions do not arise.

COMMUNICATIONS BETWEEN DACCA AND JAGANNATHGUNJ.

97. THE HONOURABLE MR. S. C. PAKRASHI : Will Government kindly state :

(a) Is 27 Up Passenger the only through train available from Narayangunj to Jagannathgunj ? Can passengers from Dacca avail themselves of any other train to reach Jagannathgunj or stations beyond Mymensing between 10-42 P.M. and 23-58 A.M. (Standard) ?

(b) Is there any train from Jagannathgunj to Dacca and from Dacca to Jagannathgunj, corresponding to the Up and the Down steamer respectively of the Goalundo-Bahadurabad service ?

(c) Do passengers for the Down Goalundo steamer who travel by the 27 Up train have to wait at Jagannathgunj for more than five hours ?

(d) Have Government considered the desirability of facilitating communications between Dacca and Jagannathgunj ?

THE HONOURABLE MR. J. A. WOODHEAD : (a) The reply to the first part of this question is in the affirmative and to the second part in the negative.

(b) No.

(c) Yes.

(d) The preparation of time-tables is not a matter in which Government can take part, but I am having a copy of the question sent to the Agent of the Eastern Bengal Railway.

INTERMEDIATE CLASS COMPARTMENTS ON THE 27 UP PASSENGER TRAIN FROM NARAYANGUNJ.

98. THE HONOURABLE MR. S. C. PAKRASHI : Will Government please state whether it is a fact that only two small size intermediate class compartments are attached to the 27 Up Passenger train from Narayangunj ? If so, how many passengers can they accommodate ?

THE HONOURABLE MR. J. A. WOODHEAD : Government are not aware of the composition of this particular train, but on receipt of information from the Agent of the Eastern Bengal Railway, I will communicate with the Honourable Member.

CONVENING OF A CONFERENCE OF INDIAN LEADERS TO CONSIDER THE PRESENT POLITICAL CRISIS.

99. THE HONOURABLE RAI BAHADUR SUKHRAJ ROY : Do Government propose to convene a conference of Indian leaders to consider the present political crisis in India in order to prevent a more serious situation ?

THE HONOURABLE MR. H. W. EMERSON : The position of Government was clearly defined in the recent speech of His Excellency the Viceroy, to which I have nothing to add.

GRANT OF GENERAL AMNESTY TO ALL POLITICAL PRISONERS BEFORE THE ROUND TABLE CONFERENCE BEGINS.

100. THE HONOURABLE RAI BAHADUR SUKHRAJ ROY : Do Government propose to grant a general amnesty to all political prisoners before the Round Table Conference begins ?

THE HONOURABLE MR. H. W. EMERSON : While the civil disobedience movement is in progress, no question of this nature can arise.

MORTALITY AMONG INDIAN LABOURERS ON BOATS BOUND FOR BRITISH GUIANA.

101. THE HONOURABLE MR. SURPUT SING : Will Government be pleased to state :

(i) whether they are aware that so far back as 1839 Lord Brougham referring to the mortality among Indian labourers on boats bound for British Guiana said that the mortality on the voyage far exceeded that on the sea voyage between Africa and America ;

(ii) what steps they have adopted since to avoid such fatalities during the transport of labourers ?

THE HONOURABLE KHAN BAHADUR MIAN SIR FAZL-I-HUSAIN : (i) The Honourable Member has quoted the substance of Lord Brougham's remarks correctly. That noble Lord's language, I may add, grossly exaggerated the facts which were that out of 414 Indians who had gone to British Guiana, 18 died on the voyage.

(ii) There is no emigration now for the purpose of unskilled labour from India to British Guiana. If the Honourable Member is referring to the return voyage from British Guiana, I would refer him to the answer given by me to his question No. 13 last Wednesday.

RESOLUTION RE REPORT OF SIR MUHAMMAD HABIBULLAH AND OTHER MEMBERS OF THE INDIAN DELEGATION TO THE LEAGUE OF NATIONS.

**THE HONOURABLE SIR PHIROZE SETHNA (Bombay : Non-Muham-
madan) :** Sir, I beg to move :

" That this Council recommends to the Governor General in Council that steps should be taken to give effect to the recommendations made in their report by Sir Muhammad Habibullah and other members of the Indian Delegation to the session of the League of Nations last year ".

[Sir Phiroze Sethna.]

In March, 1924, I brought forward a Resolution for the first time in this House in connection with the Indian Delegation to the League of Nations, suggesting that it should be pre-eminently Indian and that the Leader should be an Indian. The Honourable the then Leader of the House, Mian Sir Muhammad Shafi, replied in terms which signified that Government were in entire sympathy with the idea underlying the Resolution. From this the House expected that Government would accede to the request made by it. As however no action appeared to be taken, I thought it necessary to press the matter not once but often by subsequent Resolutions until such a Resolution became almost a hardy annual in this House. On 13th March, 1929, I pressed the motion again and urged that Government should give practical effect to the admitted principle that there was no bar to an Indian leading such a Delegation and that therefore for the year 1929 the Delegation should be headed by an Indian. In reply the Honourable Mr. (now Sir Lancelot) Graham said in the course of a statement which he read out :

"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".

In making this statement, the Honourable Sir Lancelot added that the principle underlying it was that eventually the Delegation from India would represent different sections, would in fact be a partnership and the idea was that the partners should take it in turn to lead the Delegation. On the assurance contained in this statement I withdrew my Resolution. In doing so, I remarked :

"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 that you will weaken the force of extremism which is so rampant in the 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."

As a result of the constant pressure thus brought to bear upon Government they decided that the Indian Delegation to the League of Nations for 1929 should be predominantly Indian and that it should be led by an Indian, namely, Sir Muhammad Habibullah, the then Leader of this House. The Leader of the Indian Delegation this year is to be a Ruling Prince, His Highness the Maharaja of Bikanir. Sir Lancelot Graham had said that the appointment of an Indian Prince would require careful consideration. The Indian public would naturally prefer an Indian commoner to lead but there will be no objection from any quarter to His Highness of Bikanir, and if even during the next few years an Indian Prince is appointed again there will be no complaint if such Prince is one who has the ability, the knowledge and the sympathy for the aspirations of British Indians and Indian Indians as a whole as the Maharaja of Bikanir has evinced.

Sir Muhammad Habibullah led the Delegation at the League of Nations last year with ability and dignity and fully vindicated our claim to lead such international Delegations. It must not be forgotten that he had similarly led a very important Delegation from the Government of this country to that of the Government of the Union of South Africa in 1926 and with much success. One good result of such Indian leadership has been, perhaps for the first time, the Delegation to the League of Nations gave its most earnest thought to the question of what measures must be adopted, what changes and improvements must be made in order that India may derive the greatest possible benefit from its membership of the League of Nations. The Delegation has submitted a report which I am sure Honourable Members must have read with great interest. In that report, which is a unanimous one, Sir Muhammad Habibullah and his colleagues, the Maharaja of Kapurthala and Sir Ewart Greaves, have made certain recommendations which I am asking Government by means of this Resolution to carry out. Those recommendations have the full support also of the substitute delegates, namely, Sir Chunilal Mehta, Sir Geoffrey Corbett and Mr. Syed Raza Ali. Surely the House and the Government cannot fail to realise that suggestions and proposals unanimously made by six such eminent men must carry great weight and receive the most careful and sympathetic consideration of Government. The object of my Resolution is that this House should set the seal of its approval upon those recommendations and ask Government to take action accordingly. Let me briefly state those recommendations in order that the House may realise how reasonable they are and that Government also on their part realise that it is their duty to do all they can to give effect to them.

