

28th March 1929

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

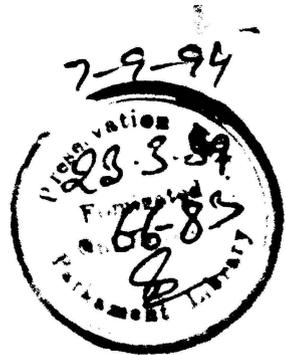
Volume III

(21st March to 12th April, 1929)

FOURTH SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY, 1929



DELHI
GOVERNMENT OF INDIA PRESS
1929

Legislative Assembly.

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THE HONOURABLE MR. V. J. PATEL.

Deputy President :

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Panel of Chairmen :

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SIR PURSHOTAMDAS THAKURDAS, KT., C.I.E., M.B.E., M.L.A.

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MR. S. C. GUPTA, BAR.-AT-LAW.

Assistant of the Secretary

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Marshal :

CAPTAIN SURAJ SINGH BAHADUR, I.O.M.

Committee of Public Petitions :

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MR. DWARKA PRASAD MISRA, M.L.A.

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MR. DHIRENDRA KANTA LAHIRI CHAUDHURY, M.L.A.

NAWAB SIR SAHIBZADA ABDUL QAYUM, K.C.I.E., M.L.A.

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LEGISLATIVE ASSEMBLY.

Thursday, 28th March, 1929.

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

QUESTIONS AND ANSWERS.

RESOLUTION REGARDING BACKWARD TRACTS IN THE PROVINCE OF BIHAR AND ORISSA.

1292. ***Mr. Ram Narayan Singh:** (a) Will Government be pleased to state what steps they have hitherto taken on the Resolution of this Assembly, passed on the 10th February, 1927, regarding the backward tracts in the Province of Bihar and Orissa?

(b) Will Government lay on the table all the correspondence that passed between the Government of India on the one side and the Secretary of State for India and the Bihar Government on the other?

(c) Will Government be pleased to state their own attitude towards the said Resolution, and whether they accept it or not? If the reply be in the affirmative, when do they propose to give effect to it? If they do not, why not?

The Honourable Mr. J. Orerar: (a) The Honourable Member is referred to the reply given by Sir Alexander Muddiman to Mr. Siddheswar Prasad Sinha's question No. 885 on the 12th March, 1927, and the reply which I gave to his question No. 554 on the 29th of August, 1927.

(b) Government are not prepared to do so.

(c) The attitude of Government in this matter was fully stated by Sir Alexander Muddiman in the debate on the Resolution of the 10th of February, 1927, of which the Honourable Member's perusal is invited.

Kumar Ganganand Sinha: Is not the Honourable Member aware that his predecessor and he himself did not say anything as to why it is not proposed to exclude at least the Dikku tract from the tracts which are under special regulation?

The Honourable Mr. J. Orerar: The case on behalf of the Government was fully stated in the debate to which I invite the attention of the Honourable Member.

Kumar Ganganand Sinha: It is not stated there, Sir; may I point this out to the Honourable Member?

The Honourable Mr. J. Orerar: The attitude of the Government was stated in it.

Kumar Ganganand Sinha: Yes, the attitude of the Government was stated in it; but the Honourable Member did not say why those tracts which are not predominately populated by the Santhals—that is, those tracts which are called Dikku tracts—are brought within the same regulations as those which are populated by the Santhals mostly.

Mr. President: That is a very involved question.

Mr. Ram Narayan Singh: Will Government kindly state definitely what is their decision or their remarks or recommendations on the subject?

The Honourable Mr. J. Orerar: I cannot add anything to the very full statement, which was made by my predecessor.

Mr. Siddheswar Prasad Sinha: Is it not a fact that some changes were introduced in one or two districts after the Resolution was passed in this House?

The Honourable Mr. J. Orerar: I have no information to that effect.

FILLING OF THE POST OF ACCOUNTANT AND CASHIER OF THE GOVERNMENT OF INDIA PRESS, DELHI.

1293. ***Mr. Mukhtar Singh:** (a) Will Government be pleased to state if the post of the accountant and cashier has fallen vacant in the Government Press, Delhi? If so, is it a fact that influence is being brought to bear on the Controller of Printing and the Manager of the Press by certain Moslem individuals and associations to overlook the claims to promotion of qualified men already employed in the Press?

(b) Is it a fact that a Moslem deputation waited on the Controller of Printing in this connection last month with applications from their relatives? If so, what was the reply given by the Controller to the deputation?

(c) Is it a fact that the Moslem Association, Delhi, has addressed the Controller of Printing several communications on the subject and also nominated their own candidate for the post?

(d) Is it a fact that Honourable Members of the Council of State have written letters to the Controller of Printing and the latter has replied to these letters? If so, will Government be pleased to place a copy of the correspondence on the table?

(e) Is the Controller of Printing bound to act upon certain instructions issued by the Home Department regarding departmental promotions or is he to comply with the demands of the Moslem deputations or other individuals to fill the appointment in a certain way?

(f) Will men with good qualifications, already working in the Government of India Press, Delhi, with fifteen to twenty years' service in the Press, be deprived of promotion to the higher vacant post in the chain of arrangements?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes. Representations on the subject were received by the Controller of Printing, and the Manager of the Press from a certain Moslem Association and from certain Moslem gentlemen urging the appointment of a Muhammadan to the post.

(b) Yes; the Controller of Printing informed the deputation that the applications would be considered along with others.

(c) Yes.

(d) The Controller reports that he received a letter from an Honourable Member of the Council of State, to which he sent a suitable reply. Government regret that they are unable to place a copy of the correspondence on the table.

(e) Yes; the Controller of Printing is following the instructions issued by the Government of India.

(f) The post is still vacant and the claims of all will be duly considered by the Controller.

INCREASED RECRUITMENT OF HINDUS TO THE INDUSTRIAL SECTIONS OF THE GOVERNMENT PRESS AT DELHI.

1294. ***Mr. Mukhtar Singh**: Is it a fact that the proportion of Muhamadans in the industrial Branch, Government Printing, Delhi, is very high, and that Hindus hold less than half the posts in the same? If it is so, are Government prepared to issue orders for increased recruitment of Hindus?

The Honourable Sir Bhupendra Nath Mitra: The percentage of Muhamadan employees in the industrial staff of the Delhi Press is somewhat higher than that of Hindu employees. It has recently been decided to apply the orders relating to the appointment of members of minority communities to the industrial establishment in the Government of India Presses. Government do not propose to issue orders on the lines suggested by the Honourable Member.

POLICY OF THE GOVERNMENT OF INDIA IN REGARD TO THE REDISTRIBUTION OF PROVINCES.

1295. ***Maulvi Muhammad Yakub** (a) What is the policy of the Government of India as regards the redistribution of provinces?

(b) Is it a fact that linguistic or racial considerations do not form the basis of the territorial changes in India?

(c) Is it the policy of the Government of India that only self-supporting territories can be formed into separate provinces?

(d) Is the North-West Frontier Province a self-supporting province?

(e) What recommendation, if any, have the Government of India made in their memorandum to the Simon Commission about the separation of Sind?

The Honourable Mr. J. Orerar: (a) and (b). The attention of the Honourable Member is invited to the introductory note presented to the Indian Statutory Commission by the Government of India on claims which have been made to redistributions of provincial territories on a racial or linguistic basis, of which a copy has been placed in the Library.

(c) Government have made no recommendations for the formation of new provinces.

(d) Revenues accruing in the North-West Frontier Province do not balance the expenditure incurred in the Province.

(e) No memorandum on the separation of Sind has been submitted to the Statutory Commission by the Government of India.

Mr. Anwar-ul-Azim: Will the Honourable Member kindly tell us whether all the provinces, major and minor, are self-supporting in this country?

The Honourable Mr. J. Orerar: I have given one instance, Sir.

INTRODUCTION OF REFORMS ON THE LINES OF THE MINTO-MORLEY REFORMS
IN THE NORTH-WEST FRONTIER PROVINCE.

1296. ***Maulvi Muhammad Yakub:** (a) Is it a fact that the Government of India have recommended the introduction of reforms in the North-West Frontier Province on the lines of the Minto-Morley scheme of reforms?

(b) Have the people of the North-West Frontier Province ever demanded reforms on the lines of the Minto-Morley scheme of reforms?

(c) Did Government consult the people of the North-West Frontier Province before making the above recommendation? If not, why not?

Sir Denys Bray: (a) No, Sir.

(b) Various proposals from "full Reforms" to "no Reforms" have been put forward at various times by various sections of the people.

(c) In view of the answer to (a), (c) does not arise.

CORRECTNESS OF SUMMARY PUBLISHED IN THE "HINDUSTAN TIMES" OF
THE GOVERNMENT OF INDIA'S MEMORANDUM TO THE SIMON COM-
MISSION.

1297. ***Maulvi Muhammad Yakub:** (a) Have Government seen the summary of the Government of India's memorandum to the Simon Commission published in the *Hindustan Times*, dated the 14th March, 1929?

(b) Is that summary a correct one?

The Honourable Mr. J. Orerar: (a) The Government of India have supplied the Indian Statutory Commission with memoranda on the subjects shown on the list which I lay on the table. A copy of each of these memoranda has been placed in the Library for the information of Honourable Members.

List of Memoranda submitted by the Government of India to the Indian Statutory Commission.

1. A short sketch of the existing reformed constitution.
2. A short sketch of the operation of the constitution in the Central Government.
3. A note on communal disorders.
4. Communal representation in the legislatures and local bodies.
5. The present representation of Commerce, Industry, Labour, Education and other interests in the provincial and central legislatures.
6. The recommendations of the Reforms Inquiry Committee.
7. Some instances in which the question of the powers of the Government of India to administer or control particular subjects has arisen.

8. Agency.
9. Premature interference of the courts with the legislatures.
10. The system of Government in the North-West Frontier Province.
11. The Delhi Province.
12. The Andaman and Nicobar Islands.
13. Coorg.
14. Introductory Note on claims made to redistributions of provincial territories on racial or linguistic basis.
15. The formation of a separate Andhra province.
16. The formation of a separate Tamil province.
17. The formation of a separate Kanada province.
18. The amalgamation of the Oriya-speaking peoples.
19. The transfer of Sylhet from Assam to Bengal.
20. The position of the High Courts.
21. The depressed classes.
22. The Superior Civil Services.
23. The Public Service Commission.
24. The Division of the sources of revenue between the Central Government and the provincial Governments.
25. Financial relations between the Central Government and the provincial Governments (parts A, B, C, D, E, F, G, H, J).
26. The development and working of representative institutions in the sphere of local self-government.
27. The growth of education.
28. Status and position of India in the British Empire.
29. Baluchistan.
30. Ajmer-Merwara.
31. The position of Governors in regard to Indian States not in direct relations with the Governor General in Council.
32. The State and Industry.

ACTIVITIES OF THE MAHAJAN ASSOCIATION.

1298. *Mr. Siddheswar Prasad Sinha: Has the Mahajan Association kept the Government of Bombay and this Government informed fully of their activities ever since its incorporation in 1925?

The Honourable Sir George Rainy: The Government of India have received from the Association a copy of its Second Annual Report. I am unable to say whether the Association has kept the Government of Bombay fully informed of its activities.

RULES FOR THE GRANT OF WINTER ALLOWANCE TO ARMY HEADQUARTERS
ESTABLISHMENT IN SIMLA.

1299. *Mr. Siddheswar Prasad Sinha: (a) What is the object of the grant of winter allowance to the Army Headquarters establishment in Simla?

(b) Is it a fact that the allowance is granted for extra expenses on heating arrangements incurred at Simla during the winter?

(c) Is it a fact that, in some of the branches of the Army Headquarters, the practice is to grant this allowance to clerks, even when they are not actually on duty in Simla, and their substitutes are deprived of it?

(d) Do Government propose to issue instructions that the allowance should be granted only to those permanent or officiating clerks who have been actually on duty during the last winter season?

Mr. G. M. Young: (a) and (b). The object of the winter allowance in Simla is to assist those to whom it is admissible to meet the extra expense on such things as fuel and clothing entailed by the cold weather.

(c) Yes, during privilege leave only. This is permissible under the existing rules, which are discretionary.

(d) I will consider the Honourable Member's suggestion so far as Army Headquarters are concerned, but I cannot promise that it will be carried out.

GRANT OF HOUSE-RENT TO CLERKS OF THE GOVERNMENT OF INDIA MAKING PRIVATE ARRANGEMENTS FOR RESIDENCE IN NEW DELHI.

1300. ***Mr. Siddheswar Prasad Sinha:** (a) What is the present rate of house-rent allowed to the clerks of the Government of India offices who, for want of Government residential quarters in New Delhi, have to make their private arrangements in Delhi City?

(b) Is it a fact that this house-rent is not allowed to those who make their private arrangements for residence in New Delhi in quarters other than Government quarters? If so, why?

(c) When do Government propose to consider the advisability of the grant of house-rent allowance to all who are not provided with Government quarters irrespective of the fact where they make their private arrangements?

The Honourable Mr. J. Orerar: (a) I am sending the Honourable Member a statement showing the rates of Delhi house-rent allowance admissible, in certain circumstances, to the clerks living in Delhi City.

(b) Yes. Because the conditions in New Delhi are not the same as in the city.

(c) No such action is at present contemplated.

PROVISION OF AN ELECTRIC POINT IN THE GODOWN ROOM OF "D" CLASS QUARTERS IN NEW DELHI.

1301. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that no electric point is provided in the godown room of "D" class quarters in New Delhi?

(b) Are Government aware that this causes great inconvenience to the occupants of the quarters?

(c) When do Government propose to remove this general grievance?

The Honourable Sir Bhupendra Nath Mitra: (a) The reply is in the affirmative.

(b) and (c). The matter is at present under consideration.

SPREAD OF TUBERCULOSIS IN PESHAWAR DUE TO CONGESTION OF THE CITY.

1802. *Mr. A. H. Ghuznavi: Is it a fact that:

- (a) a house to house search had recently been conducted in the town of Peshawar under the orders of the Chief Medical Officer, North-West Frontier Province, and it had been discovered that 8,000 tuberculosis cases had actually been present in that City, and
- (b) the Chief Medical Officer has given congestion of the City as one of the main reasons for the spread of tuberculosis, and has asked for a special hospital at Peshawar, and a sanitarium at Haripur?

Mr. G. S. Bajpai: With your permission, Sir, I shall answer questions Nos. 1802 and 1803 together.

The Honourable Member's attention is invited to the reply given on the 22nd instant to Mr. Muhammad Ismail Khan's question No. 1189. As regards sub-part (5) of part (b) of question No. 1803, the number of applications so far received is not even one-half of the number suggested by the Honourable Member.

EXTENSION OF PESHAWAR CITY.

†1803. *Mr. A. H. Ghuznavi: (a) Will Government be pleased to state when the wall round Peshawar City was built and by how much the population has increased within its enclosures since the wall was built?

(b) Is it a fact that:

- (1) since the wall was built, no efforts have ever been made to remove the congestion by expansion of the City;
- (2) owing to insecurity of life and property, no one can reside outside the wall and start an extension of the town, unless and until the area is first made secure by barbed wire perimeter and police patrol and postal arrangements;
- (3) the Cantonment of Peshawar is being similarly guarded as mentioned in part (b) (2) above;
- (4) the local Municipality has only now decided to add about twenty acres of land to the City;
- (5) about 2,000 applications have since been received for the purchase of this small plot to build houses thereon?
- (6) the proposed accommodation is not at all adequate?

FOUNDING OF A CIVIL STATION OUTSIDE PESHAWAR CITY.

1304. *Mr. A. H. Ghuznavi: (a) Will Government be pleased to state if it is not a fact that there is a tendency on the part of the rich residents of the town to live in the Cantonment of Peshawar with a view to avoiding the congested life in the City and thus escape from imminent danger by paying even fabulous prices for bungalows for their residence?

† For answer to this question, see answer to question No. 1302.

(b) Is it not a fact that this has resulted in a situation created between the military authorities and the Indian residents in Peshawar Cantonment, the former being apprehensive of room in the Cantonment getting cramped by this tendency?

(c) Will Government be pleased to lay on the table a copy of the correspondence which took place on the subject between the House Owners' Association, Peshawar Cantonment, and the military authorities?

(d) Is it not a fact that the Deputy Secretary, and subsequently the Secretary to the Government of India, Army Department, himself proceeded to Peshawar to discuss the matter with the House Owners' Association?

(e) Is it not a fact that it was proposed by the Secretary to the Government of India, Army Department, at the interview, that the military authorities would arrange with the Local Government for the formation of a civil station and for such guarding and other arrangements of the same as the Cantonment itself, if the house-owners so wished?

(f) Will Government be pleased to state what steps will be taken for the founding of a substantial civil station outside Peshawar City?

Mr. G. M. Young: This question was asked, in identical terms, by Diwan Chaman Lall on the 18th March. I would refer the Honourable Member to the answer given on that date, and also to the reply given to Mr. Muhammad Ismail Khan's question No. 1190 on March 22nd.

Dr. B. S. Moonje: May I be allowed to ask the questions, Sir, standing in the name of Pandit Hirday Nath Kunzru?

Mr. President: Dr. B. S. Moonje.

RULES FOR MEDICAL ATTENDANCE FOR ANGLO-INDIANS AND INDIANS ON THE EAST INDIAN RAILWAY.

1305. ***Dr. B. S. Moonje** (on behalf of Pandit Hirday Nath Kunzru):

(a) Is it a fact that, under the rules in force on the East Indian Railway, wives and children of European and Anglo-Indian subordinates drawing a salary of less than Rs. 250 per mensem are entitled to the gratuitous attendance of the sub-assistant surgeon at their houses?

(b) Is it a fact that in cases of sickness among the families of Indian employees, it shall be the duty of the sub-assistant surgeon to give such attendance as may be necessary "who shall not charge any fees in the case of any Indian employee whose pay is below Rs. 50 per mensem"?

Mr. P. B. Rau: With your permission, Sir, I propose to reply to questions Nos. 1305, 1307 and 1308 together. The provisions to which the Honourable Member refers in the first two appear in the Hand Book of General Rules and Regulations for all departments of the East Indian Railway to which the last question relates. The copy of this Hand Book, which is available in the Railway Board's office, is dated 1916 and must no doubt have been subjected to serious alterations since then. The Agent is aware of the policy of the Government of India, that all traces of racial discrimination should be completely eliminated, and is no doubt taking steps to remove such remnants as still remain. I am sending him a copy of the Honourable Member's questions for necessary action.

Dr. B. S. Moonje: Will the Honourable Member please state the reasons why Anglo-Indians getting less than Rs. 250 per month have a right to have their families treated gratis, whilst no such right has been granted to the Indians?

Mr. P. E. Rau: I cannot enter into past history, Sir. I have already told the Honourable Member what the present policy of the Government is.

Munshi Iswar Saran: What recommendation, may I know, have the Government of India made to the Agent of the East Indian Railway?

Mr. P. E. Rau: The Government of India have informed the Agent that all traces of racial discrimination should be completely eliminated.

Munshi Iswar Saran: May I know what specific recommendation has been made in regard to the matters mentioned in this question?

Mr. P. E. Rau: The Government propose to send a copy of this question to the Agent and ask him to remove all traces of discrimination.

Munshi Iswar Saran: Are we to understand that Government will send this question to the Agent, and ask him to remove the grievances mentioned in it?

Mr. P. E. Rau: Yes.

PROVISION FOR INDIAN MATERNITY CASES IN HOSPITALS AT STATIONS
ON THE EAST INDIAN RAILWAY.

1306. ***Dr. B. S. Moonje** (on behalf of Pandit Hirday Nath Kunsru):
(a) What steps have the East Indian Railway so far taken to make suitable provision for Indian maternity cases in their hospitals?

(b) Will Government state the names of the stations in which such provision has been made and the fees required to be paid in such cases?

Mr. P. E. Rau: (a) The Agent, East Indian Railway, reported, some time ago, that maternity cases of any nationality are admitted to the East Indian Railway hospitals, in which nursing staff are stationed, and should Indian employees apply for admittance of their maternity cases, they could be admitted where accommodation was available, and receive the attention of the medical staff, similar to that given to European and Anglo-Indian maternity cases.

(b) Government have no detailed information about the stations at which such provision is available, nor the fees to be paid, but will obtain the information from the Agent of the East Indian Railway and communicate it to the Honourable Member on receipt.

Dr. B. S. Moonje: Is it a fact that Anglo-Indians are given preference in the matter of accommodation while Indians have to take their chance if accommodation be available?

Mr. P. E. Rau: So far as I understand from the Agent's reply, it is not so.

**DIFFERENCE IN PAYMENTS MADE TO ANGLO-INDIANS AND INDIANS FOR
STUDY OF THE ST. JOHN'S AMBULANCE COURSE.**

†1307. ***Dr. B. S. Moonje** (on behalf of Pandit Hirday Nath Kunzru):

(a) Is it a fact that, on the East Indian Railway, an Anglo-Indian employee attending a St. John's Ambulance lecture gets Rs. 2 per lecture while an Indian gets only eight annas per day?

(b) Is it also a fact that, while an Anglo-Indian employee, after passing the ambulance test at the end of the course of lectures, gets a reward of Rs. 15, an Indian employee gets only Rs. 5?

**REVISION OF HANDBOOK OF RULES ON THE EAST INDIAN RAILWAY TO
REMOVE RACIAL DISCRIMINATION.**

†1308. ***Dr. B. S. Moonje** (on behalf of Pandit Hirday Nath Kunzru):

When do Government propose to revise the Hand-book of Rules in force on the East Indian Railway to remove all trace of racial discrimination in the rules?

**NUMBERS AND NAMES OF CANDIDATES WHO APPEARED FOR AND PASSED
THE EXAMINATION FOR SANDHURST, WOOLWICH AND CRANWELL.**

1309. ***Dr. B. S. Moonje** (on behalf of Pandit Hirday Nath Kunzru):

(a) What was the total number of candidates who appeared for the last competitive examination for Sandhurst, Woolwich and Cranwell and how many of them were successful?

(b) Is it a fact that no candidates succeeded in the examination for Woolwich or Cranwell?

(c) Will Government place on the table a list showing the names of the candidates who were successful in the Sandhurst examination, together with the marks obtained by them in each subject and in the aggregate?

(d) Will Government place a similar statement on the table showing the marks obtained by those candidates for Woolwich and Cranwell who received more than the pass marks in their examination but failed in the oral examination?

(e) Did the candidates appear before a Committee for oral examination, if so, what are the names of the members of the Committee?

(f) Do Government propose to take steps to have the conduct of the oral examination entrusted to the Public Service Commission?

Mr. G. M. Young: (a) and (b). I presume the Honourable Member refers to Indian and Anglo-Indian candidates. 117 applications to sit at the examination held in November last were received by the Government of India. 75 were eligible and were accepted. Of the candidates accepted, some failed to present themselves for examination and others were found medically unfit. 59 candidates in all completed the examination, including 2 who sat for it in England. Of these, 7 were successful for Sandhurst. No candidate was successful for Woolwich. One candidate qualified for Cranwell, but had given Sandhurst as his first choice.

(c) and (d). The names of the successful candidates have already been published in the Press. The Civil Service Commissioners, who conduct the examination, issue a report on the examination, containing the papers

† For answer to this question, see answer to question No. 1305.

set, and the marks obtained in each subject by successful and unsuccessful candidates. The report is expected shortly and, when it is received, copies will be placed in the Library. The report will also be on sale to the public.

(e) Yes. They appeared before a Board composed of two senior officers of the Indian Army who have commanded Indian regiments, the Educational Commissioner with the Government of India, and a non-official Indian gentleman nominated by His Excellency the Viceroy. When candidates for Cranwell were under examination, the Board included also a senior officer of the Royal Air Force. The names of the members are as follows: Major-General Godwin, Major-General Barstow, Mr. Littlehales, and Nawab Sir Sahibzada Abdul Qaiyum. The Royal Air Force representative on the Board was Air Vice-Marshal Sir Geoffrey Salmond.

(f) It might be inferred from the Honourable Member's question that he is casting aspersions on the competence or good faith of the members constituting the oral Board; but I feel sure that this is not his intention. The Board is constituted exactly as recommended by the Indian Sandhurst Committee, in paragraph 27 of their Report, on the analogy of the Board in England, which consists of two senior military officers, one Civil Service Commissioner, and, in the case of Indian candidates, a representative of the India Office. There would, of course, be no difficulty in substituting a member of the Public Service Commission for the Educational Commissioner on the Board. But the Indian Sandhurst Committee presumably had good reasons for recommending the latter officer; nor can Government see what advantage would accrue from the change. I should add, that the Public Service Commission are freely consulted by the Civil Service Commissioners in regard to the whole examination.

Dr. B. S. Moonje: How many vacancies were there? How many were filled? And how many were not filled?

Mr. G. M. Young: As far as I remember, the vacancies were 10 for Sandhurst, 6 for Woolwich and 6 for Cranwell.

Dr. B. S. Moonje: How many were filled?

Mr. G. M. Young: I have answered that already. 7 qualified for Sandhurst.

Diwan Ohaman Lall: May I ask the Honourable Member to give us the percentage of passes from these three Colleges of Indians and the similar percentage of English candidates who passed from these colleges in the same year?

Mr. G. M. Young: I must ask for notice of a question like that.

Diwan Ohaman Lall: Is the Honourable Member aware that the percentage of failures of English candidates amounts to about 4 per cent., whereas the percentage of failures of Indian candidates amounts to about 88 per cent?

Mr. G. M. Young: I have not yet seen the results in the case of British candidates.

Diwan Ohaman Lall: May I take it that the statement is correct or nearly correct, as I have stated it on the floor of this House, and that the Honourable Member will inquire into the reasons for such a high percentage of failures in the case of Indians?

Mr. G. M. Young: The Honourable Member cannot take it from me that his statement is correct. I have no means of checking it.

Diwan Chaman Lall: May I take it that the Honourable Member will supply me with the information when he has checked it?

Mr. G. M. Young: The results of the examination are published and will shortly reach India.

Diwan Chaman Lall: The Honourable Member has not given me the percentage regarding the English candidates, and I want to know if he is prepared to give me this?

Mr. G. M. Young: The results of the examination are published and will come to India. They will show the percentage of English candidates just as much as the percentage of Indian candidates.

The Revd. J. C. Chatterjee: May I ask if the marks awarded by this Board for interview and record will be published?

Mr. G. M. Young: If the Honourable Member had listened to my answer to the main question, he would have known that that is the case.

Diwan Chaman Lall: May I ask the Honourable Member whether he can supply any information to the House, why there has been such a high percentage of failures of Indians?

Mr. G. M. Young: I presume because candidates were not sufficiently highly qualified to pass.

Dr. B. S. Moonje: May I know, Sir, why candidates getting 796 and 850 marks have not been declared to have passed the examination when candidates obtaining 654 and 624 marks have been declared passed?

Mr. G. M. Young: The Honourable Member is quoting from a document which I have conveyed to him for information. The reason why candidates who obtained higher aggregates have not done as well as candidates with slightly lower aggregates is that the former did not qualify in the interview and the oral test as well as the written examination.

Dr. B. S. Moonje: In the interview some of these candidates got 130, 100 and 120 marks. How is it then that they are not regarded as having passed the examination?

Mr. G. M. Young: I think, if the Honourable Member will look at the head of the column he will see what are the minimum qualifying marks in each subject.

Dr. B. S. Moonje: The maximum marks are 400 in the interview and record, out of which 130, 100 and 120 marks have been obtained, and I should like to know why they have not been declared as passed?

Mr. G. M. Young: I must repeat what I have said, that if the Honourable Member looks at the head of the column I think he will find what is the minimum qualifying mark.

An Honourable Member: Why don't you say yourself.

Dr. B. S. Moonje: There is no such thing as a minimum qualifying number of marks in this. I should like to know what it is.

Diwan Chaman Lal: Has the Honourable Member got any information regarding the minimum qualifying marks?

Mr. G. M. Young: I have not got the statement with me, but I think it is 140.

Diwan Chaman Lal: May I ask the Honourable Member whether he is aware that a great deal of dissatisfaction exists in the minds of Honourable Members on this side of the House as to the state of affairs, which results in such a high percentage of failures of Indians, and whether he is aware that this is a matter probably of policy which has got to be looked into, and whether he is prepared to make a statement regarding the matter on the floor of this House?

Mr. G. M. Young: I have not entirely followed that question. It is of course a matter of dissatisfaction to everybody that a high percentage of Indian candidates should have failed at the examination. This is the first examination under the new system. The percentage of failures is certainly higher than it used to be under the old system; but a far larger number of candidates have appeared. Government will, of course, give their closest attention to the matter in order to see what the difficulties are and to rectify them. That was one of the reasons for the appointment of the Sandhurst Committee, to rectify the existing state of affairs, which was that the quality and quantity of Indian candidates coming forward for King's commissions were very poor.

Dr. B. S. Moonje: Will the Honourable Member state in detail the reasons why no candidates were selected for Woolwich when some of them have secured such high marks as 79% and 850 and in interview as high as 130? Will the Government state reasons in detail why such boys have not been selected?

Mr. G. M. Young: The only persons who could give reasons would be the persons who constituted the Examination Board.

Dr. B. S. Moonje: But there ought to be some reasons why the Board did not think them fit to be selected.

Mr. G. M. Young: Presumably, Sir, because they were not fit.

Diwan Chaman Lal: Is the Honourable Member prepared to institute an inquiry into this matter?

Mr. G. M. Young: Into what matter?

Diwan Chaman Lal: The matter of the dissatisfaction caused in the country in regard to the policy that is responsible for this high percentage of failures.

Dr. B. S. Moonje: Inquiry as regards the policy, the principles and the rules for the selection of Indian boys. We want clear and definite rules of selection?

Mr. G. M. Young: With regard to the Honourable Diwan Chaman Lal's question, I am afraid the matter is rather too vague, as stated by him, for me to undertake to institute an inquiry. As regards what my Honourable friend, Dr. Moonje, said, the method of examination was arrived at after very careful consideration; and if defects are found—and I do not for a moment suggest that that is likely to happen—if defects are found, of

course every endeavour will be made to rectify them. The main difficulty is that the candidates were not up to the standard. There is no doubt about that

Colonel J. D. Crawford: Is it a fact that the Sandhurst Committee emphasised the necessity of maintaining the standard of efficiency?

Mr. G. M. Young: Several times, Sir, in the course of their Report.

Diwan Chaman Lall: Is the Honourable Member aware that, on this side of the House, it is felt that it is not a question of the standard of the candidates at all, but of the definite policy of preventing Indians from getting into the higher ranks of the Army?

Mr. G. M. Young: If my Honourable friend means that the standard forms no part of the policy, he is mistaken.

Diwan Chamar Lall: Is the Honourable Member aware that on the last occasion a young man who passed through Dehra Dun and stood first in his examination, was turned down through methods which I can only describe as disgraceful?

(No answer was given.)

TOTAL EXPENDITURE INCURRED ON THE PENINSULAR LOCOMOTIVE WORKS.

1310. ***Sir Darcy Lindsay:** With reference to the replies given to question No. 484, on the 19th March, 1928, will Government be pleased to state what has been the total expenditure to date on the Peninsular Locomotive Works and the following particulars?

- (a) Original purchase price, less amount realised on machinery and plant transferred or sold?
- (b) Total cost to date of additions to buildings, machinery, and plant;
- (c) Are the Works now complete? If not, what additional expenditure is proposed?
- (d) What is the present capital cost figure and have any interest charges been added?
- (e) Are all supervision, audit and other applicable overhead charges, including depreciation and interest on capital at charge, taken into account in arriving at costings of underframes? If so, what is the percentage added to actual works cost?
- (f) Is any proportion of the cost of maintenance of the Railway Board debited to these Works?
- (g) What is the average cost respectively of broad gauge and metre gauge underframes plus percentage for overheads as detailed, and how many of each were completed in the year 1928 to which the cost given refers?
- (h) Are underframes manufactured at these Works required to pass the same rigid inspection test by the Inspection Department of the Government of India as is the case with private manufacture?

- (i) Have any tenders been recently invited from any firm or works in India for underframes, and if so, what is the difference in price, if any, in comparison with costings at these Works?
- (j) Are the accounts at these works maintained on a commercial basis and the purchasing railways charged with full cost of manufacture and overheads?

Mr. P. R. Rau: (a) to (d). The purchase price of the Works amounted to 20 lakhs. The value actually realised on machinery and plant transferred or sold is not available in the Railway Board's Office. This information, as well as the information asked for in parts (b), (c) and (d) of the question, is being obtained from the Agent, East Indian Railway, and will be communicated to the Honourable Member on receipt.

(e) The answer to the first part of the question is in the affirmative. As the Honourable Member is no doubt aware, the actual percentage that the total overhead charges bear to the works cost depends upon the number of underframes actually manufactured during any particular year, but it has been estimated that, if the number of underframes manufactured is equivalent to the output for which the works have been laid out, which is about 550 per annum, the percentage of overhead charges (including depreciation, interest on capital and headquarters supervision and office charges) to the actual works cost, which includes the total cost of material, wages of labour and supervision at works, would be slightly over 8 per cent.

(f) The percentage of overhead charges added takes into account the cost of administrative supervision, including that of the Railway Board.

(g) No metre gauge underframes have yet been undertaken at Tatanagar and no broad gauge underframes were completed in the year 1928.

(h) Yes.

(i) Tenders were called for recently and the lowest tender was Rs. 745 above the estimated cost of an underframe manufactured at the Works.

(j) Yes.

CONFIRMATION OF TEMPORARY CLERKS IN THE GOVERNMENT OF INDIA PRESS, DELHI.

1311. ***Mr. S. C. Mitra:** Is it a fact that the clerical staff of the Government of India Press, Delhi, was reorganised in 1927, and that there are still certain clerks on a temporary basis with more than 12 years' continuous service to their credit who have not been confirmed? If so, will Government be pleased to state their names and the reasons why they have not yet been confirmed since the last reorganisation?

The Honourable Sir Bhupendra Nath Mitra: Yes, Sir. Government understand that there is only one clerk in the Government of India Press, Delhi, who has not yet been confirmed. He was lately sent before the medical authorities who reported that he needed treatment for pyorrhoea before he could be considered for permanent employment.

INCREASE OF WORK IN THE GOVERNMENT OF INDIA PRESS, DELHI.

1312. ***Mr. S. C. Mitra:** Is it a fact that, since the reorganisation of 1927, work which used to be done by the Provincial Presses, has been allotted to the Delhi Press? If so, is it a fact that it has consequently increased the work of the clerical staff?

The Honourable Sir Bhupendra Nath Mitra: With your permission, Sir, I propose to reply to questions Nos. 1312, 1313, 1314, 1315, 1316 and 1318 together. Inquiries are being made and the result will be communicated to the Honourable Member in due course.

INCREASE OF WORK OF THE CLERICAL STAFF OF THE GOVERNMENT OF INDIA PRESS, DELHI.

†1313. ***Mr. S. C. Mitra:** (a) Is it a fact that, in 1928, Government issued orders to make all employees permanent who, after the revision of 1927, were shown as provisionally permanent, and to maintain service and character rolls, leave accounts and personal files, etc., for each employee in the Press?

(b) If the reply to part (a) be in the affirmative, has that increased the work of the clerical staff of the Delhi Government Press?

LATE HOURS OF WORK IN THE GOVERNMENT OF INDIA PRESS, DELHI.

†1314. ***Mr. S. C. Mitra:** (a) Is it a fact that the clerks of the Delhi Government Press have to stay daily very late in office after the office hours and on certain occasions have to carry work to their houses to finish the work in time?

(b) Are Government aware that the lorries run by the Central Printing Office do not run according to time-tables prepared, and the last van reaches the Press daily at about 5-30 P.M. with large numbers of requisitions for urgent and immediate work?

(c) Are any clerks detained after usual office hours to clear the work received by the last lorry? If the answer be in the affirmative, what compensation is paid for putting in extra hours of work, and if not, why not?

(d) Do Government propose to make the post of press receiver eligible for overtime for saving other clerks from hardship?

INCREASE OF CLERICAL STAFF OF THE GOVERNMENT OF INDIA PRESS, DELHI.

†1315. ***Mr. S. C. Mitra:** (a) Is it a fact that, owing to rush of work, leave to the clerical staff is generally refused and has been restricted?

(b) Is it a fact that, six months ago, the Manager forwarded a proposal recommending strongly the increase of clerical staff? If so, what action has been taken thereon, and if no action has been taken yet, when is it likely to be sanctioned?

GRANT OF LOCAL HOLIDAYS TO THE STAFF OF THE GOVERNMENT OF INDIA PRESS, DELHI.

†1316. ***Mr. S. C. Mitra:** (a) Is it a fact that the clerical staff petitioned the Controller for reduction of office hours and grant of local holidays?

(b) Why was it rejected? Are their pay and conditions of service governed by local conditions?

(c) Are the employees in the Calcutta and Aligarh Presses allowed local holidays?

(d) Why is the Delhi staff deprived of this concession?

† For answer to this question, see answer to question No. 1312.

(e) Do Government propose to grant local holidays, at least in the slack season? If not, why not?

GRANT OF CYCLE ADVANCES TO CERTAIN CLERKS IN THE GOVERNMENT OF INDIA PRESS, DELHI.

1317. ***Mr. S. C. Mitra:** (a) Is it a fact that certain clerks in the Government Press, Delhi, prayed for cycle advances?

(b) Why was it rejected in spite of their applications being strongly recommended by the Manager?

(c) Did the Controller grant cycle advances to the staff of the Central Printing Office, and if so, why is this differential treatment?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) As the clerks concerned were living at a distance of only one mile from the Press, the Controller did not consider that the grant of a cycle advance was justified. He is, however, reconsidering the matter in the light of certain recent orders regarding the grant of such advances.

(c) Yes, because he considered that they had a stronger claim for this concession.

ALLEGED ILL-TREATMENT OF THE CLERICAL STAFF BY THE MANAGER OF THE GOVERNMENT OF INDIA PRESS, DELHI.

†1318. ***Mr. S. C. Mitra:** (a) Is it a fact that the Manager is in the habit of maltreating and abusing the clerical staff of the Press?

(b) Does he remain in office till the last clerk leaves office? If not, when does he generally leave office?

(c) Is any record kept as to when those clerks, who are compelled to stay late, leave office? If not, do Government propose to keep such a record to see who are the men who are to sit late in office on duty?

DATE OF COMPETITIVE EXAMINATION FOR THE SUBORDINATE RAILWAY ACCOUNTS SERVICE.

1319. ***Mr. Siddheswar Prasad Sinha:** (a) With reference to Dr. Moonje's questions of the 30th January, 1929, will Government be pleased to state whether the competitive examinations for recruitment to the Subordinate Railway Accounts Service will, as usual, be held in May next?

(b) If the reply to the above be in the negative, will Government state the reasons for it?

Mr. P. R. Rau: I presume the Honourable Member refers to the competitive examination held by the Accountant General, Railways, for the recruitment of probationary accountants for the Railway Audit Department, which is under the Auditor General. I am informed by the Accountant General that no examination will be held in May as there are no vacancies among probationary accountants.

† For answer to this question, see answer to question No. 1312.

FILLING OF APPOINTMENTS IN THE OFFICE OF THE CONTROLLER OF
RAILWAY ACCOUNTS.

1320. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that a competitive examination for the Office of the Controller of Railway Accounts has been held, although 44 graduates who passed the last Subordinate Railway Accounts Service Competitive Examination (Part I) are still unprovided for? If so, what is the reason for holding the examination?

(b) Is it a fact that, by the aforesaid examination, Government want to afford facilities to those Anglo-Indians who could not compete successfully at the last competitive examination with the graduates of Indian Universities?

(c) Do Government intend to consider the advisability of providing the aforesaid 44 graduates in preference to new men?

Mr. P. B. Rau: (a) An examination will be held by the Controller of Railway Accounts for the recruitment of clerks to the accounts offices under the control of the Financial Commissioner of Railways, in April next, under rules approved by the Standing Finance Committee for Railways. The syllabus for this examination differs from the syllabus for the competitive examination referred to by the Honourable Member. I should add also that candidates who passed the latter examination, which was held in May last, but did not pass high enough to get the guaranteed appointments, have no claims to any appointments under Government.

(b) No.

(c) No. It was open to any of them who was eligible under the rules, to apply for admission to the examination to be held by the Controller of Railway Accounts in April.

NUMBERS OF BACHELORS OF COMMERCE RECRUITED BY THE IMPERIAL
BANK OF INDIA AND BY CO-OPERATIVE CREDIT SOCIETIES.

1321. ***Mr. Siddheswar Prasad Sinha:** Will Government state the number of Bachelors of Commerce so far recruited by the Imperial Bank of India and the Co-operative Credit Societies?

The Honourable Sir George Schuster: The Government of India do not possess the information asked for by the Honourable Member.

Munshi Iswar Saran: Will Government get the information?

The Honourable Sir George Schuster: No, Sir; they will not get the information. The Imperial Bank is a private institution and co-operative credit societies are a transferred subject under provincial administrations. The Government do not think it worth while to circularise them for the sake of getting this information.

Mr. B. Das: Is the Honourable Member aware that there was an understanding with the Imperial Bank to take, every year, a certain number of probationers and that Bachelor of Commerce is the only degree in India which entitles Indians to get into the service of the Imperial Bank?

The Honourable Sir George Schuster: Sir, I am not aware of the facts stated by my Honourable friend.

Mr. B. Das: Will the Honourable Member kindly inquire into the files in his Department?

The Honourable Sir George Schuster: I will make inquiries

REFUSAL OF ADMISSION OF INDIAN BACHELORS OF COMMERCE TO THE INDIAN INSTITUTE OF BANKERS, BOMBAY.

1322. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that, in the Indian Institute of Bankers recently opened at Bombay, several Bachelors of Commerce of Indian Universities were refused admission?

(b) If so, was it due to racial discrimination? If not, what was it due to?

(c) Do Government propose to remedy this state of affairs?

The Honourable Sir George Schuster: Government do not possess the information which the Honourable Member requires. The Institution is a private one, with which Government have no connection, and if the Honourable Member wishes to pursue his inquiry, I think his only course will be to write direct to the Secretary of the Institute.