One of the most important recommendations made by the Delegation is that steps should be taken with a view to secure for India by election a seat on the Council of the League of Nations. Out of 65 countries in the world, 54 are members of the League. The House is aware that under article 2 of the Covenant of the League of Nations the executive machinery of the League consists of an Assembly and a Council. The Council consists in all of 14 members, five of whom, namely, Great Britain, France, Italy, Japan and Germany have permanent seats, and nine have non-permanent seats being elected from among the other members of the League. Election for these non-permanent seats is for a term of three years and three places fall vacant every year. Now though India is an original member of the League and her contribution to its expenditure is greater than that of any other member not having a permanent seat on the Council, she has never yet been elected to the Council. There is no reason why this should continue to be the case. It is due to the fact that probably no effort has hitherto been made to seek election to the Council. The Delegation therefore has rightly urged that "steps should be taken on the first suitable occasion to make it known that India is to be regarded as a candidate for a seat on the Council".

The next two important recommendations relate to the composition of the Delegation and continuity in its composition. The report urges that the Delegation should ordinarily be Indian and the House will note that even the two British delegates, Sir Ewart Greaves and Sir Geoffrey Corbett, have also endorsed this recommendation and supported what we have been urging in this House since 1924. The report goes on to say that one or more of the full or

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substitute delegates should be chosen from the Indian Legislature, and further that the importance of maintaining continuity in the composition of the Delegation should be borne in mind, no one being appointed a delegate unless he is prepared to serve for at least two or three consecutive occasions. The proposal that some of the delegates, full or substitute, should be members of the Indian Legislature is so obviously reasonable that there can be no objection to it at all. I will only add this that some times a Member of a provincial Legislature, who possesses the necessary qualifications, has evinced keen interest in the League of Nations and is known to have studied the several problems that come up before it, particularly those with which India is concerned, might also be appointed as a member of the Delegation. It is desirable that interest in the work of the League should be as general and widespread as possible, and one of the means by which this object can be gained is to appoint a member of the right stamp of a provincial Legislature to the Delegation. As regards maintaining continuity in the composition of the Council, it may not be quite possible always to have the same six members even for two or three years running. Practical difficulties may arise. Nevertheless the principle is thoroughly sound and followed by other countries. The advantage will be that those members of the Delegation or as many of them who serve on it more than once will gradually become experts in the problems coming up before the League and as such their views will carry much greater weight than might otherwise be the case.

As regards the suggestion that the composition of the Delegation should ordinarily be Indian, I have no doubt that the House will attach the greatest importance to it. Sir Lancelot Graham, while making the statement to which I have referred, said that the Delegation from India would represent different sections, would in fact be a partnership among the British, the Indians and the Indian Princes. The present anomalous and defective character of India's constitutional status, national or international, is brought home by such considerations and necessities as these. The fact that the Indian Delegation must not be purely and completely Indian, but must include one or two Englishmen and a representative of the Indian Princes gives quite a different character to our Delegation from that possessed by the Delegations of the Dominions and the independent nations. It creates the impression particularly among foreign Delegations that Indian members of the Delegation are still in leading strings, that they cannot and do not act independently on their own initiative and responsibility, that they cannot or do not represent and voice the views of the people of British India. This impression may not be justified, it may have no basis in fact. But be that as it may, it is necessary that any such impression should be avoided. And that can only be done by the Indian Delegation being as a rule composed of Indians and of course led always by an Indian.

The next important recommendation of the Delegation is that permanent representatives should be appointed at Geneva, the headquarters of the League, so as to keep the Government of India better informed of affairs at Geneva. This recommendation means that the Government of India should be permanently at the headquarters of the League. Such permanent representation would no doubt be useful in watching the interests of India.

Another recommendation of the Delegation is this. They say :

“ The number of Indians employed in the Secretariat of the League and the positions which they have so far occupied are conspicuously inferior to the relative importance of India as a country and to the place which India should rightly occupy among the States. This acts as an unfavourable influence on the spirit in which India contributes to the work of the League. No effort should be spared to find and put forward candidates with the highest possible qualifications ”.

This is certainly a recommendation which might have been given effect to even before now. I have already pointed out to the House that India contributes by far the largest amount of any of the non-permanent members of the League. On the 10th instant, I put a question to which the Honourable the Law Member replied that the contribution by India towards the cost of the Secretariat of the League of Nations in the year 1929 amounted to a million and odd gold francs. I believe in sterling the amount came to about £54,000, or in our currency a little over 7½ lakhs of rupees. I understand Great Britain contributes not more than double of what India pays. And I further understand that the total expenditure of the Secretariat of the League of Nations is a little over a million sterling per annum. Therefore, if we pay £54,000, we are contributing 5 per cent. or over of the total expenditure. I said a little while ago that there are 54 countries out of the 65 in the world that have joined the League of Nations. This would mean, therefore, that the average contribution should be somewhere about £2,000 but, as I have pointed out, our contribution in 1929 was as much as £54,000. Therefore, the number of appointments, particularly the higher appointments, which Indians might hold might certainly be more than what they are at the moment, and I trust Government will pay due heed to this recommendation which the Delegation have made.

Another suggestion of the Delegation has for its object the creation and stimulation of interest in the League and its work in this country. It would be no exaggeration to say that at present the interest taken in the League and its activities by the people of India is very little. Very few people may have read the Covenant of the League of Nations and just as few or less read the reports annually submitted by the Indian Delegation. There is no doubt a good deal of distrust of the League in this country as in all other countries. Recently in the *New India* of May 8th, I remember reading that “ the great majority of people in Ireland regard the League as a ‘ bonnet ’ behind which the predatory nations, England and France, stand always prepared to use the League to cover some cynical audacity ”. This, I believe, represents the view of many people also in this country. The fact that America is not a member has created the feeling that there must be something radically wrong with the League. I do not think that this impression or feeling is really justified and it is interesting to note that the late Mr. Tilak had faith in it and thought well of it. In the manifesto of the Congress Democratic Party which he formed in 1920 a short time before his death he said :

“ It (the Party) welcomes the League of Nations as an instrument for enforcing the peace of the world, integrity of States, freedom and honour of nations and nationalities and for ending the exploitation of one country by another ”.

And the House will remember that Mr. Patel, ex-President of the Assembly, soon after his resignation declared that he intended to press the cause of India upon the consideration of the League of Nations.

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The cynical view about the League to which I have referred is fortunately not shared by all our best men and it is indeed a view which is really not justified. What is wanted is unceasing interest in its work and activities. But as things stand, Government have hitherto done very little even to interest the Legislature in the League and its work. The Delegation therefore rightly recommends that a Standing Advisory Committee of the Central Legislature be constituted for the purpose of considering and advising upon all important matters arising out of India's membership of the League.

"This",
says the Delegation,

"would increase the interest of the Indian Legislature in the work of the League, and sustain and stimulate India's participation in International affairs. This Committee would examine the reports of delegates from India with their collaboration as far as possible. It would also consider and advise as to what extent their attitude should be maintained or developed. It would receive information as to matters which are expected to be considered by the Assembly and other League Conferences. While acknowledging that in certain circumstances the delegates may have to act under direct instructions from the Government without consultation with the Committee, the fullest possible use should be made of the Committee, and normally instructions to delegates should be in accordance with public opinion".

Such are the main recommendations made by the Delegation. I do not think that any reasonable objection can be taken to any of them. If it is urged that they will involve additional expenditure, the reply is that it must be incurred if India is to derive the fullest benefit from her membership of the League. Already we spend a considerable amount of money on account of the League but we do not get the full benefit of the money which is already expended because all that ought to be done is not being done to make India's membership of the League the most fruitful. The only way to make it the most fruitful is to carry out as far as possible the recommendations of the Delegation. And therefore the additional cost they involve must be willingly incurred. It would not be much and it must not be grudged. The House owes a deep debt of gratitude to Sir Muhammad Habibullah and his colleagues for their excellent report and for the very valuable and important recommendations they have made. I sincerely hope and trust that Government will take steps to give effect to those recommendations. Anything that will raise India's international status will react on her internal status. The elevation of her international status cannot but lead to the elevation of her national status just as if her national status is raised it must result in raising her international status. The two must act and react upon each other. I entertain the sincerest hope that the influence of this country will always be exercised so as to make the League of Nations a real and powerful force making for the peace of the world, for making the reign of freedom and self-government universal and impregnable and for promoting the highest ends of human culture, civilisation and unity so that difficulties that exist at present in the way of the human race realising more and more its moral and spiritual ideals may be removed.

THE HONOURABLE SIR BROJENDRA MITTER (Law Member): Sir, I am obliged to the Honourable Sir Phiroze Sethna for moving this Resolution as it affords an opportunity to the Government of India to explain their attitude in the matter of India's membership of the League of Nations. Sir, I think we can claim that this House is probably the only body in India which takes

an active interest in this matter and I am glad to acknowledge that the credit for that is mainly due to my Honourable friend, Sir Phiroze Sethna. (Applause.) From 1924 onwards it is Sir Phiroze Sethna who has kept up a steady pressure and whatever little we have been able to do to improve India's position in that International Assembly has been to a large extent due to that pressure. Not that we would not have done so even if the pressure had not been exerted. At any rate, that was a stimulus to us. Sir, it was by reason of that persistent pressure that last year the leadership of the Delegation was vested in an Indian who performed his function, as Sir Phiroze Sethna has said, with dignity and ability. (Applause.) I can only hope that this year we may be able to follow that excellent precedent and I will not anticipate the decision of His Excellency the Viceroy in the manner Sir Phiroze Sethna has done, because...

THE HONOURABLE SIR PHIROZE SETHNA: I referred to the statements made in the Press.

THE HONOURABLE SIR BROJENDRA MITTER: I am thinking of authoritative statements and not of statements in the Press. Anyhow, Sir, we hope that the excellent precedent created last year may be followed this year.

Before dealing with the Resolution itself, I crave the indulgence of the House to remind it of two fundamental facts, recognition of which largely determines the attitude of the Government of India. The first is that India, which is a member of the League of Nations, is not merely British India. It consists of British India as well as the States. Sir, I emphasise this fact for the reason that the Honourable Sir Phiroze Sethna, in the course of his speech, seemed to assume, although I admit that he is fully cognizant of that fact, but seemed to assume, in some of his remarks that it is British Indian representation only which matters and the representation of the States can be ignored. I hope I am not doing any injustice to the Honourable Member, but I will refer to one passage in his speech in which he said that an impression was apt to be created at Geneva that the Indian Delegation did not really represent British India. Honourable Members will remember that our Delegation there represents not merely British India but also the States. The second fact, Sir, which I wish this House to remember is that the Indian Delegation receives its instructions from the Secretary of State who has the constitutional right of supervision over the Delegation. It is a very important fact, Sir, in the Report that our delegates submitted last year, there is this passage :

"As soon as those of us who came from India were assembled in London, a meeting was held at the India Office when the position which we were to occupy was explained to us on behalf of the Secretary of State on lines similar to those which have been reported by our predecessors and we afterwards discussed and settled amongst ourselves the arrangements for the distribution of work".

Sir, this fact whatever its implications may be, is, I submit, inevitable, because after all, the Secretary of State is the nexus between British India and the States, and, therefore, in the representation of India on the International Assembly, it would, under the present constitution, be proper for the Secretary of State to exercise control over the Delegation. Sir, it follows from these two postulates, namely, first, that India means British India and the States, and, secondly, that the Secretary of State is the controlling authority so far as the Indian Delegation is concerned,—it follows from these two postulates that while on the one hand the Indian Delegation cannot be under the control of the

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Central Legislature because the States are not represented in the Central Legislature, so on the other hand, the existing Indian constitution cannot but to some extent impair the influence and usefulness of the Indian Delegation. India no doubt is an independent member of the League of Nations, but her delegates derive their authority not from the representatives of the people in the Legislature but from the Secretary of State, which, as I have already explained, is inevitable in the nature of things, whereas the delegates, say of the Dominions, derive their authority from their own Legislatures. There is that distinction and we have got to recognise it. It makes no difference in the status of India in the International Assembly because India is as much an independent member of the League as, say, Great Britain, or any of the Dominions. Our status is equal. But having regard to the nature of our constitution, and having regard to the fact which I have explained, our influence and position there are to some extent impaired.

Sir, I do not wish to labour the point, but I refer to it in order to explain the attitude of the Government of India on the recommendations made by the delegates of last year. In view of the facts which I have explained, it is not possible for us to give immediate effect to all the recommendations, however much we sympathise with the spirit underlying them. We do sympathise with the spirit underlying the recommendations, because in my view, Sir, these recommendations embody the aspirations of India in an International Assembly. But having regard to the peculiar constitutional position of India, it is not possible for the Government of India to give immediate effect to all the recommendations.

Sir, this again leads me to observe that the Government of India are somewhat in a dilemma with regard to the Resolution which has been moved. We sympathise with the Resolution. We should like to accept the Resolution, but there are practical difficulties in the way which compel us to take up this position that however much we may sympathise with the recommendations, we are not in a position to accept them at the moment. I agree with much that my Honourable friend Sir Phiroze Sethna has said, but I am afraid I am not in a position to guarantee on behalf of the Government of India that we are able to give immediate effect to all the recommendations. I shall take the recommendations in their order and show in what respects we can give effect to them, in what respects we have given effect to them, and are giving effect to them, and in what respects the recommendations are in my judgment premature. The recommendations are seven in number. The place of honour has been given by my Honourable friend to the one relating to the Council of the League. I accept the facts which the Honourable Member has stated. The recommendation is :

"That an active policy should be pursued in regard to the possibility of India being elected to membership of the Council of the League".

Connected with this is the recommendation for the appointment of permanent representatives at the headquarters of the League. These two go together. Sir, the Government of India desire as much as my Honourable friend does to secure for India a place in the Council of the League, and also to provide the machinery for keeping India in close touch with the affairs of the League which I think it is the object of the second recommendation to achieve, that is to say, permanent representatives should be at Geneva to keep the Government of

India in close touch with the affairs of the League. Those two recommendations go together—India's place in the Council and permanent representatives at Geneva. Sir, I feel some difficulty in accepting these recommendations at the moment—I emphasise "at the moment". Not that it is an absolute impossibility, but having regard to existing circumstances it is a practical impossibility. It is highly improbable that India can secure a place in the Council at the present moment. Sir, I should explain what I mean. Having regard to the constitution of India, although India's status is that of absolute equality with the other members of the League, having regard to our constitution, our authority there and our influence there cannot be the same as the authority or influence, say, of the Dominions. In regard to this I wish to correct a slight inaccuracy in my Honourable friend's statement that no Dominion has up to now found a place in the Council. Canada is represented in the Council of the League, although I believe Canada's term will be over this year. Now take the concrete case of India putting herself forward as a candidate for election to the Council. Does any Honourable Member imagine that she will get much support, particularly in view of the fact that the constitution of India is under revision? What the position of India will be as the result of that revision is quite a different matter. But at a time when the constitution of India is under revision it is hopeless to expect that India will get sufficient support at Geneva for a place in the Council. Sir, the Government of India cannot accept this recommendation at the moment for the reason that the Government of India do not wish India to court a rebuff. If we do get a rebuff now that will prejudice India's position in the near future when India may be able to assert her right. Of course theoretically she can assert her claim now, but if she met with failure her position would be prejudiced when she could more effectively assert her claim. It is for that reason I submit that my Honourable friend should not press that recommendation, at any rate in the Year of Grace 1930. What the position will be in 1932 I do not know, but at the moment I submit it is not wise for us to press that recommendation. If that recommendation is unacceptable at the moment, it follows that the location of permanent representatives at Geneva is not necessary, because the controlling authority being the Secretary of State, he has all the machinery required to keep him in close touch with affairs at Geneva and since we are to receive our instructions from the Secretary of State it is no use duplicating the machinery. Further, it may create an anomaly, because if we have representatives at Geneva, from who are these representatives to get their instructions, from us here or from the Secretary of State in London? That may create an anomaly. I submit that for the reasons which I have adduced the Honourable Member should not press upon the Government of India the acceptance of these two recommendations with a view to attempting to give immediate effect to them.