APPOINTMENT OF BACHELORS OF COMMERCE AS INCOME-TAX OFFICERS.

1323. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government be pleased to state if Bachelors of Commerce, with specialised academic training in income-tax law and accounts, are recruited to the post of income-tax officer? If not, why not?

(b) Are Government aware that the Income-tax Commissioner of the United Provinces did not take a single Bachelor of Commerce for the post of income-tax officer?

(c) Is it a fact that Bachelors of Arts and Bachelors of Science of the first division are given preference to Bachelors of Commerce of the first division?

(d) Do Government propose to give preference to Bachelors of Commerce over Bachelors of Arts and Bachelors of Science in the matter of appointment to the post of Income-tax officers?

The Honourable Sir George Schuster: (a) Bachelors of Commerce have been recruited for the post of income-tax officer in several provinces.

(b) Yes.

(c) No.

(d) The possession of the degree of Bachelor of Commerce is taken into consideration in the selection of candidates, but the Government are not prepared to direct that reference be given to persons holding this degree. Candidates with the best all round qualifications will be selected, the object being to get a highly educated man who has proved his worth during the whole of his educational career.

Mr. Siddheswar Prasad Sinha: Are not B. Com's as competent as B.A.'s for selection in services of this kind?

Mr. President: That is a matter of opinion.

NUMBER OF BACHELORS OF COMMERCE EMPLOYED IN THE LOWER DIVISION
OF THE GOVERNMENT OF INDIA SECRETARIAT.

1324. *Mr. Siddheswar Prasad Sinha: (a) Will Government be pleased to state the exact number of Bachelors of Commerce employed in the lower division in the Government of India Secretariat and attached offices?

(b) Are Government aware that certain Bachelors of Commerce in the offices of the Quartermaster-General and the Director General of Contracts were superseded by their matriculate confrères? If so, why?

The Honourable Mr. J. Orerar: (a) The information is being collected and will be supplied to the Honourable Member in due course.

(b) I am informed that no Bachelor of Commerce is employed in the Quarter Master General's Branch. One is employed in the Master General of Supplies Branch, but he has not been superseded.

Mr. Siddheswar Prasad Sinha: Were Bachelors of Commerce applicants for the former post?

The Honourable Mr. J. Orerar: I have no information on that point.

QUALIFICATIONS REQUIRED FOR INDEXERS FOR EMPLOYMENT IN THE OFFICE
OF THE DIRECTOR OF PUBLIC INFORMATION.

1325. *Mr. Siddheswar Prasad Sinha: (a) Will Government be pleased to state the qualifications required for Indexers for employment in the Office of the Director of Public Information?

(b) Are Bachelors of Commerce given preference in matters of appointment?

The Honourable Mr. J. Orerar: (a) The initial qualifications do not differ from those required for appointment to other clerical posts, but special training is necessary after appointment.

(b) No preference is given to Bachelors of Commerce. Selection is made from names recommended by the Public Service Commission.

NUMBER OF "A", "B", AND "C" TYPE QUARTERS CONSTRUCTED AT
PHAGLI IN SIMLA.

1326. *Mr. Siddheswar Prasad Sinha: (a) Will Government be pleased to state how many "A" "B" and "C" type quarters have been constructed at Phagli in Simla?

(b) How many applications for allotment of these quarters were received for the years 1927-28, 1928-29 and 1929-30, and how many have been allotted?

The Honourable Sir Bhupendra Nath Mitra: (a):

18, A.

60, B.

117, C. (These include 30 at Tutikandi).

(b)	1927-28.	1928-29.	1929-30.
A	74	90	108
B	183	269	300
C	214	363	428

In each year all quarters were allotted.

SHORTAGE OF CERTAIN GOVERNMENT QUARTERS IN SIMLA.

1327. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government be pleased to state how many tenants of "B" and "C" type quarters have been refused accommodation on account of shortage of higher class quarters?

(b) Have Government received any representation on the subject? If so, what action has been taken by them? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) "B" men promoted to "A", who unsuccessfully applied for "A" quarters—8.

"C" men promoted to "B", who unsuccessfully applied for "B" quarters—8.

(b) Yes, the matter is under consideration.

ECONOMY EFFECTED BY REDUCTION OF HOLIDAYS IN DEPARTMENTS OF THE GOVERNMENT OF INDIA.

1328. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government be pleased to state what economy did the Inchcape Committee contemplate and what has been actually effected on account of reduction of the holidays in the Government of India Departments?

(b) Are Government aware of the prevailing discontent and dissatisfaction in the subordinate ranks by reason of the curtailment of the religious holidays?

(c) Has any representation been received by Government on the subject? If so, with what result?

The Honourable Mr. J. Orerar: (a) The Indian Retrenchment Committee did not attempt to indicate what pecuniary economy would result from the reduction of holidays, and no such estimate is, in fact, possible.

(b) The Government of India do not consider that the revision of the arrangements for holidays, which was effected in 1923, has resulted in any real hardship.

(c) Yes. No decision has yet been arrived at in the matter.

Mr. Siddheswar Prasad Sinha: Is it a fact, Sir, that the holidays were curtailed in pursuance of the recommendations of the Inchcape Committee?

The Honourable Mr. J. Orerar: The whole matter was reconsidered and the scale of holidays was revised, but I might say that, while the former number of holidays prescribed was certainly reduced, the reduced number became more effective in the way of real holidays.

Diwan Chaman Lall: May I ask the Honourable Member whether, as a matter of fact, any economy has been effected as a result of the reduction in the number of holidays?

The Honourable Mr. J. Orerar: I think that economy has been effected, but I do not think that it is arithmetically estimable.

Diwan Chaman Lall: May I ask whether any financial economy has been effected, or if any economy in work has been effected?

The Honourable Mr. J. Orerar: I think that economy has undoubtedly been effected, but I say in a form which cannot be precisely estimated.

Diwan Chaman Lall: Will the Honourable Member say if the same amount of work is being done as before?

The Honourable Mr. J. Orerar: I think a considerably larger amount of work is being done now.

Diwan Chaman Lall: May I ask the Honourable Member if it is not a fact that the holidays have been reduced from 40 to 16?

The Honourable Mr. J. Orerar: I must ask for notice of that question.

Diwan Chaman Lall: What is the practice in the Secretariats of the Local Governments?

The Honourable Mr. J. Orerar: I have no information with regard to the practice obtaining in the Secretariats of the Local Governments.

Diwan Chaman Lall: Will the Honourable Member obtain the information?

The Honourable Mr. J. Orerar: I do not think I shall be able to undertake so extensive an inquiry.

Diwan Chaman Lall: Is the Honourable Member aware that a great deal of discontent prevails amongst the staff, and is he prepared to ask the opinion of the Secretariat Association in regard to this matter?

The Honourable Mr. J. Orerar: I am not aware that any general discontent prevails in this matter. As I have already explained, certain representations have been recently received and they are now under consideration.

Colonel J. D. Crawford: May I ask the Honourable Member at what time the Government offices start work in the morning?

The Honourable Mr. J. Orerar: That varies to a certain extent in different departments.

Mr. Siddheswar Prasad Sinha: Will the Honourable Member state why only 16 holidays are allowed as against 40 holidays which are granted in Delhi and the Punjab?

The Honourable Mr. J. Orerar: Will the Honourable Member kindly repeat his question a little louder?

Mr. Siddheswar Prasad Sinha: Is it a fact that the Local Governments of Delhi and the Punjab grant 40 holidays as against 16 holidays granted by the Government of India?

The Honourable Mr. J. Orerar: I have no information on that point.

Mr. Siddheswar Prasad Sinha: Will the Honourable Member kindly inquire?

The Honourable Mr. J. Orerar: I have already answered that question in my reply to Diwan Chaman Lall.

Mr. Siddheswar Prasad Sinha: Does the Honourable Member say that there is no feeling of discontent amongst the members of the Secretariat establishment when he says that they have made representations?

The Honourable Mr. J. Orerar: My reply was that Government were not aware of any very strong feeling in the matter, but certain representations have been received and are now under consideration.

GRANT OF EXTRA REMUNERATION TO CLERKS AND ASSISTANTS IN GOVERNMENT OF INDIA OFFICE FOR WORK ON HOLIDAYS, ETC.

1329. *Mr. Siddheswar Prasad Sinha: Is it a fact that clerks and assistants have to work overtime and on holidays also? If so, are they given any remuneration for the same? If not, will Government give a sympathetic consideration to their case?

The Honourable Mr. J. Orerar: Members of the office staff have occasionally to work extra hours and on holidays if, owing to the exigencies of the public service, they are required to do so. As they are whole-time Government servants, no remuneration is paid to them for such casual extra time work.

RECOMMENDATIONS OF THE ROYAL COMMISSION ON AGRICULTURE.

1330. *Mr. Ram Narayan Singh: (a) Will Government be pleased to state if they have finally considered the reports and the various recommendations of the Royal Commission on Agriculture in India?

(b) If the answer to part (a) be in the affirmative, have they accepted the recommendations, either in full or in part, and if in part, which of the recommendations have been rejected and why, and under whose advice? What are the authorities of the person so advising?

(c) What steps have hitherto been actually taken to give effect to the recommendations so accepted?

(d) If the answer to part (c) be in the negative, will they definitely state the date when they propose to do so?

(e) If the answer to part (a) be in the negative, do they propose to do so and, if so, when?

(f) Inasmuch as agriculture is a provincial subject, is it the Government of India or the Local Governments who will take the initiative in considering and giving effect to the recommendations and how?

Mr. G. S. Bajpai: (a)—(f). I would invite the attention of the Honourable Member to the reply given by me to Mr. Vidya Sagar Pandya's question No. 424 on the 6th February last.

METHODS OF SUPERVISION, DIRECTION AND CONTROL OF LOCAL GOVERNMENTS BY THE GOVERNMENT OF INDIA.

1331. *Mr. Ram Narayan Singh: (a) Will Government be pleased to state whether they have ever exercised the powers given to them under section 45 of the Government of India Act with regard to the Government of any province for the past three years, and if so, when and with regard to which province?

(b) What are the actual methods by which the several Provincial Governments are superintended, directed and controlled?

The Honourable Mr. J. Orerar: (a) The powers in question are being exercised continuously and in all provinces.

(b) It is not possible to formulate concisely and within the limits of a reply to a question, the manner in which the Governor General in Council exercises the powers of superintendence, direction and control under sections 33 and 45 of the Government of India Act.

ISSUE OF GUN LICENCES ON A MORE LIBERAL SCALE.

1332. ***Mr. Ram Narayan Singh:** (a) Has the attention of Government been drawn to the recommendation, No. 80, on page 127 of the Report of the Royal Commission on Agriculture in India with regard to the granting of gun licences on a more liberal scale?

(b) Do Government propose to issue instructions to the various Provincial Governments in general and to the Government of Bihar and Orissa in particular on this point, and direct them to issue similar instructions to the officials authorised to issue gun licences?

The Honourable Mr. J. Orerar: (a) Yes.

(b) Licences for the possession of arms and ammunition for the destruction of wild animals doing injury to crops or cattle are issued free of all fee, and the Government of India have already issued instructions for the issue of such licences on a liberal scale. They do not consider that further instructions on the subject are necessary.

CONSIDERATIONS KEPT IN VIEW IN NOMINATING NON-OFFICIAL MEMBERS
TO THE CENTRAL LEGISLATURE.

1333. ***Mr. Ram Narayan Singh:** (a) Will Government be pleased to state the various considerations kept in view while nominating a non-official Member to the Central Legislature and also the qualifications he is supposed to possess for this honour?

(b) Are any terms of agreement arrived at between Government and non-official Members before they are nominated to the Legislative Assembly or the Council of State? If so, what are the terms?

(c) Is it not a fact that non-official nominated Members have to obey the Government whip in matters of voting?

(d) Will Government be pleased to lay on the table of the House a statement showing the names of non-official nominated Members and the occasions when they voted against Government during the past three years?

The Honourable Mr. J. Orerar: (a) Non-official Members are nominated primarily to adjust inequalities of representation.

(b) No agreement is arrived at.

(c) No.

(d) The information is available from the Division Lists which are printed in the official reports in the proceedings of the Assembly.

UNSTARRED QUESTIONS AND ANSWERS.

DISCUSSION OF SUBJECTS AFFECTING INDIAN TRADE AND COMMERCE AT
CERTAIN COMMITTEES.

426. **Mr. Jamnadas M. Mehta:** How many questions concerning and affecting Indian trade and commerce, for example, tariffs, exports, duties and minimum wages, were discussed at the Economic Inquiry Committee, 1928, Diplomatic and Economic Consultative Committee of 1927, and in the session of the League up to June or July 1928?

The Honourable Sir George Rainy: I would refer the Honourable Member to the Monthly Summaries of the League of Nations, copies of which are in the Library.

**INDEX OF INDIAN TARIFF LEVEL FIXED BY THE LEAGUE OF NATIONS
ECONOMIC COMMITTEE.**

427. Mr. Jamnadas M. Mehta: On what method of calculation have the League of Nations Economic Committee fixed 16 per cent. as the index of the Indian tariff level, in comparison with the tariff level of other countries? What is the percentage of customs revenue to the gross revenue of India, and what is the percentage of customs revenue per unit of Indian population?

The Honourable Sir George Rainy: The methods of calculation are explained in the publication entitled *Tariff Level Indices* issued by the Economic and Financial Section of the League of Nations in 1927 (Document No. C. E. I.-37). A copy of the publication is available in my office for inspection.

With regard to the last part of the question, the attention of the Honourable Member is invited to Account No. 13 in the Finance and Revenue Accounts of the Government of India for 1927-28 copies of which are available in the Library.

**PERCENTAGE OF INCREASE OF POPULATION AND PRODUCTION OF NEW
MATERIALS IN INDIA.**

428. Mr. Jamnadas M. Mehta: According to the recent report of the Economic Section of the League of Nations on production and trade, what was the percentage of increase in the population and production of new materials of India for 1926; and what percentage of produce was retained by India for food or manufacture into finished products?

The Honourable Sir George Rainy: The Honourable Member is presumably referring to the Memorandum on Production and Trade issued by the Economic and Financial Section of the League of Nations.

The latest issue of this Memorandum in the possession of Government does not contain the information desired by the Honourable Member.

**APPLICATION TO THE LEAGUE OF NATIONS FOR REDRESS OF JAPANESE
PROHIBITION AGAINST THE IMPORT OF INDIA AND BURMA RICE.**

429. Mr. Jamnadas M. Mehta: Did Government seek redress through the League of Nations of Japanese prohibition against rice import into Japan on the ground that it was mainly a discriminatory restraint against India-Burma rice?

The Honourable Sir George Rainy: No, Sir.

**COUNTRIES GRANTED CUSTOMS FACILITIES EXEMPTIONS FROM IMPORT
DUTY AND PRIVILEGES.**

430. Mr. Jamnadas M. Mehta: (a) How many, and which, countries have been added to the customs facilities exemptions from import duty and privileges?

(b) What are the benefits conferred by the facilities and exemptions accorded under the privileges?

(c) Which countries during the year have been added to the list of such privileges?

The Honourable Sir George Schuster: If, as appears likely, the Honourable Member's question refers to the International Convention relating to the Simplification of Customs Formalities, the answer is:

(a) The countries that have so far ratified the Convention are:

Australia,

Austria,

Belgium,

British Empire (other than Dominions which are separate members of the League of Nations),

Bulgaria,

China,

Czechoslovakia,

Finland,

Great Britain and Northern Ireland,

Greece,

Holland,

Hungary,

India,

Italy,

Luxemburg,

Morocco (French Protectorate),

New Zealand,

Norway,

Persia,

Denmark,

Egypt,

France,

Germany,

Roumania,

Siam,

South Africa,

Sweden,

Switzerland,

Tunis (French Regency).

(b) Apart from the general benefit to trade, resulting from the operation of the Convention, the only specific exemption enjoyed under the Convention is that conferred by Article 10, which provides for the temporary admission of commercial samples free of duty to the territory of each of the Contracting States, subject to the amount of the import duties being deposited, or security being given for payment, if necessary. A copy of the International Convention relating to the Simplification of Customs Formalities will be placed in the Library.

(c) The country of Finland.

STATEMENT OF BUSINESS.

The Honourable Mr. J. Orerar (Leader of the House): With your permission, Sir, I should like to make a statement of the probable course of Government business during the week beginning the 1st of April. I have nothing to add to the list of pending business which is already before the House on the agenda paper for this week. Having regard to the state of Government business, I suggest to you, Sir, that you should direct that the House should sit on Tuesday the 2nd, Wednesday the 3rd, Thursday, the 4th, Friday the 5th and Saturday the 6th April.

THE INDIAN FINANCE BILL—*concl'd.*

Mr. President: We now take up further consideration of the Finance Bill, but before we do so I should like to give the ruling which I promised yesterday.

I have carefully considered the point of order raised yesterday by the Honourable the Deputy Leader of the Congress Party. It has been contended by the Leader of the House that Government adopted a similar procedure without any hitch in connection with the Bengal Criminal Law (Amendment) Bill in 1925 during my predecessor's time. I have seen the proceedings of this House in that connection, and I find that the point now raised was not then raised and determined. In fact, there has been no ruling from the Chair on the point on any previous occasion, and I have to give my decision without any precedent to guide me.

The Honourable Member from Madras contends that the words "any amendment has been made in a form inconsistent with the form recommended" contemplate or convey the idea that the recommendation must precede the amendment. I have very little doubt that the words by themselves are susceptible to that interpretation, and unless one reads the other parts of the sub-rule side by side with the words in question, he is likely to fall into the error of accepting the ingenuous argument of Mr. Iyengar. If I were to uphold the contention of the Honourable Member, it would mean that the Governor General must in every case make his recommendation in anticipation of the Assembly making certain amendments in a Bill, and he has no power to recommend the Bill after a particular amendment is made; that is to say, such recommendation must invariably be made before the Bill is taken up for consideration clause by clause. Now, if we read the first part of the sub-rule, it is quite clear that the Governor General has got power to make recommendation at any time during the passage of a Bill; that being so, the contention of the Honourable Member that the recommendation must precede the amendment is not tenable. Indeed, it seems to me that the whole object underlying the sub-rule is to empower the Governor General to make recommendation whenever, in his opinion, the Assembly has gone wrong in any matter during the progress of the Bill and he considers his intervention essential.

There is, again, in my opinion, considerable force in the view urged by the Honourable the Finance Member that the words in the sub-rule "the Governor General makes recommendation" and "any recommendation

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has been made" militate against the interpretation that the recommendation must precede the amendment. But the argument that is really conclusive and fatal to the contention of the Honourable Member is the one which I suggested yesterday when the Honourable Member was speaking to his point of order. I then pointed out that the latter part of the sub-rule, which empowered the Member in charge to move any amendment, which, if accepted, would bring the Bill into the form recommended, would be meaningless if the recommendation is to precede the amendment. According to the interpretation of the Honourable Member, the Governor General makes recommendation and the Assembly, in spite of the recommendation, deliberately makes some alteration in the Bill, which is inconsistent with the form recommended, and then again the Member in charge is entitled to move an amendment so as to bring the Bill into the form recommended. I cannot understand either the necessity or the propriety of a provision that the Member in charge could ask the Assembly, which has made some alteration in the Bill in spite of, and inconsistent with, the recommendation, to again consider the same question. Such a procedure seems to me to be meaningless. In fact, according to sub-rule 5, when the Assembly makes any alteration in a Bill, which is inconsistent with the form recommended, the matter ends and the President certifies that the Assembly has refused to pass the Bill in the form recommended. I am, therefore, of opinion that sub-rule 3 applies to cases where some amendment has been carried by the Assembly and the Governor General thereupon makes recommendation. In such cases it is understandable that the rule should provide that the Member in charge may move an amendment to bring the Bill into the form recommended. I therefore hold that the amendment which the Honourable the Finance Member proposes to move is in order.

The Honourable Sir George Schuster (Finance Member): I beg to move:

"In clause 2, for the words 'one rupee' the words 'one rupee and four annas' be substituted."

The object of my amendment is to bring the Bill into accord with the recommendation which you, Sir, read yesterday in this House. On the merits of the motion I propose only to say a few words. In the first place, it is necessary in view of the financial position of the Government. The loss involved in accepting a reduction of four annas in the salt tax would amount, in the forthcoming year, to at least Rs. 65 lakhs, and it would involve a permanent recurring loss in future years of about one crore and forty lakhs. It would also involve considerable inconvenience and loss to traders in the country if an amendment of this kind were accepted at the last moment. As an illustration of that, I have just received, before I came into this House, a telegram addressed to Sir Purshotamdas Thakurdas and to myself from the salt shippers of Malabar by country craft:

"Very anxious Assembly reducing duty would involve enormous loss. If Council of State restores duty please use your best endeavours to get the Assembly to agree to restoration. Also by certification power. If not finally restored Government should make refund to shippers who shipped on strength of budget declarations".

That, Sir, would be a claim which possibly Government might have to consider. Apart from the losses, I wish to say this, because I wish to

make the attitude of Government on this matter perfectly clear. Government is in entire sympathy with the arguments advanced on the other side in so far as they express a desire to benefit the poorer classes of this country. But, Sir, our opinion is that a reduction of four annas per maund would not actually benefit the poorer classes because it would effect so small a reduction in the price—only just over one pie per seer—that it would not go to the benefit of the small retail consumer.