Sir, the next recommendation refers to India's under-representation in the Secretariat of the League having regard to India's contribution to the expenses of the League. We fully realize the importance of proper representation in the Secretariat, but Honourable Members will remember that appointments are exclusively within the discretion of the Secretary-General of the League. We have no voice in the matter. It is absolutely at the discretion of the Secretary-General, who I am glad to say—and our delegates have repeatedly called our attention to the fact—is very sympathetic towards India's claim. All v

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can do is to bring pressure to bear upon the Assembly year after year for recognition of India's claim to larger representation in the Secretariat. Sir, this has been done and it is being done year after year. I may refer the House to the speeches which Lord Lytton and, last year, Sir Chunilal Mehta made on this very subject. Every year our delegates are pressing for larger representation in the Secretariat. The Secretary-General is sympathetic and I dare say in course of time, if we keep up the pressure, we shall get our due. In this matter the Government of India cannot take any steps for the simple reason that it is a matter in the discretion of the Secretary-General.

I come next to the recommendation for the appointment of a Standing Advisory Committee of the Legislature. Now, with regard to this matter I entirely agree with the Honourable Member that the Central Legislature should be better informed about the activities of the League and should take more interest in them than it does. To this recommendation there are two objections which are at once suggested by the delegates' own appeal to the analogy of the existing Departmental Advisory Committees. In the first place, the matters of greatest importance which come before the Assembly are for the most part matters with which the Home Department, the Foreign Department or the Army Department are primarily concerned. Many of

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these matters are outside the jurisdiction of the Indian Legislature under the present constitution, and doubtless for this reason Advisory Committees have never been attached to the Foreign or the Army Department, while the Advisory Committee formerly attached to the Home Department perished, I understand, from the lack of sufficient material which could suitably be placed before it. In respect of matters relating to these Departments, that is, the Home, the Foreign and Army Departments, Government cannot but think that it would be anomalous to set up a League of Nations Committee and thus place the Legislature in a position to exercise through this Committee a form of influence over Government, in respect of matters to be brought before the League of Nations, which it cannot exercise directly in respect of the same matters when they are to be brought before the Indian Legislature itself. The Indian Legislature cannot exercise the authority and the corollary of the recommendation is that that Advisory Committee which will be a Committee of the Legislature would exercise that influence which the Legislature itself cannot exercise. That will be the anomaly. In the second place, Sir, in respect of matters coming before the League which are within the purview of the Departments to which Advisory Committees are already attached, namely, the Commerce Department, the Department of Industries and Labour and the Department of Education, Health and Lands, I cannot see that the fact that a particular matter is to be brought before the League of Nations constitutes any reason either for ousting these Committees in favour of a League of Nations Committee, as the means by which Government should be brought into contact with non-official opinion in the Legislature, or for superimposing a League of Nations Committee on the existing Committees, which my Honourable colleagues in the Departments concerned are, subject to the limitations imposed by the considerations of time and space, free to consult in respect of matters pertaining to their Departments which are expected to come before the Assembly of the League or a League Conference. In regard to matters which appertain

to the Departments of Education, Commerce or Industries, we have already got Committees. If any of such matters come before the League of Nations, we have got the machinery by which non-official opinion may be ascertained and pressure may be put upon the Government of India to accept non-official views. It is not necessary therefore to set up another Committee whose activities must necessarily overlap the activities of existing Committees. Sir, the express object of this recommendation, namely, the finding of means for increasing the interest of the Indian Legislature in the work of the League would, in the opinion of the Government of India, be best met not by setting up a special League of Nations Committee to advise Government, but by the establishment by non-official Members themselves of an organisation on the lines of the League of Nations Union Committee of the British Parliament.

Sir, the next recommendation is for the attachment of a whole-time officer to the appropriate Department, that is, the Department over which I have the honour to preside. The delegates themselves clearly view this recommendation as a corollary to the recommendation for setting up a League of Nations Committee, and as for the reasons already explained, Government do not see the immediate necessity of setting up a League of Nations Committee of the Legislature, it is enough for me to say that the existing system under which the Legislative Department functions in matters relating to the League of Nations as the co-ordinating Department works quite satisfactorily in practice and no necessity is felt at the moment for the creation of a special post. But, while I say this, I am not opposing the recommendation—my Honourable friend will kindly not misunderstand me. All I am saying is this, that the Legislative Department is functioning in this matter and the work is going on smoothly and at the present moment we do not feel the necessity of a separate special post for this, but if the Members of the Legislature take an increasing interest in matters of the League and the volume of work increases and if it is found that the present arrangement is not adequate to deal with that, surely Government will give this recommendation due weight and a separate special post may then be created. At the present moment the interest taken is very small, the work is not heavy and I can inform Honourable Members that a Secretary in the Legislative Department, who has exclusive charge of the League of Nations matter, is thoroughly conversant with all that is going on and any Honourable Member wishing any information has only to come to my Department and we shall be only too pleased to place all materials at our disposal before him.

Sir, that disposes of five of the recommendations. There are two more recommendations with which the Government of India are not only in full sympathy but they have been carrying them out in spirit and in letter. One is for the maintenance of some degree of continuity in membership and the other is that the full delegates should ordinarily be Indians and that one or more of the full or substitute delegates should be chosen from the Indian Legislature. Sir, we are always mindful of the importance of continuity. It so happened that last year's Delegation was particularly unfortunate in this respect. Other previous Delegations had contained a larger proportion of members with previous experience of Geneva and, as time goes on, the field of selection from among persons with previous experience will naturally widen. We feel, however, that the specific proposal of the Delegation, namely, that

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no Delegate should in future be appointed unless he is prepared, if called upon, to serve on at least two or three consecutive occasions, seems to me to be impracticable. In the first place, it would put Government in an invidious position, if for any reason it were undesirable to include delegates who had given such a guarantee in a subsequent Delegation. You take a guarantee from delegates that they would serve for two or three years ; that involves a corresponding obligation on our part to appoint them for two or three years. Suppose for some reason it is undesirable that any such delegate should be a delegate in a subsequent year, what happens to our obligation ? The guarantee remains, but we can not carry out our obligation. That places us in a very invidious position. In the second place, it would seriously restrict the field of selection in that many men pre-eminently suitable for inclusion in a particular Delegation might be excluded by reason of their inability to give the required guarantee. Then, as to the other proposal that the Delegations should be predominantly Indian, the natural tendency on the part of Government is to give effect to this recommendation. Year after year this recommendation has been increasingly given effect to ; but Government cannot at the present moment bind themselves to exclude an Englishman on racial grounds if he possesses special qualifications which make his appointment desirable. Sir, I do not suggest that the Honourable Mover of the Resolution wanted to introduce any racial discrimination in the matter. I understood him to suggest that a predominantly Indian Delegation is desirable in order to give the delegation a purely national character, so as not to give other nations an opportunity of saying that we are a mixed crew. That is, I take it, at the bottom of the suggestion. There is no question of racial discrimination, but the Honourable Mover will recognise that there are matters in which at the present moment, whatever the reasons may be, we may not be able to get suitable Indians to represent Indian interests. Take the Army, for instance. Have we got any Indian at the present moment who can adequately deal with Army matters, say, reduction of armaments, a thing which may be discussed at Geneva ? Similarly, take a matter involving Public International Law. We have got eminent lawyers in India but we do not get opportunities to study Public International Law in the same way as lawyers in European countries do. Now, questions involving Public International Law are constantly coming up before the League of Nations. It may be necessary, in a particular year when such questions are on the agenda, for the proper representation of India's interests, that somebody familiar with that branch of the law should form part of the Delegation. We cannot find a suitable Indian at the moment. We have got to select a suitable Englishman. Therefore, all I am submitting is this—although Government are in full sympathy with the object of giving the Indian Delegation a really national complexion, at the moment it is not possible to exclude Englishmen because they are non-Indians—on racial grounds. To exclude persons because they are non-Indians is a very drastic step at the moment, for the simple reason that we may not find suitable Indians to represent Indian interests.

As regards that part of the recommendation which suggests that some member of the Delegation should be a member of the Legislature, Sir, we keep that constantly in view and we always try to get one or more Members of the

Legislature to form part of the Delegation. Well, I will not disclose any secrets but I may inform the House that for this year's Delegation we are trying our very best to secure one or more Members of the Legislature to go to the League.

Sir, I have dealt with all the seven recommendations and from what I have said the House will recognise that the Government have entire sympathy with the spirit underlying the Resolution. We are giving effect to some of the recommendations. Some of the recommendations are not possible to be given effect to immediately and with regard to one, it is not wise to attempt to give effect to it because that may prejudice India's claim in the near future. Sir, for these reasons I repeat that the Honourable Mover of the Resolution has placed us in a dilemma. We do not wish to oppose his Resolution. At the same time, we do not find ourselves in a position to accept it. Is it too much for me therefore to appeal to my Honourable friend to feel that we are not obstructive, that we are not unsympathetic, and that we are trying our best to carry out the purpose of the recommendations, and in view of these facts, may I not ask him to withdraw his Resolution?

THE HONOURABLE MR. P. C. DESIKA CHARI (Burma : General): Sir, as one who used to make his humble contribution to the hardy annual, I have great pleasure in supporting this Resolution. This House has reason to be gratified with the fact that, after years of fighting, last year's Delegation to the League of Nations was headed by Sir Muhammad Habibullah, and in the current year it is being headed by a Ruling Prince. We hope and trust that the Government will in future years keep this principle in view and select an Indian to lead the Delegation to the League of Nations. Coming to the Resolution, as pointed out by the report, India having been admitted as an independent member of the League of Nations, it is both her right as well as her duty to make that membership as real and effective as possible. For this purpose, India unfortunately is not in a position now to impress upon the world the reality of her independent membership in the League, though theoretically she has got the same rights as any other member of the League of Nations. The proposals which have been made will go far to make this representation of India at the League of Nations as independent as possible. I attach very great importance to the first recommendation. That is the constitution of a Committee of the Central Legislature as a body to consider and advise on all matter relating to India's representation at the League of Nations. I am conscious of the fact that the representation at the League of Nations is the representation of the Governments concerned and not of the popular representatives. But there is this difference between the representation of a self-governing country and the representation of a country like India. In a self-governing country with an Executive fully responsible to the Legislature, there is a guarantee that the instructions issued by the Government to the representatives would be in accordance with the public opinion of the country. It may not be so in the case of instructions issued by a Government like the Government of India which is not responsible to the Legislature and which is not removable by the Legislature, and there is a danger that the instructions issued by the Executive of a Government like this would not be in accordance with public opinion. Whatever may be the technical view of it, in order to make the best use of our membership in the League of Nations it is eminently desirable that the Government should act in

[Mr. P. C. Desika Chari.]

accordance with public opinion and, as the Delegation's report rightly points out, the Legislature of India is the constitutional embodiment of public opinion in India. Unless the Government of India wish to slight public opinion in India, I do not see any earthly reason why they should not accept a simple recommendation like this to make India's membership really useful.

Then, coming to the other recommendations, I attach the very greatest importance to securing a place in the Council of the League of Nations. As has been pointed out by the Honourable Mover of this Resolution, India is making the largest contribution among the States which have not got permanent seat in the League Council. India should strive at least to get a place commensurate with her importance as a country and the heavy contributions which she makes to the League Budget. We have been told by the Honourable Member in charge of the Resolution on behalf of the Government that we are likely to get rebuffs. But such considerations should not stand in the way. As the report points out, there may be rebuffs, but it is always desirable to make an impression upon the other State Members by striving to secure as many votes as possible even though we may not succeed in securing a place in the League Council. By constant efforts we may be in a position to achieve our object in getting a place in the League Council. We ought not to be afraid of rebuffs. Rebuffs are inevitable whenever we make efforts for the first time. But still we ought not to be scared by the chance of there being rebuffs.

Then, as regards the Indian personnel in the League Secretariat, I am afraid that the Government of India has not been fully alive to its duty towards India in this matter. There is no doubt that the appointments are in the hands of the Secretary General, but there is such a thing as exerting pressure by the State Members concerned. It can be done, as has been done by the representatives of India in the League Assembly. It may also be done by the Government concerned by putting pressure and by making representations as regards the inadequate representation of Indians in the personnel of the League. It is also the duty of the Government of India to see that Indians in the League secure prominent positions so that problems which are peculiar to Eastern countries and peculiar to India may receive adequate attention. Then, as regards the machinery recommended to be set up in India, I agree with the Honourable Member for the Government that there may not be a present need, as the Law Department has probably enough time to look into all the questions connected with the League. But as regards the necessity for the establishment of a permanent representation in Geneva I think the recommendations of the Delegation should be immediately given effect to. No doubt there is the Secretary of State who can look after the affairs of the League in that part of the world. But we are afraid that because the Secretary of State's duties are manifold and onerous, he may not be in a position to be in continuous touch with the affairs of the League. We also find that other countries nearer Geneva are having their representatives in Geneva so that there may be continuity of work and sustained work. I think it is highly desirable to emulate the example of other countries which have got permanent representation at Geneva.

Then, there is the other recommendation which is very important and which we have been urging from time to time in this Council. In order to impress upon the League Assembly the true Indian character of the represen-

tatives going to Geneva on behalf of India, it is necessary that they ought to be impressed that India is not a sort of second fiddle to Great Britain and that India has got her own rôle to play and that the membership of India is not a device on the part of Great Britain to have a second vote in the League's deliberations. I am glad that the fact that India's Delegation was for the first time led by Sir Muhammad Habibullah and that he signed the optional clause on behalf of India should have impressed the League as to the essentially Indian character of the Delegation. But it is also necessary that the impression that India is only a subsidiary voting machinery on behalf of Great Britain should be entirely removed by making the personnel of the Delegation entirely Indian and not merely predominantly Indian as proposed in the report. It will not be difficult to get suitable Indians to be full delegates as well as substitute delegates to the League. I believe the Honourable the Law Member has been somewhat modest and humble—over-modest I think—in stating that there are not people available in India with sufficient knowledge of International Law to deal with international problems that may arise there. I am sure that he will do justice to any question on International Law as much as any European lawyer, and there are sufficient distinguished lawyers in India who can deal with international legal questions. They may not have had many occasions to deal with International Law as often as the jurists of other countries. But the judicial training and the legal acumen which they have got by long years of training and by a distinguished career at the Bar would enable them to overcome any legal difficulty in the matter of dealing with questions of law, which are of a purely international character, and I think this lame excuse to include Europeans for representing India readily falls to the ground.

As regards technical and army questions, it is high time that Indians should be given an opportunity to learn to be in a position to deal with them when the occasion arises in the League. For this purpose it is desirable to give them an opportunity. There is the Army Department of the Government of India. They can give suitable instructions, and it is only the representation of the case of the Government in the Army Department that will arise in the course of the discussion there. There are any number of Indians with the requisite qualifications, anxious to grasp the view-point of the Army Department and to represent it in the League of Nations. So, the objection to giving effect to a predominantly Indian personnel in the representation to the League is after all a mere excuse to retain the partial British character and the hybrid character of the Indian Delegation to the League of Nations.

Sir, the speech of the Honourable the Law Member has given me an impression, and I am always conscious of it, that India cannot take her rightful place in international affairs unless she has her rightful place as a nation here in India and unless the noble words of Mr. Ramsay Macdonald uttered before the League of Nations Assembly, quoted in paragraph 16 of the report, are translated into action by the British people and the British Parliament. Until that is done Indians in India will regard the representation of India as an original member of the League of Nations as a mockery. It will become a reality if those noble sentiments about the relationship between Europe and the nations of the East are translated into action. I hope and trust.

THE HONOURABLE THE PRESIDENT : The Honourable Member has exhausted his time.

THE HONOURABLE MR. P. C. DESIKA CHARI : I am concluding.

THE HONOURABLE THE PRESIDENT : I am not prepared to allow the Honourable Member any latitude whatever. I think he must have observed as well as I have that the House is not interested.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to support the Resolution which has been so ably moved and argued by my esteemed friend Sir Phiroze Sethna. The reply of the Honourable the Law Member gives us some hope as regards some recommendations, and as regards others we are told there are constitutional defects which prevent them being considered. Therefore, Sir, in order to remove the inferior status of India, I would request the Government of India to get the constitution so altered—in the course of the re-making of the constitution—as to remove the constitutional defects which prevent the Government of India from accepting or considering the other recommendations.