Mr. Siddheswar Prasad Sinha (Gaya cum Monghyr: Non-Muhammadan): Then why not bring an amendment for bigger reduction?

The Honourable Sir George Schuster: I have much more sympathy with the line of argument, which I mentioned in my speech in the debate—the line of argument that the revenue derived from the salt tax should be applied to specific measures for the benefit of the poorer classes. That is a line which the Government might well follow up if the financial position permitted it. I am quite prepared to say that we will give that our earnest consideration. Then again there is another point in connection with the policy which has been urged upon us by this alteration in the salt tax. Before it would be worth while for Government to consider reductions in the salt tax, it would, in my opinion, be necessary for Government to take to themselves much greater powers for the control of retail prices than they possess now. That, again, is a line of inquiry which I am prepared to say to this House we will follow up. There is a third point, which I take from the arguments which have been advanced on the other side in course of debate, that the consumption of salt per head of the population is less than it should be if a proper standard of health is to be maintained. That point hangs together with the policy which has also been advocated that steps should be taken to make this country more self-supporting in the production of salt. That, again, is a line of policy which I am perfectly prepared to say now that the Government will follow up and will inquire into during the coming year. Lastly, Sir, I would say this. If the amendment which was passed were to go through, and the Government were to be subjected to this loss of revenue, it would be immediately necessary to make substantial cuts in the proposals for expenditure which have been put before the House, and the only way in which those cuts could be made would be by reducing certain new items, including a large number of items of beneficial expenditure. It is too late to make alterations in other directions. It might have been open to the Government to accept that line and to take that course of conduct. But, Sir, Government did not think that action of that kind would have been in the interests of India.

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): I am very sorry to say that this pernicious practice of bringing in matters which, however technically right, had been rejected by the Assembly, is becoming quite common, and I must enter an emphatic protest against the procedure which has been adopted. The Honourable the Finance Member took some pains to explain why it is that the salt duty is again sought to be put back to Rs. 1-4-0. Sir, section 67B of the Government of India Act, under which alone this can be proceeded with, says:

“The Governor General may certify that the passage of the Bill is essential for the safety, tranquillity, or interests of British India or any part thereof.”

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The recommendation is only in cases in which the Governor General will be at liberty to certify, on failure of the recommendation being given effect to, by the Assembly. I submit this is not necessary for the safety of British India. 65 lakhs is estimated as the deficit which will result from the acceptance by the Government of the amendment which was carried by the Assembly. It may be twice as much for the succeeding years. We are not, however, concerned with the subsequent years, and even if the deficit in the subsequent years is taken, it is not more than a crore of rupees or a crore and a half. Therefore it appears to me that, so far as the revenue side or the expenditure side is concerned, this is not an unreasonable amount which should be claimed to be within the power of the purse if it is really vested in the Assembly. This reduction of 65 lakhs is really an insignificant and inconspicuous reduction, having regard to the taxes which are raised in this country. If that is not agreed to by the Government, I do not know what the power of taxation, which is vested in the Assembly, is.

On the expenditure side, we have seen that, when grants are withheld or reduced, they are at once restored. On the taxation side, we find that the Legislature is equally deprived of any power of legislation because the moment it is reduced, even by a relatively small amount, the Governor General at once proceeds, by this extraordinary power, to recommend and certify. I submit, the words "safety, tranquillity or interests of British India" do not justify the use of this arbitrary power. I am not really canvassing the judgment of the Governor General, but it is perfectly open to the Members of this Assembly to consider whether this restoration of the salt tax is necessary for the safety of British India or for its tranquillity. It is impossible to understand how it could be necessary for the safety of British India, if 65 lakhs are withheld. I cannot at all understand how India will become unsafe. Will there be serious disturbances and disorders, notwithstanding the bracketed telegram which was conveniently read on the other side? What are the interests of British India which will be affected? You will see that section 67A (7), under which the restoration of amounts which have been refused on the side of expenditure, is allowed to the Governor General in Council, is differently worded, and the contrast in the language is very striking. There the wording is this:

"The demands as voted by the Legislative Assembly shall be submitted to the Governor General in Council, who shall, if he declares that he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities, act as if it had been assented to."

That is a much wider phraseology, and therefore it may be open to him to say, that, in order to discharge his responsibility, he should restore any amount which has been refused, but the language of section 67B follows the language of sub-section (8) of section 67A which says:

"Notwithstanding anything in this section, the Governor General shall have power, in cases of emergency, to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof."

The words "safety and tranquillity" are therefore well known words. They refer to grave emergency, such as war, unforeseen troubles and new commitments, which have got to be entered into, for which no previous

provision was possible. These are the things to which that section can refer. I am now dealing with the merits of the case. It is perfectly open to the Governor General to say that it is necessary for the safety of India to recommend, and it is also perfectly easy for him to certify. That is the arbitrary procedure which is put down in the Act. I am now explaining why the Assembly should not go back on its previous decision, but should adhere to its decision, because it is a violation of the letter and the spirit of this exceptional provision, and a very strong and clear case has to be made out for this recommendation. What does the opposite side say? We have heard it half a dozen times from the Finance Member. He says "Oh, we will return it to the people in those wonderful beneficial ways of which we are the sole judges". This is a new kind of argument and whatever Sir Purshotamdas Thakurdas may say, I really cannot trust the destinies of India to the Finance Member. I do submit that the question whether a particular purpose is beneficial or not is for the Assembly to decide. If the Finance Member has any proposal ear-marking such and such funds for the purpose of the material advancement of the people, and if he comes forward with the proposal, by all means let that proposal be canvassed in the Assembly, as other proposals are canvassed, and if the Assembly agrees to it, by all means let the funds be ear-marked for that purpose. But merely to say, "You give us this money and you can trust us to use it in a beneficial way", is a very large order to make. I think the Honourable the Finance Member is apparently thinking that we are functioning as in the old days. He spoke of our assistance, advice, co-operation and other things. We are an opposition here. We are not here for the purpose of advising the Finance Member. We are not here for the purpose of acting as counsellors. We are here merely for the purpose of opposing, criticising and pointing out where the Government is wrong. If the Cabinet were a removable Cabinet, then the opposition might have at least some chance of making constructive proposals. We do not propose to make constructive proposals when there is no chance of removing this irremovable Cabinet, and taking the place of that Cabinet. Why should we unnecessarily embarrass ourselves by making constructive proposals when we know that our proposals are going to be rejected? Therefore the Government, I submit, is an impossible Government.

The proposal which is made by the Finance Member at such an early stage of his introduction into his office is really a novel proposal to make. He cannot ask us to come here and simply register his decrees and to vote whatever sums he wants. We must give our own views as to what is right and proper. I submit, Sir, the vote of the other day was not a narrow vote. I think, if I remember aright, it was a majority of 12. It was not a majority of one or two, and, therefore, on the merits of this matter, it was not open to the other side to flout the considered decision of the Assembly. You would have noticed, Sir, that in the salt debate, many Members of the Assembly had remained neutral, thinking that the Government should not be unduly embarrassed, although we of the Congress Party took a stronger view. But they came to the conclusion that, in the matter of reducing the duty by four annas, they should certainly defeat this Government. Even those who did not agree with some of us, who took a more extreme line, came to the conclusion that the people of India stood in need of this reduction of salt duty by at least four annas, and when a decision was come to on that point by a strong and influential section of the House, for

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the Governor General to give the go by to that decision in this summary and defiant fashion is to me very significant on the eve of new reforms. I submit that the House, consistently with its self-respect, cannot but do its duty by refusing to accept the amendment that has been put forward. It may be said, "If you don't agree to this amendment, the Governor General will certify it". Certainly let him do it. We shall express our view. We should certainly do our duty. The mere fact that the Governor General will certify and make his point of view operative is no reason why we should not make our point of view prevail as far as we can make it prevail, constitutionally according to the scheme provided in this Act. The Act gives us the power to accept this recommendation or not, and what is the

12 Noon. new reason which has been advanced now? All these reasons were stated by the Honourable the Finance Member on a previous occasion. Nothing new whatever has been urged. In these circumstances, I suggest that the self-respect of the Members who voted on the last occasion, the very genuine feeling displayed in opposition to the salt tax, the nature of the tax, its incidence, all these require that we should re-affirm our vote and should not yield to this threat. That is my view.

I will only answer one point which was raised by the Honourable the Finance Member on the last occasion. He said—and it was a very wonderful thing—four annas is not much; it will not be passed on to the poor people. And he displayed a very touching solicitude for the poor people. Of course we know where the shoe pinches. 4 annas is 4 annas, and if the Honourable Member is dissatisfied, I have not the slightest objection to putting in an amendment reducing the duty by 12 annas. I have not the slightest objection to benefiting the poor. I do not understand why this 4 annas should not go to the poor of India.

We are more and more familiar with this distinction that is sought to be made by Government. It is an exhibition of skill which does not persuade us to come down, as it is increasingly clear that Government are determined to have their own way. Sometimes they will placate us by singling out individual Members for praise, though that is a method which only sometimes can be successfully carried out. Appreciation of one Member of the Opposition when it is coupled with criticism of another Member of it is necessarily more agreeable to the former; but this kind of procedure is one to which we are all accustomed. We are quite impervious to all arts of diplomacy and rhetoric, in which the other side has become expert. I think we are also learning from them somewhat. We know, however, fully well where we are, and I therefore say that the simple, straightforward duty on the part of everyone of those Members who have already voted for the reduction of the salt duty is to vote for it now, and if Government really want the naked constitutional question to be raised, they should remain neutral and not vote on this question at all. They have the power of certification. If Members are really given the right to exercise their power, let them exercise it in a formal manner, and let the Governor General certify. We know what it is to certify, and I hope that the new Swaraj will break the old *karma* doctrine and the old fatalist doctrine in this country. I think my friends on the other side still pin their faith to the fatalism of the East. I, however, think we have become thoroughly modern, and we do not believe, whether we lose today or tomorrow, that we are going to be under you all the time. Therefore I would appeal to all those who voted before to vote once more, and I also appeal to the others who refrained from

voting to vote with us on this occasion. It is a very simple yet great constitutional issue. This year it is necessary that we should make our position clear, because I find that under section 67B (2):

"Every such Act shall be expressed to be made by the Governor-General, and shall, as soon as practicable after being made, be laid before both Houses of Parliament, and shall not have effect until it has received His Majesty's assent, and shall not be presented for His Majesty's assent, until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat; and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the Indian Legislature and duly assented to."

Assuming that it applies to the Finance Bill,—such dilatory procedure as this—I submit it is necessary this year when the British Parliament is engaged with the new constitution for India. It is necessary that it should be brought home to them that there is this very pernicious power contained in this Act. The only way we can bring it home is by compelling the Governor-General to certify, by turning down the proposal made by the Finance Member, and compelling the Governor-General to lay before the Houses of Parliament this Act of the Governor-General unless he exercises the power which is given to him under the proviso which provides for the existence of a state of emergency. For all these reasons, constitutional as well as simple, we have only to take the decision to reject the amendment just proposed.

Mr. M. R. Jayakar (Bombay City: Non-Muhammadan Urban): Sir, I very much regret that the Government have thought it advisable to have recourse to this procedure. I am one of those who hold that more and more responsibility should be given to this House, and I do hope that, even if under your ruling, Sir, the Government have the power of having recourse to this procedure, they will never use it. What does this procedure come to? It means that any well-considered vote of this House, whatever time we might have spent on that vote, whatever arguments we might have listened to, whatever responsibility we might have exercised in giving our vote, can be nullified by one single circumstance, namely, that the Governor-General thinks it fit to recommend the rejected proposal. The same proposal then comes before this House once more, possibly within a few days, possibly when the voting strength of the Opposition has decreased. I can imagine many conditions in which Government might thus have an advantage in getting the same proposal before this House. I do submit, with all the responsibility I can command, that the effect of such a procedure will be that the little sense of responsibility which we feel on this side of the House—which is very little indeed under existing circumstances—even that little sense of responsibility will disappear.

The Honourable the Law Member will agree with me that the best way of evoking responsibility in tribunals, as well as Chambers like this, is to give more and more finality to their decisions. In the case of the law courts we are accustomed to this principle, that when a decision is once arrived at, right or wrong, it will not be reconsidered, except on some strict and well-defined grounds stated in the procedure code. It is well recognized that that is the only way to bring responsibility in the decisions of such bodies. The procedure, now adopted here, Sir, does exactly the contrary, because, under your ruling, it comes to this, that, however important the vote of this House may be, it can be circumvented if the Governor-General is approached and persuaded to take the contrary view. He has not been

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present here, he has not listened to the arguments, and therefore has to act on the advice of his Cabinet Ministers.

He is necessarily therefore acting on the *ex parte* arguments of his advisers. Then the moment he recommends a proposal, this House, in all solemnity, is asked to reconsider its decision on which this House may have spent, in a conceivable case, ten days. Now, I ask, Sir, my Honourable friends opposite whether they think that this is a procedure calculated to develop the sense of responsibility of this House, or to lessen even the small sense of responsibility which we feel at present. The procedure is more objectionable, Sir, when we remember that there are two well known ways recognised by our procedure and constitution by which the Governor General can rectify what he regards as the mistakes of this House. One of them is restoration or certification, and the other is to go to the Upper House where the Government view has a greater chance of being accepted. The advantages of these two methods are these: that in the one case the Governor General acts on his own responsibility and takes the fullest risks of doing so. It has its own compensations. If the Governor General is so badly advised as to differ from the considered view of this House and takes the responsibility of openly doing so, then he does so at his peril. That is the compensation of the arrangement. Alternatively, he goes to the other House, gets that body to agree to an unpopular proposal and comes back to this House backed by that agreement. There is likewise an element of compensation in this procedure. But in the procedure adopted now, I do not see any such elements of compensation, and that is the reason why I describe it as a most extraordinary and objectionable procedure. I am sorry that the colleagues of the Governor General should have advised him to adopt this procedure, because it means, as my Honourable friend Mr. Srinivasa Iyengar put it, that the Governor General treats with levity the considered decisions of this House. We are entitled to see that our decisions, right or wrong, are treated with the respect and consideration due to a responsible body of India's representatives. We do not say we are infallible. We are, after all, representatives of the popular feeling. We are necessarily affected by public sentiment, which is rather our merit than a disqualification; but we do submit, with emphasis to the Governor General, that we are entitled to make this claim that our decisions should be treated with finality and the utmost respect. From this point of view, I do assent that the present procedure is certainly not in the way of progress, except in the direction of the tail. I do hope, Sir, that, even if Government have the power of adopting such a procedure under your ruling, they will never have recourse to it. As for the merits of the amendment, no new arguments have been advanced by the Honourable the Finance Member. I was one of those on the last occasion who refrained from voting in favour of the two previous cuts about the salt tax. My Party applied its mind very carefully to the merits of this question, and we came to the conclusion that we should be party to nothing which had the result of unduly embarrassing the Government. We judged these questions on their merits. You remember, Sir, there were two previous cuts proposed in this House, which my Party did not support. We thought that we should fully exercise our judgment, and decide on each cut on its merits. After giving proper consideration to all the arguments, including those advanced by the Honourable the Finance Member, we came to the conclusion on merits, that we should support the reduction of salt duty from Rs. 1-4-0 to Re. 1.

It is not very respectful to tell us now to reconsider our decision. What is the new ground on which we are asked to reconsider it, except the purely adventitious circumstance that the Governor General has been advised that this is a wrong cut and therefore the House should not have adopted it. To me, such an argument appears absolutely irrelevant, and is, of an *ad hominem* character. Surely no self-respectful or reasonable man will allow his decision to be affected merely by the fact that the Governor General is advised by his colleagues that the vote of this House is wrong? What does the argument come to? That the Governor General's view, which he only forms on the advice by his Ministers, is different from that of this body. Paraphrased into plain English it comes to this, that the Governor General is advised to take a contrary view. That, in my opinion, is no argument at all for asking us to reconsider our decision. When we recorded our vote, we gave full consideration to every important circumstance and arrived at our decision. No new arguments have been advanced by the Honourable the Finance Member. In fact, he has no new argument. All that he has urged is the old old ground which has been advanced before this House times out of number. Therefore, I do submit that purely on the ground of self-respect and dignity this is a wrong principle, and I do strongly protest against its adoption by the Government. I ask this House to reject this amendment.

Mr. N. C. Kelkar (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to lodge my strongest and most serious objection to the course which the Government have taken in this particular case. That will also explain the position that I took yesterday in the House in not rising when the message was being delivered to the House. As my Honourable friend, Mr. Jayakar, has put it, that action of the Government was ridiculous and not respectful to us, and therefore I thought that the best answer to that, as a preliminary point and as a preliminary procedure, was not to rise in my place, because I knew very well what the particular envelope which the Honourable the Finance Member was going to hand over to you was going to contain. I knew that the Honourable the Finance Member had captured the Governor General. I knew he had taken hold of the god in the machine, he took into his pocket the god in the machine and delivered the god in the machine bound hand and foot. I knew what was coming. I did not like it. I thought it was not respectful to this House that the Governor General should intervene at that particular stage and, therefore, I deliberately did not rise in my place.

Apart from that, turning to the question in hand, of course there are three points involved in this particular action. First is the constitutional character of the amendment. The second is the merits of the action which the Government have taken in bringing forward that amendment at that stage. The third and the last is the question of the merits of the amendment itself. Of course, the first is now put out of court by your ruling which you have given just now. The second has been criticised severely both by the Honourable Mr. Srinivasa Iyengar and by my Honourable friend Mr. Jayakar. Therefore, I need not dwell on that point at very great length. I am tempted to say this. While the course adopted by the Government is highly disrespectful to this House, it is also unfair to the other House, to the other House of revision or the House of correction, if I may so put it. It is unfair for this reason because we know that time is hanging very heavy on the idle hands of the Members of the other House. It would have been an act of great kindness to give them some little busi-

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ness to do while they are sitting at Delhi. One can only pitifully look at the red books which contain the debates and the proceedings of the other place. They look to me like the skeleton of the famished and famine stricken poor raiyat of this country. In fact, on the 28rd of this month

Mr. President: Order, order. Will the Honourable Member leave the other House alone?

Mr. N. C. Kelkar: I will accept your decision. My point is, whatever may be the considerations from the point of view of the other House, we were entitled to say that the due and the natural course would have been to send that particular proposal to the other House and then to bring it back here. For, in that course lay one more chance for us to get an agreement between the two sides of the Legislature on the particular cut that we effected in the salt Bill in this House. Probably it is urged, as my Honourable friend Mr. Jayakar gently hinted, that the other House might have taken the side of the Government and rejected our proposal. But we might at least have had this advantage that the proposal would have been seriously discussed and canvassed in the other House, the pros and cons would have been put before the House publicly, and in that way we might have had some chance of getting the other House to our view point of the case. Therefore my serious complaint is that even that single chance which we might possibly get to win this cut in the other House has been taken away.

Turning to the merits of this present cut, I will say this. I am one of those who did not vote when there was the proposal before the House to cut the salt duty to annas eight; I also did not vote when there was the motion to have it cut down to annas ten. What does that show? I say that that conduct of mine shows that I wanted to discriminate in this matter of the salt duty. I knew very well that the Government would feel handicapped, would feel some embarrassment if at once the salt duty was cut down to annas eight or annas ten, i.e., by about 50 per cent. But here was a cut of only annas four, that is, a fifth of the duty, and I imagined then, when I voted for it, that the Government would not feel it because it was such a small reduction. I therefore deliberately and discriminately voted for the reduction of the salt duty to one rupee. And when I was speaking on that motion the other day about the self-supporting character of the salt industry in India, I deliberately said that I wanted the salt duty to be kept at a reasonably low level; and, as has been suggested by the Honourable the Finance Member, I do wish that that amount which may be realised by way of salt duty from the poor, should be ear-marked for bettering their lot.

Now, Sir, by this simple cut of annas four, we are reducing only Rs. 65 lakhs of revenue for this year. Are not Government familiar with similar fluctuations in their revenue in the past on the receipt side and on the expenditure side? The budget officer himself has said on one of the occasions to which I have referred before, that Government are familiar with and can justify fluctuations either on the side of the revenue or on the side of the expenditure to the tune of $1\frac{1}{2}$ or 2 per cent. That means, if a revenue of Rs. 65 lakhs is cut down against the expectations of the Government, it will certainly not be such a great difficulty for them to get over. Probably the course that has now been adopted by the Government

has been adopted in order to save themselves some inconvenience arising out of the fact that this present Finance Bill is not going to be disposed of by the 31st of March. But, we are not concerned with those inconveniences to the Government. Government have got extraordinary and exceptional powers, and the Governor General has got all the residuary powers in this matter, to deal with the situation if it sometimes does arise. Therefore, in this matter, it was up to the Governor General rather than to bring in an amendment at this stage, to take upon himself the responsibility of extending the period of the old notification fixing the salt duty at Rs. 1-4-0. Our serious complaint is that, when two courses were open to the Government, they have chosen a course which is most disrespectful to us and has deprived us of an opportunity of getting on our side possibly the other House in this matter. My friend, Mr. Jayakar, has pointed out that you are seriously cutting at the small element of responsibility which is in this House, by nullifying day in and day out the Resolutions which are deliberately passed by this House. And yet, you fling it at our face that we have no sense of responsibility. May I inquire then how we are to express our responsibility if our Resolutions and decisions are to be nullified and to be set at naught in this reckless fashion? In this connection, I will say—and the Honourable the Finance Member himself must admit—that, on the whole, we in this House have dealt with him very gently and very discriminately, both in regard to the demands for expenditure and in regard to the proposals for Supply and Ways and Means. The total Demand for Grants for expenditure made by him amounted to, he will remember, Rs. 134 crores and odd. Of this in the first place, only Rs. 45 crores and odd were votable, and the remaining Rs. 88 crores and odd were simply non-votable. The votable amount was therefore only about 33 per cent., while the non-votable amount was about 65 per cent. Out of these 45 crores and odd, the Assembly cut down by its vote in all only Rs. 6,02,200, but the Governor General in Council readily came to the rescue of the Honourable the Finance Member, and in the exercise of his extraordinary powers restored the amount of Rs. 6,01,800. The effective measure of our censure, or of our spitefulness or of our waywardness—whichever way he may like to put it—was thus a paltry sum of Rs. 400.