THE HONOURABLE SIR PHIROZE SETHNA : Mr. President, I have now had the good fortune of serving on this Council for close upon 10 years. I have had the opportunity during that time of bringing forward some Resolutions. It has been interesting work for me to study the replies given by Government on the different occasions. I divide those replies under three heads. In the first place there are replies where Government have flatly refused to accept the recommendations made by the representatives of the people and which convey the views of the general public. They have done so because they have not seen eye to eye with us as they are an alien Government and cannot appreciate the points we have brought up in the manner that we ourselves do. In the second category fall those replies in which Government have offered cart loads of sympathy although they have known all the time that they would not be able to carry out the recommendations or that they had no intention of doing so. There is lastly the third kind of reply, and the reply this morning falls under that head, namely, a free, frank and candid statement of what Government can do and what Government cannot do. And, Sir, I think I am echoing the voice of the House when I congratulate and compliment the Honourable the Law Member for the exposition of his side of the case that he has made so lucidly this morning. (Applause.) He referred to the recommendations in the Report one by one. I do not propose to refer to them in the order in which he dealt with them but I hope I shall refer to every one of them and as briefly as possible.

In the first place, in regard to an increase in the number of Indians employed in the Secretariat of the League of Nations, he explained that it does not rest with the Government of India but entirely with the Secretary General of the League of Nations but that at the same time the Secretary General is well disposed towards that idea, and that idea was forcibly put forward in the speech made by one of the substitute delegates last year, Sir Chunilal Mehta. All, therefore, that I have to press on the notice of the Honourable the Law Member to-day is that he will try to impress upon one or more of the delegates going this year to repeat the request and to go on putting pressure in the same way year after year until the Secretary General appoints a number of Indians commensurate with, as I have pointed out, the share that we have to meet in the payment of the expenses of the Secretariat of the League.

In regard to the composition of the Delegation, the Honourable the Law Member expressed the hope that there is nothing in my speech to indicate anything racial. He is perfectly right. That is not my intention. I had in mind the very sinister remarks that are made at times by members of foreign Delegations in regard to the inclusion of non-Indians in the Indian Delegation. I am sorry I have not my previous speeches with me here to refer to. I believe it was an Irish member who spoke in most disparaging terms publicly some years ago, which the Indian members of the Indian Delegation felt very bitterly. The Honourable Sir Brojendra Mitter observed that in so far as the Home, Foreign and Army Departments are not under Indians, and because of the safeguards we ourselves have suggested in connection with those Departments, even if we get Dominion Status, it follows that for a number of years to come we must have one or two Englishmen. But I trust that the hope expressed by the Honourable the Law Member will be realized, that the number will be gradually reduced for the reasons I have already given. There were last year two Englishmen. I do not know how many are going to be appointed this year, but I trust that even if there are two this year the number will be reduced to one next year.

The Honourable the Law Member also pointed out some difficulty in regard to continuity in the composition of the members. He observed that if he took a promise from a member to serve for two or three years he felt that Government in its turn ought also to give a guarantee to appoint him for that time, and there might be reasons why he should not be so appointed. I do not know what reasons the Honourable Member foresees. It may be that Government may not like to send him for a second year because he has not proved his ability or for some other reason. But I would ask Government to keep themselves perfectly free in regard to re-appointment. They should not be bound to re-appoint a member and should retain such discretion to themselves. At the same time they could take an assurance from the member that if required by Government he would make it convenient to go for two years or more. I repeat that this practice is followed, and followed with great advantage, by other nations.

I now come to the question of a Standing Advisory Committee. I accept Sir Brojendra's explanation that his Department is able to and has the machinery to carry on whatever work is required to be done and that at the present moment the appointment of such a Committee is not necessary.

The next important item is about a permanent representative at Geneva. In regard to this, the Honourable the Law Member has pointed out that because we are at present working under the orders of the Secretary of State, it will be a perfect anomaly to have our representative there for he would be in a fix as to whose instructions to follow and therefore it is advisable to wait to give effect to this recommendation until some change is made in our constitution.

Lastly, in regard to the point to which the Delegation attach very great importance, namely, that India should have a seat on the Council by election just as any other non-permanent member, Sir Brojendra Lal has pointed out the difficulties that strike him. In this connection I thank him for the correction that he has made in regard to what I said, namely, that no other Dominion has so served. I understand from him that Canada is at present so serving.

[Sir Phiroze Sethna.]

That would be a greater reason for India to have a seat on the Council, but I admit, to our regret and to our shame, perhaps, that situated as we are under the existing constitution we would be helpless even if we had a seat and perhaps the ridicule that is poured forth against Indian delegates will be very greatly intensified. My Honourable friend expressed the hope that because the constitution is at present under revision, and whilst there cannot possibly be any change in 1930, the constitution might be so changed by 1932—he advisedly skipped the year 1931—that India would then be in a position to claim a seat from amongst the non-permanent members.

Mr. President, what does this all lead to? It leads to this, that our inferior position disables us from coming into our own even in the League of Nations where we are one of the original members and where, I repeat, we pay the largest amount of any other non-permanent members as our contribution; and therefore this is a further argument which my Honourable friend has himself advanced to strengthen the claim that the country has made for Dominion Status. More than that, from the speech which he has made, I think I am perfectly right in assuming, and I think my Honourable colleagues will agree with me that from the speech Sir Brojendra has made he has given us a clear indication of what his own views are and we trust that he will be one of those who will strongly support the Viceroy and the Secretary of State in getting us Dominion Status with safeguards, (Applause) and I likewise hope that the other Honourable Member of the Executive Council, my friend the Honourable Sir Fazl-i-Husain, will also avail himself of an opportunity either to-day or later in this Session to give us an assurance to this effect for himself. Speaking as an Indian, I would like to say that the whole country has a right to expect that all the three Indian Members will support the Viceroy for all that they are worth. It seems to me therefore that for the reasons given by the Honourable Sir Brojendra it is best to put forward our claim after the new Reforms come in and not press them to-day for, as Sir Brojendra Lal has said, my requests in this direction are premature.

Now, Sir, one of the leaders of the Conservative Party, Mr. Winston Churchill, has declared in a speech he made yesterday at Waltham Abbey and which is reported in this morning's telegrams that:

"No responsible person supposes for a moment that the forthcoming Round Table Conference can produce a Dominion Status for India or that a Dominion Status is likely to be obtained within the life-time of anyone now living. If that is true there is no advantage in encouraging false hopes, the only result of it is to weaken confidence. . . ."

THE HONOURABLE THE PRESIDENT: The Honourable Member seems to be dragging in something which the House is fully aware of; I do not see its direct relevancy to the Resolution, in view of what he has already said; in particular it has nothing to do with the exercise of his right of reply.

THE HONOURABLE SIR PHIROZE SETHNA: I will then only point out that if a child born this year lives to be a centenarian, according to Mr. Winston Churchill, we are not to get Dominion Status within the life-time of that child. If that is to be so, let us drop our connection with the League of Nations immediately and save the heavy annual contribution we are now making to it.

I repeat that the House, like myself, must feel satisfied with the fully explanatory statement made by the Honourable the Law Member, and I consequently ask for leave to withdraw my Resolution.

THE HONOURABLE THE PRESIDENT: Is it your pleasure that the Honourable Member be given leave to withdraw his Resolution?

HONOURABLE MEMBERS: Yes.

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

THE HONOURABLE MR. SURPUT SING (Bihar and Orissa: Non-Muham-
madan): Sir, I beg to ask permission of this House to withdraw the Resolution* which stands in my name to-day.

THE HONOURABLE THE PRESIDENT: If the Honourable Member does not move it, he does not require the permission of the House to withdraw. I take it he has withdrawn.

CHILD MARRIAGE RESTRAINT AMENDMENT BILL.

THE HONOURABLE MR. SURPUT SING: Sir, I beg to move that the Bill to amend the Child Marriage Restraint Act, 1929, be taken into consideration.

Sir, let me tell the House at the very outset, so that I may disarm all opposition to it, that my chief object in bringing this Bill before this House is not to frustrate in any way the salutary provisions of the Act. What I simply want is the sanction of the House to two very reasonable propositions. In complicated human affairs, situations must always arise which will demand exceptional treatment. My first proposition is only to provide for such exceptional cases. For instance, a father or a widowed mother or a loving and conscientious guardian, while on his or her death bed, out of love or actuated by genuine well-being, may piously desire that a girl who is under 14 should be wedded to a young man of choice or *vice versa*. Such an exceptional case must, in all conscience, be taken out of the category of the Act, and wisdom dictates that due allowance should be made to meet such instances. My next proposition is that due regard for liberty of conscience should be made in such a legislation as affects very tender domestic relations, such as marriage. I need not repeat to the House that even the well-known sponsor of the Bill made clear provision for meeting cases of exceptional nature. But to our great surprise and regret, the Lower House in their extreme exuberance to get through the measure left out that salutary suggestion. My appeal to the House is to consider seriously these two propositions and accord their support to the amendments so that the Act may be a perfectly wise measure and be acceptable to all parties.

I now turn to the practical application of the Act itself. It is about ten months now since the Act was passed and we all know what reception it has been accorded by the public at large. The drastic nature of the legislation, without ample safeguards for liberty of conscience or exceptional circumstances,

* "This Council recommends to the Governor General in Council that Railways should charge a special concession rate for the carriage of stud bulls, buffaloes and cows for breeding purposes."

[Mr. Surput Sing.]

has made it absolutely unpopular. We also know from first-hand knowledge to what a ridiculous extent the public at large went in order to avoid the provisions of the Act before it was actually enforced. Human ingenuity will always forge ways and means to provide for such instances as I have enumerated. So it is better that we, legislators, should forestall them and make due allowance ourselves for such situations. With these words, I beg to move my Bill for the consideration of the House.

Sir, I move.

THE HONOURABLE MR. H. W. EMERSON (Home Secretary): Sir, in moving the amendment that the Bill be circulated for opinion, I wish to make clear the position of Government without any chance of misunderstanding. On the 19th of March, Sir James Crerar, in reply to a question in another place, gave an undertaking that certain Bills relating to the Child Marriage Restraint Act which had been introduced or of which notice had been given would be circulated for opinion to Local Governments by executive order. In pursuance of that undertaking this and the other Bills concerned have been circulated for the opinion of Local Governments. The Government of India await the receipt of these opinions and in the meantime they have formed no final opinion in regard to the merits of this Bill or of the other Bills. Nor indeed are they in a position to do so. In these circumstances, it will be necessary for Government to oppose this Bill if the Honourable Member insists on it being taken into consideration, and I would therefore request him to accept the amendment that stands in my name and which I now move, that the Bill be circulated for opinion.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, before I deal with this motion, I should like to put before the House some of the Hindu Shastric authorities which made me support the Sarda Act. It is laid down in the fourth verse of the 35th Sukta of the second Mandal of the Rig Veda that a young girl should accept the hand of a youth in marriage in the same way as rivers are united with the ocean.

THE HONOURABLE MR. NARAYAN PRASAD ASTHANA (United Provinces Northern : Non-Muhammadan) : Sir, I rise to a point of order—whether the amendment is being discussed or the consideration of the Bill is being taken up. If the amendment is being discussed, then speeches must be confined to the amendment.

THE HONOURABLE THE PRESIDENT : The motion before the House for the moment is the amendment. If the Honourable Member who has been quoting from the Shastras can show the relevance of his quotations to the amendment, I shall be able to allow him to proceed.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : What does the expression “young girl” mean here? The Shastras lay down that if the male child....

THE HONOURABLE THE PRESIDENT : I asked the Honourable Member to enlighten the House as to what the relevancy of his quotations from the Shastras was to the amendment which is before the House—the amendment being that the Bill be circulated for the purpose of eliciting opinions thereon.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, my object in quoting these authorities is that in case the Bill is circulated for opinion these authorities may be of some use to those who have to express their opinions.

THE HONOURABLE THE PRESIDENT : In that case I think the Honourable Member had better leave those who have to express an opinion to make their own researches.

THE HONOURABLE DEWAN BAHADUR A. RAMASWAMI MUDALIAR (Madras : Non-Muhammadan) : Mr. President, I feel I am overwhelmed with diverse feelings today in getting up to oppose the amendment that has been moved by the Honourable Mr. Emerson. My reasons I shall try to place before this House in a very brief form. Sir, I must confess that the Government has given a very step-motherly treatment to the Act that has been placed on the legislative records of the Central Legislature. When it is remembered that the Child Marriage Restraint Act was passed only in September last year, when it is realised that it came into force only on the 1st of April, the suggestion of the Government that this particular Bill along with other Bills of a like nature should be circulated for opinion, takes my breath away. What is the object of this circulation ? Is it to get more opinions on these matters which have been referred to in this Bill ? They have formed the subject of discussion for months and for years. I should like, Mr. President, to appeal to the Government to re-read the history of this legislation. For years it has occupied the floor of this Legislature. It has had a very chequered career indeed. It was referred to a Select Committee. It was re-referred to another Select Committee. The very provision which my friend has suggested today, that particular amendment was considered by the Select Committee and was ruled out by that Select Committee. After the Select Committee's Report was presented to the Lower House, it was circulated for opinion at the instance of the Government to all Local Governments and to all public bodies. There was an opportunity then for these public bodies and for the various Local Governments to give their opinions on these particular provisions which my friend the Honourable Mr. Surput Sing has tried to introduce in this measure. I ask, what is the need for this re-circulation again ? And, Sir, what will be the effect on the public mind if this circulation motion is carried out ? I do not know whether any speeches from the non-official Benches generally divert the course which Government have mapped out for themselves. I am a man who perpetually lives in hope—and I still hope that what I am about to say today may have some little influence on the Treasury Benches, that my Honourable friend, Mr. Emerson, and the Government Members who are present here may still reconsider their position. Sir, by this motion for circulation you commit havoc so far as the Child Marriage Restraint Act is concerned. You must realise that there has always been an opposition, a determined opposition, an opposition of a small character but none the less persistent, and when the Act was carried out there was jubilation among those most concerned who wanted to place this country on a firm basis with respect to its human material. But the opposition continued and my Honourable friend referred to the number of marriages that were carried out before the 1st of April. I rely on that fact to show how, in spite of this opposition, the people of the country came to realise that the Act was

[Dewan Bahadur A. Ramaswami Mudaliar.]

there on the legislative records and could not be repealed. I would refer to those numerous marriages that have taken place as evidence, indisputable evidence, of the fact that they thought the Government of India had made up its mind once for all and that they were not going to play fast and loose with the measure. It is because they felt that the repeal of the measure had no chance, that any serious amendment of the Bill would practically be ruled out, that marriages in their thousands and tens of thousands of children six months and one year old were carried out. And now you are suggesting to them by this measure of circulation that there is a chance, that there is more than a chance that some portions of the Act may be amended and that certain other portions of the Act may be repealed. Is it fair to those who have carried on an intensive agitation for this measure, is it fair to those who have voted for this Act, that you should give the opportunity once more for these forces of reaction, for these forces of social obscurantism to assert themselves again, to undo all the good we have done by carrying out a tremendous agitation? Sir, I do not know how it happens but with reference to any of this social legislation, where the question to be considered is in the slightest degree alleged to be connected with religion, the great Government of India, firm, determined, disciplined as it has always been, becomes absolutely nervous. It is a trite saying in my part of the country that the social obscurantist has only to say "Boo, religion is in danger" for the Government's knees to start trembling.

THE HONOURABLE THE PRESIDENT: The Honourable Member has made a most ingenious attempt to convince me that the remarks he is making are relevant to the amendment, but he has not convinced me. The Honourable Member is clearly making the speech that he intended to make on the original motion of the Honourable Mr. Surput Sing, and I think he had better reserve his remarks for that motion in case it does come before the House.