Turning now to the Finance Bill, the House, it will be seen, could not succeed in cutting down more than some Rs. 120 lakhs from the estimated returns of Rs. 6-65 crores under the original proposal in the Finance Bill, that is, by reducing the salt duty by annas four. The amount so reduced represents only nine-tenths of one per cent. of the total amount of expenditure or four per cent. of the total revenue supply proposed under this Bill. Is this not considerateness itself, sense of responsibility itself, when we know the intensity of the feelings of the popular parties in this House against the Government, that is to say, its constitution, its methods, its extravagance and its activities? I had therefore hoped that the Finance Member might not make any attempt to get the reduction in this salt duty nullified in the other place. But it was not to be so, and he has gone the other way and has brought in an amendment here in this very House. Must he grudge this House even the small success which it has achieved in expressing its control over the national finances—a success which, I would add, was brought about by most of the parties voting together in concord? Sir, the Honourable the Finance Member spoke the other day in very graceful and appropriate terms, when he said that he felt himself like a stranger present at a family quarrel, when communal

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topics were hotly contested in this House. Now, in this vote on a secular subject, that is, on the question of the reduction of salt duty from Rs. 1-4-0 to Re. 1, he will find the family reunited and voting against him almost like one man. Will he not, therefore, forbear to seek the restoration of the salt duty to its old level, if only in token of his joy at the family concord and re-union, if we may take him to be a well-meaning stranger?

Now, Sir, we on this side of the House, often find ourselves in a great dilemma. I really do not know how we are to deal with Government Bills, especially the Finance Bill. If we cut down the salt duty, for example, from Rs. 1-4-0 to annas eight or annas ten, then Government say "You have cut a material slice out of our revenue". That argument we cannot understand and therefore we sometimes hold our hand in making such radical cuts. If we make a cut of only annas four, then Government say "Well, here is a small cut which is really insignificant, but the benefits of it will not reach the poor people." If it is annas eight or annas ten, then it becomes a great cut Government cannot accommodate themselves to it. If it is annas four, the benefit will not reach the poor people. If for instance we deal with the income-tax and try to redress a wrong, the Government simply say: "Well, this is an amateurish treatment of the Tariff Bill". Therefore, either the Government feel embarrassed by the cut made, or, if the cut is small, they say it does not reach the poor people. If we deal with the Bill in some other way, it is said that we deal with it in a haphazard way or in an amateurish way. Therefore, I do not really understand how the Government want us to deal with their Bills in this House. Is it our duty only to say ditto to what all the Government say? How are we to express properly our sense of responsibility which the Government want us to do? I do want the Honourable the Finance Member to tell us, once for all, how they want us to deal with their Bills, so that they may, at least, then say that we have some sense of responsibility? May I suggest one remedy? As is done in the House of Commons, in the British Parliament, why not base your Finance Bill on the Resolutions passed in committee? By that procedure—it is more or less an informal procedure not so formal and rigid as the discussion of the Bill itself—we may arrive between ourselves at certain conclusions; and thus, according to that procedure we may have some scope for enforcing our will upon you or at least try, in an informal manner, to bring you round to our views. If the House goes into committee and Resolutions are passed upon the subject-matter of the Finance Bill, then of course you may frame a Bill and bring the Bill before us. I do offer this as a sort of constructive criticism, because I have already put before you our difficulties from our point of view in dealing with the Finance Bill. I once more say that we cannot go back upon the small cut that we deliberately made in the matter of the salt duty, and I think the whole House will vote against the present amendment.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural): Sir, I have listened with very great attention to the speeches of Mr. Srinivasa Iyengar and Mr. M. R. Jayakar and I must say, Sir, that I am considerably surprised. I do not understand why any Member of this House, who has voted for the reduction of the salt duty, should rise from his seat and say that he objects to the procedure which His Excellency the Viceroy wishes us to adopt. I for my part, Sir, on the contrary

welcome this opportunity, because this will put to the test whether this House can show real responsibility or not. If the House has responsibility, and as my Honourable friend Mr. Jayakar points out, we have a little sense of responsibility, I do not quite understand how that responsibility can disappear by the mere fact that His Excellency wishes us to reconsider our decision. If this House has got responsibility, well, let them vote against the proposal of the Finance Member. Let them show to the Government that, whatever decision they have taken they will adhere to it. Again, as my friend Mr. Jayakar says, we have taken this decision after very careful consideration and after hearing the pros. and cons. of the particular question. If no further arguments have been advanced by the Finance Member, why should we object to the procedure? Why should we not deal with the merits of this question and say that we will not be a party to this amendment? I think, Sir, the Swaraj Party is partly to be blamed for this kind of procedure, because, if they had expedited the Bill and not adopted the Parliamentary obstructionist tactics that they did, I do not think the Viceroy would have been compelled to adopt this procedure.

Now I would like to make to this House understand what this procedure amounts to. The procedure simply amounts to this, Sir, that this House is asked to consider again their vote, which they have given on the reduction of salt duty. The House is at perfect liberty to say, "We don't want to go back on the decision which we have arrived at," or the House can say, as my friend, Mr. Jayakar, again said, that we are not infallible. If this House has therefore made any mistake, they should welcome the opportunity to get rid of that mistake by having this procedure adopted in this House, rather than to be corrected by the other House. I therefore do not see any justification at all for objecting to the procedure which is now being adopted by Government, and I therefore think, Sir, that, whilst dealing with the merits of this question, we should welcome the opportunity given to this House of putting to test its sense of responsibility and, having arrived at decisions after mature deliberation, stick to them. Sir, the Swaraj Party have shown by their speeches here much solicitude for Government. Why should they say that Government should adopt this procedure or that procedure? For instance, Mr. Srinivasa Iyengar has suggested that Government should take this Bill to the other House and then bring it back here. Why should we show so much concern for Government at all if we are sincere in what we have done? It is Government's business to look after themselves, and I do think, Sir, that the Swaraj Party would do well to leave Government alone. Our concern, Sir, is to deal with the merits of the Bill or of amendments and things of that sort that are placed before this House.

Mr. S. Srinivasa Iyengar: I said so.

Mr. Fazal Ibrahim Rahimtulla: We consider its merits, and after debating we arrive at a certain conclusion. It is for this House to stick to that conclusion, if this House believes that the conclusion arrived at is the right one. I therefore think, Sir, that suggesting to the Governor General to resort to his power of certification is entirely wrong. I on my part, as I said yesterday, do not desire that His Excellency should exercise the power of certification at all. We say that our decision should be final but if an opportunity is given to us to revise our decision we can say that we still stick to that decision and we do not wish it to be revised. But I cannot

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understand, Sir, how anybody could object to the procedure or could blame His Excellency the Viceroy who has given us another opportunity to debate the merits if we choose to do so, otherwise to go into the lobbies straight-away and decide whether we have that sense of responsibility as to stick to our decision or whether we are open for negotiations and are open to be canvassed in any manner. This is a test of our sense of our responsibility. It is a question of the dignity of this House, and I hope, Sir, the House will exercise it in a right manner.

Sir Hugh Cocks (Bombay: European): Sir, if the Members on these Benches have not occupied much of the time of the House during the discussion of this Finance Bill, it has not been from lack of interest, but rather with a view to aiding the progress of the business of the House, but there are one or two points I should like to touch upon this morning. Mr. Srinivasa Iyengar made much of the point that the reduction of 4 annas in the salt duty did not interfere with the tranquillity and the interest of the country.

Mr. S. Srinivasa Iyengar: Safety also.

Sir Hugh Cocks: Tranquillity, safety and interests of the country. Well he dwelt a considerable time upon the word "tranquillity," but he did not dwell for very long on the word "interests." I think obviously the 4 anna tax and the 65 lakhs of rupees involved in the first year do very materially affect the interests of the country, because, as the Honourable the Finance Member pointed out, you cannot suddenly reduce your administrative expenditure to meet the reduction and you may be driven to reduce your grants for nation-building services, colleges and so on. And I think the last thing Members would desire on these Benches would be for these grants to be reduced, and I think it is the last thing their constituencies would wish also. My Honourable friend, Mr. Jayakar made much of the point that he had not gone into the lobby against the Government on the two larger cuts, but with great responsibility he went into the lobby against the Government on the smaller cut. Well, Sir, I fail to see the responsibility in taking that action. It seems to me to border on irresponsibility, because we all know—I do not think even Mr. Jayakar would dispute it—that the 4 annas involved will not be passed on to the consumer. Therefore it seems to me there is not very much responsibility in taking action of that sort. We all know, in this House, from experience that these cuts are made from time to time. We do not take them very seriously.

Mr. S. Srinivasa Iyengar: What?

Sir Hugh Cocks: And in fact it is not an unknown thing to hear of Members, who had voted for a certain cut, and when they found they had been successful, had regretted it.

Mr. S. Srinivasa Iyengar: Who?

Sir Hugh Cocks: I am not speaking of any particular Member. I am stating a fact that these cuts are made, from time to time, more or less as a gesture, and some Members regret the result afterwards. Mr. Kelkar referred, at the outset, to the fact that he knew what message was coming from the Chair yesterday and therefore he did not rise in his place. I hope, Sir, it will not become customary for Members of this House to endeavour to anticipate messages; and if they think it will be a pleasant and nice

message then they will get up, and if they think it is going to be unpleasant, they will not rise when messages from the Governor General are announced. I think that would be somewhat lowering the dignity of the House and lowering the dignity of the people who embark upon the practice. Sir, it seems to me that the issue is a very simple one. The Government require this money; they cannot see their way to give up Rs. 65 lakhs; and from the point of view of expediency and indeed from every other point of view, I think the procedure which has been adopted is not unfair to this House, having regard to the fact that the cut, as I have said, is one which in my view is mainly a gesture and also to the fact that the effect of it will not really reach the poorer classes whom we all desire to benefit.

Mr. Jehangir K. Munshi (Burma: Non-European): Sir, it is a well-established principle of the British constitution that the King can do no wrong. In other words, if the King does wrong, his Ministers must be held responsible for the wrong. If we apply that principle to our constitution, the King's representative, the Governor-General of India, can do no wrong; and if we feel that he has done wrong, then we must hold his Ministers responsible for that wrong.

Sir, even under the mock constitution which this unfortunate and ill-fated country is supposed to be enjoying at the present moment, we have all these years been led to believe that, to some extent, the voice of this Assembly will be heeded by the Government. The other day we passed a Resolution asking for Dominion status; and within a few days the Government of India have made a suitable response to our demand. It is significant that when this House divided on the motion for reduction of the duty on salt from one rupee four annas to one rupee, 56 elected Members voted for the reduction and only two elected Indian Members of this House voted against the motion. What do we find now? The advisers of His Excellency the Governor-General, in spite of the fact that they could get only two elected Indian Members of this House to vote against the reduction, have deliberately advised him to flout this almost unanimous decision of this House. (Hear, hear.)

The Government of India have advised His Excellency the Governor-General to send back this measure in a recommended form. What is the recommendation? That the decision arrived at almost unanimously by the elected Members of this House is not acceptable, and that the Government of India's decision must prevail, and the voice of this House must count for nothing. If that is the policy of the Government, what is the necessity of bringing forward the Finance Bill before this House? If we are not allowed to make any alteration, if we are not allowed to make any reduction, why should the Finance Bill come here at all? It is absolutely a farce and a waste of time to bring the Finance Bill before this House, if the Government of India are determined not to allow this House any voice in the matter of taxation, even to the slightest extent.

I am afraid Sir, the whole difficulty of working the present constitution arises out of the most unfortunate mentality of the Government Members. They do not take this House seriously they have no respect for the decisions of this House. I shall give the House an illustration of the official mentality. Recently I was travelling on a boat which carried a number of American tourists; an Englishman of the age of about 38 years belonging to one of the All-India services, who has served in this country for fourteen years, happened to be travelling on the same boat. He was talking to an

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American lady; and in order to make it clear to the House that there were no extenuating circumstances, I may mention that the lady was neither young, nor pretty nor attractive (laughter). She sought certain information from this English official. She told him she was going to see Delhi and Agra and this Englishman said to her, "If you go to Delhi, make it a point to go and look up the monkey House." The American lady was very interested; she thought the English official was referring to a house containing some rare specimen of monkeys in a well kept zoo at Delhi. Then this Englishman explained to her that what he was referring to was the Indian Parliament—this unfortunate House. Now, Sir, that official of the Government of India represents the normal official mentality. It is not unusual

Mr. President: Will the Honourable Member give his name?

Mr. Jehangir K. Munshi: I am in a position to give the name, but I would rather refrain from doing so.

Mr. President: The Honourable Member can do so privately to the Chair.

Mr. Jehangir K. Munshi: Very well, Sir. I shall be only too pleased to give it privately to the Chair.

Now, Sir, this is the mentality of the Government Benches. (*Cries of "No, no" from the Government Benches.*) I would like to know how many of those gentlemen now sitting on the Government Benches are prepared to assert that they have never referred to this House as a monkey house. I only see one hand raised in response to my challenge. Well, Sir, if that is the mentality regulating the official minds, if Government Officials sitting in this House, as Members of this House, refer to this House as the monkey house

The Honourable Mr. J. Orerar (Home Member): I really must protest, Sir, against any such assertion. I deny entirely that it does represent the mentality of the Government Benches in this matter.

Mr. Jehangir K. Munshi: I have not been able to hear the Honourable the Home Member quite clearly. Is the Honourable the Leader of the House asserting that he has never heard Government officials refer to this House as the monkey house?

The Honourable Mr. J. Orerar: I have no recollection of hearing any official of the Government of India making use of that expression.

Mr. Jehangir K. Munshi: Then all I can say is, Sir, that the Leader of the House is particularly ill-informed; and the fault lies at the door of Mr. Coatman. It is for Mr. Coatman to see that the Government of India know exactly what is happening. I repeat that this is how the Government officials regard this Indian Parliament; and that being the official mentality (*Cries of "No, no"*) . . . That being the official mentality, how is it possible for them to show any respect for the mandate of this House? And, Sir, what has happened during the last 24 hours, shows that, until that mentality is changed, we can have no hope that Parliamentary institutions will flourish in this country.

I think the time has now arrived when the Government of India must seriously make up their mind whether they are going to help one or the other of the two movements in this country. There is no third road, and there can be no third turning. As I said the other day, an overwhelming section of intelligent, educated Indians in this country want to remain within the British Empire and are striving for Dominion status. There is the other and infinitely smaller section led by my Honourable friend, Mr. Srinivasa Iyengar, which is beginning to clamour for independence.

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): What has that got to do with the salt tax?

Mr. Jehangir K. Munshi: If my Honourable friend, Colonel Gidney will exercise his intelligence, he will see what I am driving at. The salt tax itself has at the present moment become a matter of secondary importance. The "recommendation" of His Excellency the Governor General has raised a grave constitutional issue. If the Government of India want to help Mr. Srinivasa Iyengar's movement for independence, they could not have selected a better method than they adopted yesterday of advising His Excellency the Governor General to restore the salt tax to the original figure of one rupee four annas, although it was reduced to one rupee by 56 elected Members of this House, only two elected Indian Members voting against the reduction. (Applause.)

Mr. Muhammad Yamin Khan (United Provinces: Nominated Non-official): Sir, before I speak on the real question, I must express my surprise at the speech of my friend, Mr. Munshi. I think there is nothing in the point which he has tried to make out and the language of the joke which might have been uttered outside he has taken so seriously as to impute these motives to the Members of the Government. This is not right—that any Member should speak in this way about those persons who themselves adorn those Benches in this House. I would be the last person to speak in any derogatory terms about this House as long as I remain a Member of it. I will defend it outside as well as inside as long as I continue to sit in this House, and I think, Sir, that if Mr. Munshi had even heard anything derogatory to this House outside in private conversations, it was his duty to keep silent on this question, and he should not have brought it before this House in the manner he has done today. We are accustomed to hear of this House being described in several ways. For instance, the first Assembly was characterised as a Lunatic Asylum, and the term M. L. A. was described as Member of the Lunatic Asylum, and a lot of gentlemen who used to talk of Members of the old Assembly as Members of the Lunatic Asylum are sitting here today as Members of this House. Therefore, perhaps it was meant as a joke, and I don't think anybody should seriously attach any value to it and introduce it here in connection with the motion which we have got to decide before the House, as Mr. Munshi has done. Evidently his object is to prejudice our minds in coming to a decision by mentioning things which he hears either in the lobby, or outside in the streets. That shows, Sir, what amount of responsibility we have really got, and what kind of men we have got in the Assembly and how seriously we can come to any conclusion on any important question. That, Sir, is my reply to my friend Mr. Munshi.

Pandit Nilakantha Das (Orissa Division: Non-Muhammedan): May I point out to the Honourable Member that Mr. Munshi analysed the votes of the elected Members.

Mr. Muhammad Yamin Khan: Then it was asked whether the Governor General has treated this House with proper consideration or otherwise. I think, Sir, the Governor General had two courses open to him; one was to go to the Council of State, and the other was to refer the same question back to this House for its consideration. I think, Sir, by adopting the latter course, which the Governor General has done, he has shown the greatest consideration to this House. If the question had been referred to the Council of State, as my friend Mr. Jayakar pointed out, the object would certainly have been gained just in the same way. But by referring the question to this House, the Governor General has certainly shown the greatest consideration to this House instead of getting the decision of this House cancelled by another body, because he thought that possibly this House, after knowing something more about the matter, might like to revise its opinion. Sir, I personally have not got such a bad opinion of this House as to think that this House will be so obstinate or childish as to say that, because we have once decided a question in one way, therefore we should not listen to any other argument, whether we were right or wrong. I certainly have got better expectations of Honourable Members of this House, and I think he is no sensible man who is not willing to revise his opinion in the light of fresh arguments that may be advanced in support of a proposition.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): I hope the Honourable Member will change his opinion about Reforms.

Mr. Muhammad Yamin Khan: Sensible people are those who will change their opinion the moment they find that they have made a mistake in arriving at a certain conclusion in the first instance.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Will you change your opinions?

Mr. Muhammad Yamin Khan: When we examine the whole question on its merits, then and then alone can we find out whether we were right or wrong.

Now, let us see the action of Mr. Jayakar and Mr. Kelkar. They said that they did not like to vote on the question of 8 annas and 10 annas. What did they do? They remained neutral; they said that they showed their responsibility by remaining neutral. Is that the way of showing your responsibility? If any Honourable Member felt that a certain reduction was wrong, that the motion was wrong, his duty was clear; he should have walked into the other lobby; he should not have stuck to his seat and remained neutral. Whenever I feel that a certain thing is wrong, I would never hesitate to walk into the other lobby, irrespective of the fact whether somebody was pleased with me or not. Whom are you going to please? You are pleasing nobody; you are not pleasing even your own conscience. Your conscience told you that you were doing something wrong in keeping back your vote, and still some of my friends say that they have been exercising their responsibility in the right manner. I am surprised, Sir. I have been observing the greatest change during the last 7 or 8 years that I have been in the Assembly. I have found marvellous changes in these 8 years' time, not towards responsibility, but towards irresponsibility. Anyhow, Sir, I have still got hopes of my countrymen that they will not do any kind of injury to their country; they will not

hamper the progress of the Reforms by showing any sense of irresponsibility in this House. Our actions are very carefully watched; each action of ours is weighed properly. Therefore, I would appeal to the House not to show any sense of irresponsibility in this matter; I would appeal to them to do good to India, to do good to this House

Mr. President: What about the merits of the amendment?

Mr. Muhammad Yamin Khan: I am coming to the merits of the amendment, Sir. We find that Rs. 65 lakhs are going to be reduced by this cut. Where is this large amount of money to come from?

An Honourable Member: From the Army Budget.

Mr. Muhammad Yamin Khan: My Honourable friend says it should come from the Army Budget. Under the present circumstances when we have trouble on the frontier, I am surprised that some of my friends demand that there should be a reduction in the Army Budget. I don't like to say anything more about it. (*An Honourable Member* "Why not?") What is the demand of this House? My friend, Dr. Moonje, will come forward and say that he wants rifles for school children, and he wants money for various other things which are called our national demands. Instead of pressing for those demands, we say we are not going to give you the necessary funds

Dr. B. S. Moonje (Nagpur Division: Non-Muhammadan): Is all that money to be reserved for starting rifle associations?

Mr. Muhammad Yamin Khan: I will just reply to you. The only point is your object can be gained by continuously pressing your demand.

Dr. B. S. Moonje: Can you get the Government to reserve that sum of money for training Indian boys in military drill and rifle practice?

Mr. Muhammad Yamin Khan: Then there are the provincial contributions

Mr. A. Rangaswami Iyengar (Tanjore cum Trichinopoly: Non-Muhammadan Rural): There are no provincial contributions.

Mr. Muhammad Yamin Khan: I think, Sir, it is not the consumer who gains by this cut. Now, if the consumer gains, I think this House ought to vote. If these 4 annas were going into the pockets of the consumer, we would have been willing to vote for this. But what do we find? These 4 annas will not go into the pockets of the poor consumer; but will go into the pockets of the middleman. You want one pice to be reduced on 2½ seers, but there is no poor man who purchase salt more than a *chatak* at a time. If a poor man goes to purchase a *chatak* of salt at one time, will this one pice, which you want to reduce, have any effect on the purchasing value of a *chatak* of salt? Certainly, it will not have any effect. The poor man, the labourer who is working in the street gets about 4 or 5 annas a day, and such a man has not got sufficient money to purchase his provisions on a large scale for the whole month. He gets his wages daily and he has to buy his provisions daily. If he makes purchases daily, then he cannot purchase salt of more than a pice worth. What he usually does is, he goes to the bazar and asks for a bit of salt, a bit of pepper, a bit of something else and so on, and all that comes to two pice. All these things are given on a small piece of leaf of a tree. Do you think these

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poor customers, who buy two or three crystals, are really benefited? Who is benefited? It is really the middleman who makes lakhs and lakhs. I was told yesterday by one middleman that, by this cut, he would make Rs. 1½ lakhs in one day

Diwar Chaman Lal (West Punjab: Non-Muhammadian): How?

Mr. Muhammad Yamin Khan: He makes it because he has indented for something. . . . (An Honourable Member. "He loses.") He orders from the other purchasers to whom he supplies and he has put in his orders to the Government (An Honourable Member "Does he lose or gain?") I think Rs. 65 lakhs are going into the pockets of the middlemen, and if you think we are speaking on behalf of the middlemen, then certainly we can throw out this amendment which has been moved by the Honourable the Finance Member and vote for one rupee. But if you want to benefit the poor man, then my Honourable friends Messrs. Jayakar and Kelkar ought to have voted for eight annas, for that would have done some substantial good to the consumer. But this four annas' reduction is not going to do any good. There is nobody who buys 2½ seers in the whole month, and by this reduction you reduce one pice only on the price of 2½ seers. Therefore I think that, on the merits of the case, we are not benefiting the poor consumer in whose name we are speaking, by this four annas reduction, and we would be really doing some good to the middlemen.

Mr. A. Rangaswami Iyengar: Although the question of the merits of the restoration of the salt duty from one rupee to one rupee and four annas was briefly dealt with by the Honourable the Finance Member, the real question before the House, I submit, is something very much more serious. The real question is, are we here only to register the decrees of the executive Government of this country? If we are mere registering machines for the executive Government of this country which the present recommendation indicates, then I say it is up to the Government to be open, to be honest and come here and say, "We want to govern by our will. We want to make our own expenditure programme, we want to make our own revenue programme. We won't allow you to meddle with it in any way; we will restore every item of expenditure which you cut out, or restore every reduction of tax which you make. We have that power and we propose to exercise that power." If that is so, I say it is the duty of the Government to say so at the very outset.

With your leave, Sir, I may be permitted, without touching the point of order which was decided by you on the rules as they stand, to put it to the House that the entire scheme of the rules, if they are as they are now interpreted to be,—the entire scheme of the rules—is inconsistent with the scheme of the Montagu-Chelmsford Act. Section 67-B is the section by means of which essential legislation can be undertaken by the Government for their own purposes, for the purpose of carrying on the government of this country. In so far as those powers are concerned, the procedure by means of recommendation was the procedure which the Joint Parliamentary Committee substituted in place of what was known as the Grand Committee procedure. So far as essential legislation is concerned, the Governor General should recommend to this House that it is essential for the safety, tranquillity or interests of the country that a particular legislation should be passed or should be passed in the particular form in which His Excellency recommends it. I say on a proper construction of

the Government of India Act this recommendation ought to be appended to every essential Bill at the outset. Either a matter is essential to the safety, tranquillity or interests of the country or it is not. If it is essential for the safety, tranquillity or interests of the country, then the Government is failing in its duty, and its advisers will be failing in their duty, if they, at the very outset, conceal that fact from the cognisance of the Assembly when they bring their Bill originally before the House. If it is essential, then they have committed that wrong. If it is not essential, if, on the other hand, they think that the normal course of legislative procedure should be adopted in this country when they bring in a Bill, when they find that a Bill has been altered in a manner not to their liking, it is not right, it is not honest for them subsequently to come and say, "Oh, no. We did not consider it essential, but now that you have refused it, for the reason that you have refused it, we consider it essential." If it is essential, it is due to us that the Governor General or the Government must say so at the very outset. I say that is the scheme of the Government of India Act and that is the basis upon which, if you will read the Joint Parliamentary Committee Report and the Montagu-Chelmsford Report, the whole thing is based.

A good deal has been said about the opportunity for reconsideration which we are given by this very kindly and paternal act on the part of the Governor General, on the advice of the Government. So far as that is concerned, I say the Act conceives only of two kinds of legislation,—that which is to take its normal course, and that which the Government consider ought not to be left to its normal course but ought to be enacted by the certificate procedure because they consider it essential for the safety, tranquillity or interests of the country. If it is a mere case of rectifying a mistake made by us, I say the Act has provided two distinct methods by means of which the mistake can be rectified. In the first place, the Bill may be taken to the Council of State and there amendments may be proposed for rectifying the wrong decisions of this House, not because they are essential but because they are wrong. In other words, if the legislation is essential, the Government must say so at the very outset. If it is merely wrong, they must go to the Council of State and try to set it right. Assuming that the Council of State sets it right, then it is brought back to this House and the procedure is provided, that the Government should then move that we do agree with the amendment made by the Council of State and that will give us an opportunity to reconsider the position. That is one opportunity. The other is one vested in the Governor General himself. So far as the Governor General is concerned, apart from the Government which may move that the Bill, as amended by the Council of State, be agreed to by this House, so far as the Governor General is concerned, suppose both Houses have committed a mistake and wrong decisions have been given upon a particular Bill, or particular clauses of a Bill, then section 68 of the Government of India Act gives the Governor General the fullest power to send back the Bill for the reconsideration of this House, pointing out that particular clauses should be modified, because in his opinion they are wrong. Such procedure has been repeatedly adopted in the provincial Legislatures, as well as in the Central Legislature, and the Viceroy, when he sends it back to us for reconsideration, through a Member of Government, takes the opportunity, in this House, to explain why the Governor General, in his opinion, thinks that the House should reconsider the decision which it has adopted, and then we discuss the question on the merits.

[Mr. A. Ranganaswami Iyengar.]

Those are the occasions, those are the means by which opportunities for reconsideration are provided to this House. That is not a procedure which the Act has contemplated for what is known as essential legislation. I say essential legislation is essential legislation from the very outset and I say the rules under which this motion is made are in a sense *ultra vires* of the Government of India Act—in the manner in which they have been enacted.

Mr. President: Order, order. If the Honourable Member wanted to suggest that the rule under which I have given my ruling is *ultra vires* of the Government of India Act, he should have raised that point yesterday. No one raised that question and the Chair was not called upon to decide it. It was assumed all along that the rule was there and the interpretation of the rule was in question. There was no question whether the rule was *ultra vires* of the Government of India Act.

Mr. A. Ranganaswami Iyengar: I only put the point. I do not by any means question the ruling. Nor do I seek to raise a point of order on the question whether the rules are *ultra vires*. I will content myself with saying that the scope of the rules is inconsistent with the policy of the Government of India Act. I shall put the case at that and leave it there. So far as the question of *ultra vires* is concerned, it is a matter which we are at liberty to raise in a court of law. Therefore, all I can say is that the procedure which has been adopted by the Governor General, namely, the recommendation procedure is entirely different from—and it is a travesty to call it—an opportunity for reconsideration, for what does the Viceroy say by means of this recommendation. He says: "Notwithstanding the fact that I did not think or did not choose to tell you at the outset, that this thing was essential to the safety, tranquillity or interests of India, since you have chosen to alter the duty, I now tell you that it is essential for the safety, tranquillity or interests of India and therefore I call upon you to alter it at once. If you alter it, well and good for yourself. If you don't you can go and hang yourself. I am going to make it law, in spite of your saying 'aye' or 'nay'". That is the meaning of the recommendation which was handed to you, Sir, yesterday in this House, and we are told by Mr. Yamin Khan and by certain other people "Oh, it is a very paternal and kindly act on the part of the Governor General to give you this opportunity". Sir, the plain question before this House is "Are we to be treated like children in this House?" If the Viceroy really thought that this thing was essential—and I presume he thought it essential—I do not say that it was an afterthought, if the Government thought that the entire budget was sacrosanct, that they would not allow any material deviation from the budget, that they would restore every cut, and that they would restore every amendment made in the Finance Bill, that the Finance Bill could not be altered on pain of being certified, that the budget Demands for Grants could not be altered on pain of being restored, I say, then, Sir, that the sooner the sham is ended the better. What are we here for? What is the object of putting this budget before us? Either we should consider it on the merits, and if our proposals are reasonable, it is for the Government to say, "Very well, it is reasonable and we are prepared to accept it," or if they are unreasonable the Government should adopt the ordinary procedure by means of which you take it to the Council of State and get the mistake rectified there. If that is not rectified there, you can send

it back under the reservation provisions of section 68 again for reconsideration. That is the procedure. If, on the other hand, you say that you shall not permit the slightest deviation from your proposals in the Finance Bill and from your proposals in the budget, and that if we make it, there the certification goes—if that is the position, then why call upon us to sit here and waste all this time in making proposals?

The Honourable the Finance Member has promised a good many things this session. I really wonder whether five years will be enough for him to implement all the promises he has made in the course of this one budget session. And there are four more budget sessions yet to be faced! Therefore, I think that, if the House owes anything to its self-respect, if it really thinks that it is a representative body, that it is really called upon to discharge its duties to the taxpayers of this country, it ought not, for very shame, accept this impossible and humiliating position in which it has been placed by the Governor General on the advice of the Government.

Then, Sir, on the merits, is it really necessary that in the interests of the safety, tranquillity or interests of the country that this duty should be restored? The Finance Member asked "If we lose 65 lakhs, where can we find the money?" That argument will apply to every item in the budget. So long as we are a non-official majority, so long as we have only the power of criticism, we cannot take it upon ourselves to suggest alternative schemes. Nor can the Finance Member take the responsibility for executing them when he himself does not agree with them and we are not placed in the position to undertake the responsibility in his place. The position is an impossible one. We are asked to assent to the budget, tied hand and foot at every stage. I do not think this 65 lakhs is such a formidable sum, that the Finance Member cannot find a provision for it. There are so many things in the budget, by means of which this 65 lakhs could be dealt with, without humiliating this House into eating its own words. There are many things upon which the Government have embarked, which are of a discretionary character. My friend Mr. Chaman Lall referred to the Army expenditure. My friend Mr. Yamin Khan thought of the clouds on the North-West Frontier Province. If they want money for the North-West Frontier, I am sure they have the power to incur expenditure under the emergency provisions. Then there is the normal Army expenditure. The present Army expenditure is deliberately put at 55 crores, and it has been stated in this House by the Finance Member that there is a convention between him and the Army Department, under which they are to go on making savings, and that those savings were to be available to them for various new projects of expenditure which they have been wishing to embark upon. The saving expected is about 2 crores per annum and this 65 lakhs would only amount to less than one-third of the reserves thus accumulated. As I have already stated in the House, there are many other reserves which could await being added to, and this paltry sum of 65 lakhs could easily have been found in a budget of 250 crores. Therefore, Sir, I do not think that matters.

The Finance Member then said that the remission of the salt duty is not really a measure called for in the interests of the poor in India and that the middleman would carry away whatever remission might be made in the duty, and that the poor *ryot* would not get the benefit of it. Such touching sympathy was trotted out by the Government for the poor man! What is the position? I am prepared to say, on the floor of this House, that I am not one of those who, in point of abstract theory, think that a salt

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tax *per se* is objectionable, but I am not one of those who, on grounds of sound financial principles, would accept the proposition that the salt duty should be allowed to remain and that, if we get more money than is necessary, it should be used for purposes of beneficial expenditure. I do think it is sound finance to go on taxing the poorest of the poor in this country with a view to spend the money on schemes of a developmental character which may or may not benefit him. In the next place, I think it will be agreed that a tax like the salt tax ought to be what may be called a financial reserve. It ought to be the financial reserve of all Governments. Any Finance Minister who has got to face the difficulties of this country, which is subject to varying monsoon conditions, should naturally want to keep the salt duty as low as he can possibly keep it, so that, in a time of difficulty, it would be the easiest means for him to find the money from. I would treat it as a financial reserve and not a reservoir for embarking upon developmental expenditure. I say, Sir, it is an unsound financial proposition to say that the salt duty should be continued and that the extra income got out of the salt duty should be employed on various developmental schemes. I repeat, Sir, that the salt duty should be kept as low as possible: in fact that it should be repealed altogether, so that in time of unexpected deficits, in time of financial emergency, it will be possible for Government to go to that source and recoup themselves to meet such deficits. That is my financial criticism of the proposal to restore the duty and I object most emphatically to the motion of the Honourable Sir George Schuster.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): I thank you, Sir, that at last your eyes have fallen upon me.

Mr. President: Does the Honourable Member suggest that each time he stands, I should call upon him?

(Mr. Acharya essayed to speak.)

Order, order. Does the Honourable Member understand the insinuation that is involved in his first sentence?

Mr. M. K. Acharya: I only say I had stood ten times before your eyes fell on me, Sir.

Mr. President: The Honourable Member is bound to stand as many times as is necessary until I call his name. It is highly improper for the Honourable Member to use language likely to be construed as a reflection on the Chair (Cries of "Withdraw, withdraw").

Mr. M. K. Acharya: I withdraw, Sir, if you think there has been any insinuation, which I did not intend.

Sir, I desire today to plead for the Government and with the Government; in other words, I do not desire to plead with my Honourable friend on my right; for I feel that the Government, in the motion they now propose, are doing something which is really against the best interests of Government itself. When finally opposing the clause relating to the salt tax, I expressed the hope, which I now find was not well founded, that the members of the Government would think twenty times over before advising His Excellency to do anything which might seriously interfere

with the decision of the House. I am sorry that my humble advice fell on deaf ears. I am sorry that Government, unwisely in my humble opinion, have advised His Excellency in a very, very wrong manner. Sir, it has been said that there are a good many considerations, a good many aspects involved in the measure which we are now asked to reconsider. Sir, it has been the chief argument of the Finance Member today—though it is not a very new argument—that there will be a deficit of 65 lakhs in the revenue of the Government of India, which he thinks he could not easily make up; and in order, therefore, not to take the trouble either to retrench or economise, in order not to take the trouble to find how the 65 lakhs could be made up, he has advised the Governor General to incur what is, I consider, the odium, the very undesirable odium of the whole country by flouting the considered views of this House.

I am sorry that, in this respect, I differ from my Honourable friend, Mr. Yamin Khan, who thinks that the reduction of 4 annas would not benefit the consumer but only the middleman, and who therefore thinks he should welcome this opportunity to revise the decision we had arrived at on a previous occasion. It would have been better if we had been spared this very ambiguous compliment. We do not want to be told that we had been foolish boys and that we should behave better today. I am sorry that any responsible Member of the Government, who wants to cultivate good relations with this side of the House, should tell us that we have been bad boys. Is this the tact, the diplomacy, the political skill which the gentlemen sitting over there claim so very often? Is this the attitude they desire to adopt in dealing with the non-official Members of this House? Sir, I deplore such want of tact. Sixty-five lakhs is nothing when compared with the goodwill of the people at large; it is a trifle. And yet we know how many great events in life hang on trifles. Some of the greatest events in history have hung on trifles. How much of this reduction will go to the poor man does not matter. There is a strong feeling throughout the country that Government are not prepared to allow the non-official Members to interfere, even to the least extent in their decrees. Dealing with the larger question of policy, His Excellency, in his opening speech, has told us that he is anxious to create goodwill among all, an atmosphere of mutual goodwill between the rulers and the ruled. Is this the way to create an atmosphere of mutual goodwill between the rulers and the ruled, especially at this time when great constitutional changes are expected in the course of the next few months? Is this the way Government are going to ask the people in this country to have confidence in them? I feel, strongly, that Government ought to realise that it is a very unwise step that they are now taking. Sitting in their own secluded chambers, if they had asked the Governor General to certify this Bill, without coming to this House, it would be unfortunate to some extent, but it would be less irritating. Sir, I am prepared to admit that this question of the salt tax is one of sentiment; but a man would be a beast if he had no sentiments. Sometimes those sentiments may be inconvenient to some people but a man without sentiments would be a brute. Even the brute, I think, has got its own sentiment. What though this is a sentimental objection? Nine-tenths of a man's life consist in sentiments. A sentimental objection may yet be a very strong one. Sentiment has got to be respected in very many cases. Therefore I am sorry that Government have not regarded the matter from the larger political and diplomatic point of view. We are going out very soon to the country at large; do the

[Mr. M. K. Acharya.]

Government want to irritate the electorates; do Government want that we should oppose them the next time we come elected here even more strongly than ever before? If they want that we should come back and oppose them a thousand times stronger than at present, they cannot goad us better than by bringing in this measure today, and having this salt duty restored.

My friends have said very often that no amount of appeal, that no plaintive cries will reach the ears of this deaf Government. In view of such standing complaint, I consider that Government, on this occasion, have been exceedingly ill-advised; that it was very wrong on the part of His Excellency's advisers to go and tell him, just at this moment, which is going to mark a constitutional epoch in the history of modern India—to go and ask the Governor General to adopt this very, very odd procedure of coming to this House in the manner that has been chosen. I deplore that such cheap advice has been given by the Government Members to His Excellency.

I desire, Sir, to repeat the argument that has been advanced, that 65 lakhs is almost nothing; that if the Honourable the Finance Member has got the will, he can certainly find the 65 lakhs. My Honourable friend, Mr. Rangaswami Iyengar, in the closing portion of his speech, pointed out how the Honourable Finance Member could easily draw 65 lakhs from the reserves, either in the Army Department or in some other department. I do therefore say from the standpoint of the constitutional development of this country, that this is a very unfortunate procedure. It is admitted on all sides that here Government have got only a perpetual permanent opposition, which deals only in irresponsible destructive criticism. Whose fault is it? One of the best political writers of England has said that the only antidote against irresponsible criticism in any popular House is responsibility. If that is so, is this the kind of responsibility that you are going to give us? We carried a small reduction only a few days ago; and within a few days, you come back to us and say, "Eat your own words and go back to Rs. 1-4-0", for the sake of such a paltry, insignificant sum as 65 lakhs, out of 100 crores and more which you are going to spend. Sir, I must deplore greatly the want of tact, the want of judgment, and the want of wisdom on the part of those who are His Excellency's advisers today.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

Mr. President: I find there was some misunderstanding. I thought I had said, when adjourning, that we would meet at twenty minutes to three; but I was told that I had said ten minutes to three. I regret the slip.

Mr. K. C. Hoogy (Dacca Division: Non-Muhammadan Rural): Sir, my Honourable friend, Mr. Yamin Khan, referred to what he described as the

marvellous change in the attitude of this House. He thought that, since the days when he and I were Members of the first Assembly—an elected member he was at that time, if I may remind this House—the sense of responsibilities displayed by the non-official Members has been a diminishing quantity. Well, Sir, I want now to testify to the marvellous change that has come about in the attitude of my Honourable friend himself (Laughter).

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): He has lived to learn!

Mr. K. O. Neogy: While speaking on the budget in the year 1922, this is what the Honourable Mr. Yamin Khan stated with regard to the criticisms against the salt duty:

"I endorse all the speeches of non-official Members of this House about salt."

An Honourable Member: The duty was Rs. 2-8-0 at that time.