THE HONOURABLE DEWAN BAHADUR A. RAMASWAMI MUDALIAR:

1 P.M. Sir, I have always felt it very difficult to make my speech in this House. Not that I have not been accustomed to speak elsewhere. I was a Member of the Provincial Legislature for six years. But in this House—I do not know how it happens—I am finding it very difficult to follow its special rules of procedure. As a new Member, you will pardon me, Mr. President, for the limitations under which I am suffering.

I am opposed to the circulation of this Bill because it will give the impression in the country that this Act is going to be repealed.

THE HONOURABLE THE PRESIDENT: This is what the Honourable Member said before. I cannot allow him further latitude to repeat his own arguments.

THE HONOURABLE DEWAN BAHADUR A. RAMASWAMI MUDALIAR: Then the best thing I can do is to resume my seat.

THE HONOURABLE SIR SANKARAN NAIR (Madras : Non-Muhammadan): Sir, I rise to object to the motion to circulate the Bill for opinion because the question in issue has already been discussed by the House. This matter was brought before the House in various forms and it was disallowed by the House. The Bill is to the effect that the District Judge should be empowered to grant permission to the parents of two children, however young they may be, to

solemnise a marriage between them and if that permission is granted, then they should not be punished and the provisions of the Child Marriage Restraint Act should not apply to them. That is the Bill. I say that on the face of it this Bill is objectionable, and will never be the opinion of the country—even if the whole country from one end, the Himalays, to the other end, Cape Comorin, were to say that this Bill should be passed—it is the solemn duty of the Government to refuse to pass it. Do I understand the Honourable Mr. Emerson to say that the Government keep an open mind on a subject like this and that the Civil Court would grant permission to a boy who is two years old to marry a girl who is one year old? Yet that is what this Bill allows. Am I to understand that? I cannot conceive it. I cannot imagine that any Government which calls itself a civilised Government could have an open mind on the question that a boy of two years of age may be allowed to marry a girl one year old or six months old. Yet that is what this Bill allows, and that is what Mr. Emerson says is the point on which we should ask the opinion of the people of the country. It is absurd, it is literally absurd that any Government should venture to say that they would ask the opinion of the country on the question whether a marriage should be solemnised between a boy of two and a girl of one. So, this Bill should never be circulated. What was the point taken last time in the debate in the Council here on the Child Marriage Restraint Bill? There was an amendment brought forward, Mr. President, to this effect that it shall not apply to the case of a marriage of a girl who has attained the age of 12 but not of 14 years of age if the judge in the interests of the girl or baby or on account of religious objections may grant permission. Here, now, they go further in this Bill. In this Bill the words are “both or one of whom are yet children”. I say that is a point which should no longer be left open. It is a point which should never be left to popular opinion. We know that public opinion has sanctioned such marriages recently between children of one or two years of age in some places. The Government should never be influenced by that. The Council of State may be forced to pass this Bill by the Government Members, but there is not the slightest chance of its going through the Assembly. The only result will be that it will give a handle to Mr. Gandhi and to Pandit Motilal Nehru to say that this is the sort of Government you have to deal with, a Government that has an open mind on the question whether marriages between children of two years and one year may be performed. That is the first argument.

The next argument is that the Government have said, both in the Legislative Assembly and here, that this is not a matter which can be left to the District Judge. Because that spokesman of the Government is not here and another man comes, we should not be asked to eat our own words. I would just like to read to you what Sir James Crerar said, and in the face of that statement, on which we acted, I wonder how anybody can ask us now to reconsider the matter. This is what Sir James Crerar said :

“ I should submit that it is extremely important in the case of any law, more particularly in the case of any penal law, and more particularly still in the case of a penal law newly enacted in a sphere which has hitherto not been the subject of penal law, that that law should be clear, that its application should be precise and the principles on which it is administered should be uniform. Now, what does this amendment propose to do? It proposes to place in the hands of hundreds of District Judges throughout India the substantial decision in each case as to what the law means, what is the principle behind it, and in what manner it ought to be applied and administered. I say, Sir, that it is an essentially vicious feature of the amendment. It makes the law uncertain, it deprives it of uniformity and it delegates in point of fact to an individual judicial officer what is the duty of the Legislature, namely, to lay down the principle of the Bill. What

[Sir Sankaran Nair.]

then would happen? It might very well happen that, in cases of a similar character, you would obtain the most diverse decisions from the various District Courts throughout India. It might even happen that cases occurring in one district would be dealt with and decided on entirely different principles from similar cases in adjoining districts, according to the prejudices or the idiosyncracies of particular District Judges."

THE HONOURABLE THE PRESIDENT: Order, order. The Honourable Member at the moment seems to be adducing a very good reason in favour of the amendment that the Bill should be circulated. He has followed the previous speaker's example by starting with his reasons for opposing the amendment and then proceeding to make the speech which he intended to make on the original motion.

THE HONOURABLE SIR SANKARAN NAIR: Well, Sir, I have very nearly done. I have nothing more to add. The Bill, when it was passed, was passed for the reasons stated by the spokesman of the Government which did not depend upon popular opinion and it has nothing to do with popular opinion. I object to its circulation.

THE HONOURABLE MR. SURPUT SING: Sir, after hearing the Honourable Mr. Emerson I beg to accept the amendment moved by him.

THE HONOURABLE THE PRESIDENT: The original question was:

"That the Bill to amend the Child Marriage Restraint Act, 1929, be taken into consideration." Since which an amendment has been moved:

"That the Bill be circulated for opinion."

The question I have to put is that the Bill be circulated for opinion.

The Council divided:

AYES—32.

Akram Hussain Bahadur, The Honourable Prince A. M. M.

Ansonge, The Honourable Mr. E. C.

Brij Lal, The Honourable Rai Bahadur.

Charanjit Singh, The Honourable Sardar.

Commander-in-Chief, His Excellency the.

Coyajee, The Honourable Sir Jahangir Cooverjee.

Desika Chari, The Honourable Mr. P. C.

DeSouza, The Honourable Dr. F. X.

Dudhoria, The Honourable Raja Bijoy Sing.

Emerson, The Honourable Mr. H. W.

Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.

Ghose Moulik, The Honourable Mr. Satyendra Chandra.

Henderson, The Honourable Mr. J. S.

Jaffer, The Honourable Sir Ebrahim Haroon.

Johnson, The Honourable Mr. J. N. G.

Khaparde, The Honourable Mr. G. S.

Megaw, The Honourable Major-General J. W. D.

Mitter, The Honourable Sir Brojendra.

Pakrashi, The Honourable Mr. Suresh Chandra.

Ram Saran Das, The Honourable Rai Bahadur Lala.

Shillidy, The Honourable Mr. J. A.

Sinha, The Honourable Kumar Nripendra Narayan.

Souter, The Honourable Mr. C. A.

Spence, The Honourable Sir Reginald.

Suhrawardy, The Honourable Mr. Mahmood.

Sukhraj Roy, The Honourable Rai Bahadur.

Surput Sing, The Honourable Mr.

Townsend, The Honourable Mr. C. A. H.

Uberoi, The Honourable Sardar Bahadur Shivdev Singh.

Upton, The Honourable Mr. T. E. T.

Woodhead, The Honourable Mr. J. A.

Yahya, The Honourable Khan Bahadur Shah Muhammad.

NOES—9.

Asthana, The Honourable Mr. Narayan Prasad.

Chetti, The Honourable Dewan Bahadur G. Narayanaswami.

Devadas, The Honourable Mr. M. D.

Mehta, The Honourable Mr. H. M.

Mudaliar, The Honourable Dewan Bahadur A. Ramaswami.

Nair, The Honourable Sir Sankaran.

Natesan, The Honourable Mr. G. A.

Nirmal Kumar, The Honourable Mr.

Sethna, The Honourable Sir Phiroze.

The motion was adopted.

The Council then adjourned till Eleven of the Clock on Tuesday, the 15th July, 1930.