Mr. K. O. Neogy: All the criticisms which my Honourable friend endorsed on that occasion were to the effect that the salt duty was an impious taxation, that it ought never to be imposed, and that the rate at which it stood at that time was not acceptable to this House. All that he endorsed in his own speech in the year 1922. My Honourable friend seems to think that the only way of establishing our sense of responsibility is meekly to submit to the dictation of His Excellency the Viceroy on the present occasion. He forgets that, unless this House has some amount of self-respect, you cannot expect any sense of responsibility to be developed by it. Surely, Sir, self-respect precedes the sense of responsibility. When this particular section of the Government of India Act, under which the Viceroy has taken action, was under discussion in Parliament, several Members of the House of Commons pointed out that the wide powers that were sought to be left to the head of the administration would reduce the Assembly to the position of a mere nonentity. If, as they pointed out, it was intended that non-official Members should develop a sense of responsibility in them, then surely it was not right to invest the head of the administration with arbitrary powers which he could exercise in putting down the considered views of the popular House. When a specific amendment was moved to this particular section, seeking to circumscribe its scope, Mr. Montagu, in replying on behalf of the Government, admitted that the Honourable gentleman who moved that amendment "had raised a point of supreme importance." But then he went on to assure the House that the terms of the section itself guaranteed a very discreet and a very cautious use being made of this extraordinary procedure by the Viceroy. He said: "It is not any measure which affects the interests, it is a measure which the Viceroy can say is 'essential' ". He pointed out that the stress was on the word 'essential,' and not on the word 'interests'. Sir, on the statement which has been made by the Honourable the Finance Member this morning, I venture to think that he has failed to make out that this particular measure is really essential in the interests of British India. What he said was that the amount of loss in revenue, which would stand at Rs. 65 lakhs, could be met by making reductions in certain beneficent items of new proposed expenditure. Well, if he had only striven to carry out the wishes of this House, he could easily have adjusted this deficit. Surely, Sir, it would not be difficult to find out items of a non-recurring character, which would sustain the reduction, and which would, in the aggregate, meet this deficit of

[Mr. K. C. Neogy.]

Rs. 65 lakhs. Therefore, I say that, even on the statement made by the Honourable the Finance Member, the Government have failed to establish that the proposed amendment is indeed essential in the interests of British India. It is a matter of convenience perhaps to my Honourable friend that the budget is not to be upset to any extent, but that, Sir, surely, was not contemplated by the framers of the Government of India Act to fall within the category of cases which they had in mind in enacting this particular clause. If we study the history of the Government of India Act, we find that, whether it is in the Montagu-Chelmsford Report, or in the Report of the Joint Select Committee of Parliament, or in the discussions that took place in the House of Commons on this measure, all that the authorities were contemplating was a state of grave emergency, in which the popular House might refuse to pass any legislation that the executive wanted to arm themselves with. And it is also clear, I submit, that the authorities in England had no idea of extending the benefit of this extraordinary procedure to a measure of taxation. Everywhere they speak of affirmative legislation, affirmative legislation which would be needed to enable the Government of India to carry out their essential obligations in the matter of the good Government of India, obligations for which they are accountable to Parliament.

Sir, in this connection, I am reminded of a somewhat similar formula that was at one time in force in the case of the Canadian constitution. About 170 years back, when the Province of Quebec was acquired from the French, and a regular form of Government had yet to be established, General James Murray was appointed Governor General and Governor-in-Chief of the Province of Quebec, and was charged with the duty of constituting a Council of nominated and other non-official Members. And elaborate instructions were issued to him to formulate a scheme of Government with the assistance of the Council. Large powers were left to that Council, and it was laid down that they could make rules and regulations necessary for the "peace, order and good Government" of the said Province. "Peace, order and good Government"—almost a paraphrase of the formula that we have in this particular section of the Government of India Act. But those instructions to the Government of Quebec made it quite clear that no measure should be passed, in virtue of those extraordinary powers, which would impose any duties or taxation against the wishes of the people. Sir, It seems to me that we have yet to arrive at the constitutional position which the Canadian Government occupied 170 years ago. (An Honourable Member: "Shame"). I do not think that the Honourable the Finance Member himself, if he were free to express his views on this question, would cast his vote so as to stultify the decision which this House had already taken. The Honourable Member has referred to a telegram which he has received from certain unknown quarters, jointly addressed to him and to my Honourable friend, Sir Purshotamdas Thakurdas. Sir Purshotamdas Thakurdas is not here today, and although he did not vote with us on the last occasion, when we effected this reduction, I am sure, if he were in his seat today, he would have cast his vote with us in upholding the dignity and self-respect of this House.

Mr. Lalchand Navarai: Sir, I oppose this amendment, and I oppose it very strongly. This amendment has been moved by the Honourable the Finance Member. From what I have seen of him during the sittings of

this House I consider him to be a gentleman. His actions throughout have been those of a gentleman; but, Sir, on this occasion, I am sorry I have to say that he cannot be congratulated for having advised His Excellency the Viceroy to ask that this recommendation should be made and that this amendment should be moved. I know, Sir, that when gentlemen come here from England, the atmosphere here certainly does affect them; but I feel that, in his case, it has come a bit too early.

Now, Sir, as regards this amendment, I think it would be wrong on the part of any of the Honourable Members to go back upon the Resolution that they have so deliberately made in this House. I do not want to reach this question from irrelevant points; I will touch a few points on the merits, and before I do that, I submit that this question has been debated many times now on the floor of this House and therefore it does not require me to elaborate these points. The last time this cut was moved, I gave my silent vote, because I thought that, when this cut was moved, the mentality of this House was that this was an important issue, and was of such a nature that the public wanted that there should be no taxation on salt at all; and I felt that the House recognised the necessity of making that cut, and therefore I gave my silent vote. But, Sir, now that this question is being reached in an extraordinary manner, I think I would be failing in my duty if I did not join hands with my Honourable friends who have opposed this amendment.

I shall come now to the procedure which has been adopted, and I must say that I endorse fully the opinion given by the Honourable the Deputy Leader of the Swaraj Party. I do not agree that this recommendation on salt comes within the purview of any of the words of section 87B of the Government of India Act. It is certainly not bound up with the safety, tranquillity or interests of British India. I submit therefore that the procedure is wrong, but the present is not the stage when we should say that the procedure is wrong or right, because that stage has passed. The amendment has been moved, and it has been thought proper by the Honourable the Finance Member to move it. We must therefore consider it on the facts as they are there. And, Sir, so far as these facts are there, I do not see that any of the Honourable Members, who have got up to support this amendment, have given any new reasons. The reasons are the same and they are being repeated over and over again. I shall not therefore go into those points, but I must say that there are two or three points that should be judged. The first point is that, when any taxation is going to be levied, it must be levied, under all principles, under all rules and under all fundamental principles, with the consent of the people; and I submit, on this question of salt tax, the exemption of which has been from time to time pressed by the public, this cut should not have been sought to be restored. I call it adding an insult to injury.

Then again, Sir, it has been said that there are two difficulties in the way. One is that a deficit of Rs. 65 lakhs will occur on account of this cut being made. What is this Rs. 65 lakhs? Is the Government going to come to a standstill if this small reduction is made? Sir, as to how this reduction should be made up in some other way, is a question for the Treasury Benches to solve for themselves; for I know that the budget that has been presented is in the hands of the Treasury Benches and of the Honourable the Finance Member and they know how to turn and twist the

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figures; they know how to make and unmake, and it is therefore for them to do it mathematically or unmathematically as they like. While on that point, Sir, I would say that a suggestion has been made that a cut could be made in the Army expenditure, and several other suggestions have also been made. I would suggest one more method. It is recognised that it is a notorious fact that this Government is a top-heavy government. Why not cut and reduce the pay of a few officials on the top and make up these Rs. 65 lakhs? (Laughter). It would be very easy to do that; but it touches their pockets and therefore they do not want to do that; they want to touch the pockets of the people always and not their own, and that is not right at all.

As regards the second point, Sir, that was urged by the Honourable the Finance Member, that the benefit of this small cut would not reach down to the public, I would submit that, according to the mathematical calculation of the Finance Member, the effect of a four annas reduction would be only a reduction of a pie per seer of salt. But when the public want relief, any little relief that can be given is welcome to the public, and on that ground the Treasury Benches should not insist on this cut being restored. I submit, Sir, that it is not necessary for me to add anything more. I would appeal to the House that we are in honour bound to stick to our Resolution that we have so deliberately and definitely made on the floor of this House in the first stage, and I would therefore oppose this amendment very strongly. That is all I have to say.

Mr. President: The question is:

"In clause 2 for the words 'one rupee' the words 'one rupee and four annas' be substituted."

(The Honourable Sir George Schuster rose to speak.)

Does the Honourable Member wish to say anything?

The Honourable Sir George Schuster: May I speak in reply?

Mr. President: The Honourable Member has no right to speak; he has moved an amendment, and the Mover of an amendment has no right of reply under our Standing Orders.

The Honourable Sir George Schuster: I ask your permission, Sir, to do so.

Mr. President: I have never on any occasion, since I have occupied this Chair, given permission to the Mover of an amendment to reply; and I think it will be establishing a precedent; but if the House wants to hear the Finance Member I do not propose to stand in their way in the special circumstances of this case.

An Honourable Member: What is the use of hearing him?

Another Honourable Member: Some other Member might also wish to speak.

Mr. President: The question is:

"In clause 2 for the words 'one rupee' the words 'one rupee and four annas' be substituted."

The Assembly divided :

AYES—46.

Abdul Asia, Khan Bahadur Mian.
 Alexander, Mr. William.
 Allison, Mr. F. W.
 Anwar-ul-Asim, Mr.
 Ashrafuddin Ahmed, Khan Bahadur
 Nawabzada Sayid.
 Bajpai, Mr. G. S.
 Bower, Mr. E. H. M.
 Bray, Sir Denys.
 Chalmers, Mr. T. A.
 Coatsman, Mr. J.
 Cocke, Sir Hugh.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Dakhan, Khan Bahadur W. M. P
 Ghulam Kadir Khan.
 Dalal, Sardar Sir Bomanji.
 French, Mr. J. C.
 Ghuznavi, Mr. A. H.
 Gidney, Lieut.-Colonel H. A. J.
 Hira Singh, Brar, Sardar Bahadur,
 Honorary Captain.
 Hussain Shah, Sayyed.
 Jowahir Singh, Sardar Bahadur
 Sardar.
 Keane, Mr. M.

Lall, Mr. S.
 Lamb, Mr. W. S.
 Lindsay, Sir Darcy.
 Mitter, The Honourable Sir
 Brojendra.
 Muhammad Nawaz Khan, Sardar.
 Mukharji, Rai Bahadur A. K.
 Mukherjee, Mr. S. C.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Rao, Mr. V. Panduranga.
 Rau, Mr. H. Shankar.
 Rau, Mr. P. B.
 Rogers, Mr. P. G.
 Roy, Mr. K. C.
 Schuster, The Honourable Sir George.
 Shah Nawaz, Mian Mohammad.
 Shillidy, Mr. J. A.
 Singh, Rai Bahadur S. N.
 Stevenson, Mr. H. L.
 Sykes, Mr. E. F.
 Webb, Mr. M.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.

NOES—41.

Acharya, Mr. M. K.
 Ayyangar, Mr. K. V. Rangaswami.
 Chaman Lall, Diwan.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Dutt, Mr. Amar Nath.
 Dutta, Mr. Srish Chandra.
 Farookh, Mr. Abdul Latif Saheb.
 Haji, Mr. Sarabhai Nemchand.
 Iswar Saran, Munshi.
 Iyengar, Mr. A. Rangaswami.
 Iyengar, Mr. S. Srinivasa.
 Jayakar, Mr. M. R.
 Jogiah, Mr. V. V.
 Kelkar, Mr. N. C.
 Kidwai, Mr. Rafi Ahmad.
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jannadas M.
 Mohammad Ismail Khan, Haji
 Chaudhury.

Moonje, Dr. B. S.
 Mukhtar Singh, Mr.
 Munshi, Mr. Jehangir K.
 Murtaza Saheb Bahadur, Maulvi
 Sayyid.
 Naidu, Mr. B. P.
 Nehru, Pandit Motilal.
 Neogy, Mr. K. C.
 Roy, Mr. B. C.
 Sardas, Rai Sahib Harbilas.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shafee, Maulvi Mohammad.
 Shervani, Mr. T. A. K.
 Siddiqi, Mr. Abdul Qadir.
 Singh, Kumar Rananjaya.
 Singh, Mr. Gaya Prasad.
 Singh, Mr. Narayan Prasad.
 Singh, Mr. Ram Narayan.
 Sinha, Kumar Ganganand.
 Sinha, Mr. Siddheswar Prasad.
 Yusuf Imam, Mr.

The motion was adopted.

The Honourable Sir George Schuster: Sir, I move that the Bill as recommended be passed.

Mr. N. C. Kelkar: Sir, I wish to address a few words to this House on this, the final reading of the Finance Bill, which is, of course, as we know, the coping stone of the financial design which was unfolded before us on the 28th of February last, though of course we know, at the same time,

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that the measure of expenses is not necessarily the measure of the revenue that has been asked for by this Finance Bill. In doing so, however, I will not go over again some of the constitutional issues which were discussed, or into the details of the administrative grievances which were ventilated by other speakers in the earlier stages of the Bill on the floor of this House.

But I shall cover entirely new ground; and even then points which are strictly relevant or pertinent to the results of the Finance Bill. I shall only add that, whereas the Finance Member listened to the speeches from these Benches at the earlier stage with *anxiety*, born of doubt of uncertainty about the vote of the House, he can now listen to the speeches on the final stage with his mind *at ease*, because he knows that he is going to get the supplies he wants almost in their integrity.

An Honourable Member: He will get them whether we vote them or not.

Mr. N. C. Kelkar: Sir, the control of this House on the financial operations of the Government is already extremely limited. But insult is added to injury, when the Treasury Benches complain of the time taken by this side of the House over the discussion of the budget and the Finance Bill, and when the heterogeneous allies of the Government Benches produce homogeneity, in resorting to unparliamentary methods for suppressing the speeches of Members on this side of the House, as they very unwisely did on the 20th of March.

I am not here to defend the deliberately dilatory methods, if they were employed by any speakers, nor am I prepared to swear that there were no repetitions of the same matter in some cases. But I can also say with certainty, that there were speakers who were left out, even at the closure, who did want to speak, and who had also many things of substance to speak upon. What I mean is that, if it is permissible to comment upon the administration generally, or impeach the constitution and policy of Government, in speaking upon the Finance Bill, then, there is no reason for anybody to complain that so much time was taken up. Nor was there any just excuse for the impatience exhibited on the 20th instant by certain members on that side of the House. I must say, in fairness to the Treasury Benches themselves, that they did not participate in the disturbance, and kept their stoic dignity, though internally impatient. But in my opinion, the ultimate responsibility for all this awkwardness of the situation and loss of good temper falls on Government, by reason of the arrangement of business which they make. And in this connection, I would repeat the suggestion, I made in my budget speech, that there should be a reconsideration of the time of the sittings of this Assembly. Personally, I would suggest that the Assembly should be summoned in the third week of November and should sit on till the third week of December, during which time much legislative business could be finished. Then it should meet again in the second week of January and go on till the 2nd week of March. In any case, full 25 to 30 clear days should be found for the discussion of the national finance, in all its forms and aspects. I have suggested an extended period for the session of this House, on the assumption that it would be tedious to have a concentrated discussion of the same subject from day to day for four weeks. Then, again, it may be considered whether something could not be done to separate completely the discussion of the general administration and the constitutional issues from matters of

pure finance, instead of their being mixed up as at present. I feel fortified in my plea for a longer number of days for discussion of finance by the fact, that, from the Parliamentary proceedings I find that from 50 to 60 days are made available for this business only in that House, and these are spread over a long period from February to August. On the other hand, I find that no less than 12 days are allotted for the discussion of Demands for Grants, even in the Provincial Councils. The writer of the Bombay Report on the working of the Reformed Constitution for 1927, says that:

"Nevertheless these 12 days are not found sufficient for the purpose. There has not been a single budget session when a considerable portion of the Demands (more than one third) had not to be passed without discussion, owing to the time limit having been reached."

But this means that the Bombay Council could boast of discussing as many as two-thirds of the total number of Demands for Grants. On the other hand, how many Demands are discussed in the Assembly in any year? The discussion on the questions of the Army, Executive Council, Secretary of State, etc., of course, has its own use, as they are the principal nerve centres of the administration. But there are scores of other matters which deserve scrutiny, which are studied by several Members of the Assembly, but which are shut out for want of time. It is said by the Poet, "Culprits are hanged that jury-men may dine". But in the present case, the phrase may well be varied, and it may be said that many a departmental culprit among the Demands for Grants for expenditure is "saved by the guillotine", in order that the Government Members may go to attend their club or office. To name but a few, I would mention Interest on Debt, and Reduction or Avoidance of Debt, Department of Education, Health and Lands, Commerce Department, Administration of Justice, Agriculture, Industries, Currency, Irrigation, New Capital at Delhi, etc.

At present there is no encouragement to the study of details by the Members of the Assembly, owing to the fact that the opportunity to speak is more or less a gamble, and convention naturally requires that the Front Benches should have their share of time practically reserved. The Chair cannot do all the justice that I know it wants to do to the Back Benchers, simply because the time at its disposal is short, and it must slice it out as best it may, trying to be fair and equitable to all parties and interests, and true to all established conventions. Among the so-called Back Benchers, however, you have many earnest souls and careful students, and if this House or the Government do sincerely want to put a premium on assiduous study of such affairs as are brought under the purview of this House, a radical change must be effected in the present disposition of the arrangement about the Assembly sessions, in respect of the total period of time and its distribution.

Legislation is and, of course, must ever be a very important function of this House. The very name, namely, Legislative Assembly, conveys that idea. But the financial business is in effect the real crux of responsible administration. As observed by a standard author on this subject,

"It is the financial engine that drives the State along, and it is public opinion and public criticism that keep the engine working smoothly and at full power."

The engine house, in the great factory of this organised State of ours, is the Finance Department or Treasury, and in that is placed the financial engine which keeps all the machines of the Government at work, turning

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revenue into public services just as a steam engine turns coal into power. In England and other self-governing countries the people have secured complete control of the Treasury, and through the Treasury, the common will of the people is made effective. In India we are at the mere beginning of things, and our understanding of the financial system is about on a par with our control of it. The Finance Minister has therefore got to be as much our instructor as our agent, and has thus a great trust to discharge. An unsympathetic expert at the helm can do India very great harm. But we on our part are determined ourselves, to learn the intricacies of financial administration and to exercise control over the Finance Member. And for this, we demand full facilities, informative material, sufficient time, and full opportunity for organised expression of opinion.

The control of the Assembly over national finance is very limited, and this fact is brought home to the Assembly in many ways. The non-votable expenditure is nearly double the amount of the votable expenditure.

In respect of practically all expenditure, the final authority still rests with the Secretary of State, and the Indian Government has not got financial autonomy even in respect of the non-votable expenditure. As regards the votable expenditure, there is the exceptional power of the Governor General in Council to restore the cuts made by the Assembly, and in respect of the Finance Bill, which may conceivably be used as a lever of control, it may be noted that many heads of taxation are permanent, and only a few, those not very important, are submitted to the vote of the House. To add to this, the Council of State has got the power to upset decisions of the Assembly and to befriend the Government against the displeasure of this House.

I may also point out, in this connection, that the Assembly does not enjoy any control over the borrowing powers, and in a general way over the debt policy of the Government of India. The appropriation of the money raised by way of loans, of course, is included in the annual scheme of expenditure, but the House cannot do any thing beyond expressing its opinion about the policy of the details of the loan transactions. There is, however, no justification for exempting public borrowing altogether from Legislative control. The matter has also a constitutional aspect. The Executive can, if it enjoys immunity from the control of the Legislature, in determining its loan policy, increase the burden of public debts without paying due regard to the considerations of economy and the need of keeping the public expenditure within public income. It can always outwit the Legislature, when the latter does not provide funds for certain purposes, by making use of its borrowing powers, more so when all the purposes on which the public money is being spent, need not be approved by the Legislature. In England the proposals for raising loans are embodied in a Bill, and do not become operative unless it has, like every other measure of legislation, been passed by the Legislature.

These complications must be diminished, if the Legislative Assembly should have anything like real control over national finance. It is time that the Secretary of State divested himself of the controlling authority over the finances of the Government of India, in the name of responsibility of Parliament. But since the measure of responsible government in India is to be determined by Parliament, according to the declaration of 1917,

we cannot entertain high hopes of the liberation of even the Government of India from the authority of the State Secretary, even in matters of financial administration. The authority given to the Council of State to revise the Finance Bill passed by the Assembly, is a superfluity or a super-erogation, in view of the exceptional powers given to the Governor General, as we have seen today. Further, the scope of the annual Finance Bill must be widened and made broader than it is today. As it is, the Customs taxation is not included in the Finance Bill, except in respect of any material change that may be contemplated in the Tariff Schedule. The authority given to Government by the standing rules under the Tariff Act is so extensive, that Government need hardly go to the Assembly for any changes in the Schedule; and we may put it down to the desire of Government to show the clamouring Assembly some courtesy or pay the nation some sort of a compliment that the salt duty, postal rates and the important changes in the Customs tariff are put before the Assembly in the form of the Finance Bill. It may be contended that the submission of a comprehensive Tariff Bill to the Assembly every year may have the effect of unsettling business in the country. But if Government can trust the Assembly with all its imagined whims, vindictiveness and freakful nature, for disposing of taxation proposals, involving revenue of 30 crores, they can surely extend the same confidence and offer a larger target for the Assembly's broad-side of control every year.

Sir, I have thus tried to indicate the directions, in which the Indian nation suffers at present from want of control over its financial administration. But the Finance Member may turn round and say to me, "I am not responsible for this state of things. I cannot change the constitution, and therefore must work under it and according to it, so long as it is not changed." This, however, in effect goes very near to the witty slogan of Mr. T. P. O'Conner, the father of the House of Commons, who once said, "I will be damned, if I am buried before I am dead." My reply to the Finance Member, however, will be this: if you have any real sincere aspirations for the advancement of the financial freedom of the Indian nation, then the autocrat of the Treasury impersonally, should actively work in co-operation with us not only for the hastening of his own burial, but even for the accomplishment of his own death as an autocrat, and he, in doing so, must not consider himself damned in the operation. Such a voluntary effort towards the divestment by Government of its autocratic powers will only glorify the ever-boasted purpose of setting India on her own feet for self-government.

It may be said that even the Parliament in England does not exercise any greater control on the national finance than the Legislature in India. I do admit that a parallel does exist in this respect to a certain extent between the two countries. But that parallel, after all, makes up only one side of the shield, and we must remember that a shield has two sides to it and not one side only. I do admit from what I have read about the way, in which the finances are dealt with in Parliament, that the Parliament practically exercises no control over expenditure. That is to say, it has no control (exercised by itself) over extravagance, though it may have some control over irregularities, exercised through the Auditor General. The only matter of finance, in which Parliament exercises some control is taxation. But in both these respects, *vis.*, expenditure and taxation, India has, in her present condition, much greater need for control than the taxpayer in England. With regard to the expenditure in England, Sir Herbert

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Samuel says, "So far as direct control of expenditure is concerned, estimates might as well not be submitted to the Parliament at all". So also Mr. Hilton Young says, "Once estimates have been published, the taxpayers' fate is sealed." And here I may read to this House a passage from one other book which makes it a parallel in this matter, namely, want of control over expenditure. I read the passage, for some of the reasons given there also apply to the state of things here. The passage says:

"Had it the best will in the world, it has little power. For one thing the estimates do not offer the private member material on which to form an opinion. For another he has not sufficient knowledge. He only knows what he can pick up from outside. The Minister has a skilled staff behind him and all the requisite information at his service: that makes the attack difficult, but what renders it nearly hopeless is that the defendant has been through it all before. It is perfectly certain that the attacker can raise no point which the minister has not himself examined with its officials, or which the Treasury has not queried. The material has been sifted through a finer sieve than any which the House of Commons can apply. The private member is further handicapped in that he comes too late. The Government have fixed upon the estimates many months before the discussion, and in their decision the House of Commons took no part. It was then that economy was made or marred, for having once published the estimates to the world, the Government stand or fall by them. Governments are too strong. They use their strength to the full. If a vote on a big estimate is rejected or reduced they resign. This looks like accepting the will of the House, but in reality is bludgeoning it."

I am also aware that half the yearly estimates before the Parliament are passed undiscussed. But the Parliament there can afford to do that, for, if the electorate found Government to be wildly extravagant, it can and will turn the Government out. On the other hand, it is natural that, so long as the electorate chooses to keep its own Government in power and does not upset it, it must trust it.

In India, however, it is quite otherwise. The Indian people do not elect their Government, and therefore, have no confidence in it. The people know that, within certain limits, the central Treasury and the Accountant General in India do keep a good watch on details of expenditure. But there is no one within the body of the Government who can control the spending policy of Government from the popular point of view. It may be said that even, if the Indian people have self-government tomorrow, all the present extravagance would not disappear. My reply to that is that, the objection is of course not altogether invalid. Yes, there may be not much economy in expenditure in the whole, I would even admit the truth of the maxim that democracies are costly, still the people would have the power to apportion the expenditure according to their needs and tastes, and that, after all, the error which you have the liberty to commit and which you commit as a matter of your discretion, is an act of self-realisation and what after all is self-government but political self-realisation?

Having said that much about the want of control in the Legislature in regard to expenditure, I would like to add one remark as to my vote on this Bill. If the amendment had not been made, against which I have voted, then I might not have voted against the whole Finance Bill. In fact, as Mr. Aney made the position clear for my Party the other day, we might not have opposed the Finance Bill, but for the Finance Member committing the mistake of making that amendment. Therefore I must say, that I must vote against the Finance Bill at this stage.

Munshi Iswar Saran (Lucknow Division: Non-Muhammadian Bural):
 Sir, I rise to oppose the motion of the Honourable the Finance Member. As my Honourable friend, Mr. Kelkar, has explained, we, who belong to this Party, would not have voted against the Finance Bill but for the amendment which has been moved.

There has been, Sir, a great deal of talk about responsibility, and different conceptions of responsibility are entertained by different speakers. My Honourable friend, Sir Hugh Cocke, seems to imagine that responsibility consists in not embarrassing Government. My Honourable friend, Mr. Fazal Ibrahim Rahimtulla, took to task my Honourable friend, Mr. Jayakar, and told him that, if Mr. Jayakar had been consistent, and responsible, he should have voted with Government when the two cuts that Mr. Jayakar referred to in his speech came up.

He also said that Mr. Jayakar's speech came to him as a surprise. That may be, but I can assure the House that the speech of Mr. Fazal Ibrahim Rahimtulla did not come to me as a surprise at all.

Sir, I do not propose to weary the House at this late hour with a long speech. I do not wish to speak on the questions of the Army or on what has come to be known as the constitutional issue. We have passed the cuts relating to them and the House has left no manner of doubt as to what it thinks about the military administration of Government and the question of self-government. I wish to speak only for a few brief moments and I desire to say that the recommendation which has been made to us by the Governor General is not an isolated fact. My submission is that we observe signs of a policy of consistently ignoring the views and wishes, not only of this House, but of the country at large and I shall give you one or two instances to substantiate my point.

It will be in the recollection of the House that the other day a number of questions were put to the Honourable the Home Member as to what attitude Government would adopt towards the recent book, "Slaves of God" which has been written by Miss Mayo. I say, Sir, in all seriousness, that any Government which had the slightest regard for the feelings of this House, or of this country, would not have given the answers which the Honourable the Home Member gave on that occasion. He said that he could not commit himself. Could he not say even this much that, if the book was as offensive as "Mother India", Government would certainly take some steps. Supplementary question after question was put, but nothing would move the Honourable the Home Member.

I say, Sir, and I weigh my words—I may not be responsible, according to Sir Hugh Cocke or Mr. Fazal Ibrahim Rahimtulla, but I do claim that I always try to avoid what I consider to be irresponsible talk—that the answers showed that Government had no solicitude for the goodwill, either of this House or of this country.

Take another instance. As the House is perfectly aware, a very great deal of keen interest has been taken in the question of Indian delegations to the League of Nations being headed by Indians. There was a debate a few days ago in the other place, and what we find is that the representative of Government got up there and said, "Yes, this year Government will send a list of the Indian Members and will tell the authorities in England whom they would like to be the leader." They could not rest content with this statement because they perhaps imagined that it would be a sign of weakness, so they told us, "Don't make a mistake about it. We are

[Munshi Iswar Saran.]

perfectly firm, and if you think we are going to yield to popular clamour you are very much mistaken. It must be perfectly understood that, in subsequent years, Government retain and will exercise full discretion to entrust the leadership as seems to them most appropriate, to an Indian representative from British India, or to an Englishman, or possibly to a Ruling Prince, though this last alternative would raise questions of a different nature which would require careful consideration".

I submit that this attitude betrays an utter lack of solicitude for the goodwill either of this House or the other. When a complaint was made that Indians were not elected to important committees, what was the answer? Not a word of regret. The representative of Government said that he most emphatically repudiated the insinuation. He said that Indians had been elected to important committees, but he said he wanted time to inquire into the question, and the best thing would be for the Mover to give notice of it. Has the Government had no notice of these grievances of long standing?

Then, we find that, without any reference either to this House or to the other Government makes up its mind to pay the expenses of the Butler committee. The amount may be large or small, with that we are not concerned at the present moment. My point is that this action gives you an insight into the mind of Government. It gives you an indication of their attitude towards this House as well as to the other.

Take yet another case. There were some questions put the other day to my Honourable friend Sir Denys Bray about the transfer of Aden. Sir Denys Bray, with his usual eloquence and skill, avoided making any satisfying statement. He simply told us, "Oh, well there is some difference between different Adens and I will look into the matter". When it was brought to his notice that in 1922^a—I hope I am not wrong, it was in 1921 or 1922—an undertaking was given on behalf of Government that the transfer would not take place before the matter had been considered by the two Houses, he said

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): It was in 1922.

Munshi Iswar Saran: My Honourable friend says it was in 1922. The transfer has taken place. I say again you find Government ignoring this as well as the other House. Indeed, I charge Government with not having observed the undertaking that was given by their representative in the other House. Sir, so, I was not much surprised when this recommendation came. If you take the trouble of seriously considering the present situation in India, you find on the part of Government an utter lack of appreciation of the forces that have been brought into being in this country. You observe, I say deliberately, the reluctance of Government to look at these problems from the Indian point of view.

May I give you another case? There is the Bill of my Honourable friend, Mr. Haji. Everybody is up in arms against it. Even my Honourable friend, Sir George Rainy, sometimes very gently has a fling at it. I shall assume, for the purposes of argument, that Mr. Haji's Bill is a rotten Bill, it is a useless Bill and what is more, it is a mischievous Bill. The question I put to Government is this. You will admit that India has a legitimate cause for grievance. You will admit that the Indian coastal

trade requires encouragement. If you reject Mr. Haji's Bill, have you any other remedy to suggest? No one, not even some of the responsible supporters of Government will have the hardihood to suggest that there is no evil to be remedied. I ask Sir, what remedy has Government to offer for the admitted evil? It is all very well to attack measures introduced by non-official Members. They may be wrong, I shall assume for the purposes of argument that they are utterly wrong and utterly undesirable. I ask Government, in all sincerity, to tell us their plans. I say to Government, while opposing Mr. Haji's Bill, you should say what you are going to do yourselves. Why don't you say, "This measure is all nonsense, we shall give something in the alternative which will be much better than what you propose"? Why don't you say, "Here is a measure which will give you exactly what you want without bringing in its train the evils of your Bill"? I ask, Sir, is Government devoid of all initiative?

Before bringing my remarks to a close, I shall say only a few words more. To me the bureaucracy appears to be a sit-tight club, they are in power and they wish to sit tight. Their attitude seems to be this: "Do whatever you like; we will not move; you may talk, you may pass Resolutions; all this does not worry us at all". Let me tell them that they are making the biggest mistake of their lives. They will be judged by the statesmanship which they display at this difficult moment in the history of India. It is all very well for them to imagine that there is not much force behind the movement for independence. I do not wish, at the present moment, to discuss that difficult question, but I do wish to say that you may be able to crush the movement for freedom today, you may be able to crush it tomorrow, but you may not be able to crush it for long. This is the hard fact which you ought to bear in mind, do not forget the lessons of history. Let me tell you that, if this state of affairs continues even for a short time more, there will not be a platform left for those who advocate Dominion status. The advocates of independence will sweep the board clean. It is for Government to use statesmanship at this juncture, but if they do not, history will certainly record that, at a most critical moment, they were tried and found wanting.

Sir, what I imagine is that they will move when it will be too late. I ask them, in all seriousness, to move when it is not too late. If you take up the history of India, "too late" should be written on the top of every page of that book. If the reforms, I mean the Montagu-Chelmsford Reforms, had come 25 years before their actual introduction, they would have had a very different reception and the feeling would have been different. The whole atmosphere would have changed. The Reforms came too late. So, if they move at all, as they are bound to, because the world forces will not allow them to remain stationary, let them see that they do so before it becomes too late. If they will listen to me and others like me, I assure them they will do well by Eng'and itself. If they do not show imagination, if they go on in this blundering and oscillating manner, I am afraid, there is trouble ahead for them as well as for ourselves.

Mr. Gaya Prasad Singh: Sir, at this stage, when the Finance Bill is at its third reading, I should like to offer a few observations on a topic that arises directly out of the Finance Bill. It is the subject of income-tax law and its administration. Schedule II of the Finance Bill fixes certain rates on incomes. I should like to ask my Honourable friend the Finance Member as to how the money, which was collected last year, has been

[Mr. Gaya Prasad Singh.]

utilised. I should like to ask the Honourable Member whether he has assured himself as to how the administration of the Income-tax Act affects the large body of assesseees all over the country. I should like to ask him whether he has cared to ascertain whether the assesseees in different parts of India have got any genuine grievance or not. In this connection, I should like to say that the administration of the Income-tax Act works very harshly against the assesseees; and the Act requires to be amended on the following lines.

Section 66 is probably the only provision enabling an assessee to approach the High Court on a question of law. As I shall show below, it is so worded that the Department, if they so choose (and they have done in more cases than one) can defeat the assessee's getting a redress from the High Court. The period of limitation for making an application under (2) is, "within one month of the passing of an order under section 81 or section 82". In practice this provision has worked very harshly. No dates are fixed by the appellate officer, that is, the Assistant Commissioner of Income-tax in the majority of cases for announcing his orders, nor is there any provision in law for informing the assessee. Very often orders are passed weeks or months after the arguments, and in the absence of the assessee. The assessee cannot be expected to dance attendance at the office, which is generally far away from his usual place of residence, for weeks and weeks. Now what happens is that, when the assessee comes to know of the passing of an order under section 81 or section 82, he has to apply for a copy thereof before he can make up his mind; and he has also to arrange for Rs. 100, the amount of fee to be deposited under the law. The new procedure adopted in furnishing copies of orders to the assessee about which I shall speak later on takes a very long time. The result is that thirty days pass by, and the assessee is left without a remedy because he cannot move the High Court in time. Section 80, sub-section (2) says that the appeal to the Assistant Commissioner shall ordinarily be presented "within thirty days of receipt of the notice of demand relating to the assessment or penalty objected to", etc. Under Section 66, sub-section (3), if the Commissioner refuses to state the case, the assessee may, "within six months from the date on which he is served with notice of the refusal", move the High Court. But, by a lamentable omission, there is no such provision in Section 66 (2), and this omission practically bars the door of the assessee in approaching the High Court.

It may be suggested perhaps that, if the Commissioner refuses to state a case on the ground of limitation, the High Court can still be moved, but the obvious construction of the Act is otherwise, and it has been so held in I. L. R. 6, Lahore, page 373. In that case, it was held that, "a delay of over a month in presenting an application to the Commissioner under section 66 (2) of the Indian Income-tax Act, after the order had been passed which gave rise to that application, robs the Commissioner of all jurisdiction, and a reference by him to the High Court under the Section is therefore not competent".

Again, the question of deposit of a fee of Rs. 100, along with the application under section 66 (2) often works out inequitably. In my opinion the fee should never be demanded; or it may be demanded after the Commissioner passes an order accepting the contention of the assessee

to make a reference to the High Court on a point of law, and within one month of the date of service on the assessee of the order favourable to him.

Again, the assessee should be entitled to interest on the amount wrongly kept out of his pockets, and the rate of interest should not be left to the discretion of the Commissioner, but the Court rate of interest should be allowed to every case. As the section now stands, the Commissioner can refuse to allow any interest at all, and he has done so in a number of cases in my province.

Lastly, this section does not seem clearly to provide for a case where the Assistant Commissioner in appeal has, for instance, accepted the contention of the assessee on a point of law, and reduced the assessment accordingly, but the Commissioner, on review or revision, has restored the reduction made. Now, the assessee wants a reference to the High Court on other points, and on this new point also. But the Commissioner objects to draw up a statement to the High Court on the ground that this new point does not "arise out of such order" of the Assistant Commissioner, as is mentioned in sub-section (2) of section 66. For instance, four points of law (a), (b), (c) and (d) are involved in an appeal of the assessee before an Assistant Commissioner. The Assistant Commissioner decides points (a) and (b) in favour of the assessee, and reduces the assessment accordingly; but points (c) and (d) are decided against him. Under sub-section (2) of section 66, the assessee makes an application to the Commissioner "within one month of the passing of the order under section 31", and naturally includes points (c) and (d) only in his application asking for a reference to the High Court thereon, as points (a) and (b) have already been decided in his favour by the Assistant Commissioner. In the meantime, after the expiry of one month, the Commissioner revises the order of the Assistant Commissioner under section 33 on points (a) and (b), and holds that the Assistant Commissioner is wrong in law and cancels that order to that extent, and restores the sum reduced by the Assistant Commissioner to the assessment of the assessee. The aggrieved assessee then would naturally want a reference to the High Court, or would expect the High Court to decide on points (a) and (b) also. But the Commissioner objects that points (a) and (b) do not arise out of the order of the Assistant Commissioner, but arise out of the order of the Commissioner, and therefore cannot be touched by the High Court. Strange as it may seem, the Commissioner of Income-tax, Bihar and Orissa. . . .

(Mr. K. Ahmed made a remark, which was not heard at the Reporter's table.)

My friend knows as much of income-tax law, as a horse knows of algebra. (Laughter.) As I was saying, the Commissioner of Income-tax, Bihar and Orissa, actually raised a similar objection in a case from Monghyr. The period of one month, as prescribed in sub-section (2) of section 66, is, in my opinion, too short a period, and imposes a hardship upon the assessee. It should be raised to 90 days or thereabout.

Mr. K. Ahmed: But how will this formula help you?

Mr. Gaya Prasad Singh: I am therefore of opinion, Sir, that section 66 should be amended in the light of the above suggestions, and to remove the anomalies and iniquities pointed out above, it should be like this. Within ninety days from the date on which he is served with notice of the order under section 31 or section 32, the assessee, in respect of whom the order was passed, may, by application, require the Commissioner to

[Mr. Gaya Prasad Singh.]

refer to the High Court any question of law relating to the assessment, or arising out of such order or any order modifying or reversing it, and the Commissioner shall draw up a statement of the case. Necessary consequential changes will have to be made in other parts of this section in the light of the above remarks.

Another point that arises in this connection is, that no allowance is given to the assessee as a matter of right for the time taken in obtaining certified copies of the orders complained against. It is only in the case of an appeal under section 30 that a discretion is vested with the Assistant Commissioner to admit an appeal beyond time for a "sufficient cause". On the analogy of section 12 of the Limitation Act, it should be enacted that, in computing the period of limitation prescribed for an appeal or any application whatsoever under the Act, the day on which the order complained of was pronounced or made, and the time requisite for obtaining a copy of the order complained against or appealed from or sought to be revised or referred to the High Court, shall be excluded.

A further point to which I should now refer is this, that in a great many cases, no interest is paid to the assessee for the tax wrongly realised from him by an assessment which has been modified in appeal or revision. In all fairness, it should be provided that the amount of tax so refunded shall bear interest at 6 per cent. per annum, or whatever the Court rate may be. It was probably to this point that my Honourable friend, Sir Victor Sassoon, referred only the other day in the course of the general budget discussion, when he said that:

"The Department have been using their powers to call for payment from anybody and everybody, pending the result of appeal to the High Court. When a citizen wins his case, he is entitled to his money back; but he can only get interest at the sweet pleasure of the Department."

Here I may mention that a great hardship is experienced in obtaining a stay order of the tax under assessment, which is being taken to or under appeal to the High Court. No clear provision is made in the Act empowering the appellate authority to stay the realisation of the tax, pending the disposal of the appeal.

Mr. K. Ahmed: Why don't you move an amendment? That is not the fault of the Finance Member?

Mr. Gaya Prasad Singh: The system now in vogue in my Province of Bihar and Orissa for obtaining certified copies of orders of the Income-tax Department is needlessly oppressive and cumbersome, and involves great delay. When an application is made, the office assesses the amount payable; then a *chalan* is prepared and handed over to the assessee, and then the amount is deposited in the Imperial Bank; and when all that is done, the office then proceeds to prepare the copy which is handed over after great delay and difficulty. The litigants prefer the old system of supplying folios and stamps to the office, as is done in civil and criminal Courts; and this practice should be followed in the income-tax office as well. Again, the assessee used to be provided, free of cost, with a copy of the assessment, appellate and revisional orders. This practice is stopped now except in the case of assessment orders. The old system should be revived.

Too much stress cannot be laid on the most inequitable working of section 23 (4). It is bad enough that the assessment in such cases is

made to "the best of the judgment" of the income-tax officer, but to deprive the assessee of the right of appeal in such cases is most unjust.

Mr. K. Ahmed: Is that a copy of the argument which was made in the High Court?

Mr. Gaya Prasad Singh: The assessee should not be put in a worse position than one against whom an *ex parte* decree has been passed in a civil court. He should be allowed to show that on the materials, as found and stated by the income-tax officer, the order is erroneous and bad, and this appellate power should be given to the Assistant Commissioner, thus relieving the Commissioner of needless work. The right of appeal should be provided in all cases, and not fettered by the proviso in section 30, sub-section (1), or similar limitations.

There is only one point more, Sir, on which I should like to make a brief statement.

Honourable Members: Yes, go on.

Mr. President: Go on.

Mr. Gaya Prasad Singh: I now come to a somewhat astounding legal proposition propounded by the late Finance Member. On the 31st August, 1927, I asked a question in this House urging the desirability of removing the Office of the Income-tax Commissioner of Bihar and Orissa from Ranchi to Patna, which is the capital of the Province, and where legal aid is readily available. In the course of his reply, Sir Basil Blackett said as follows:

"Persons who have presented review petitions to the Commissioner, have, as a matter of fact, no legal right to be heard in person or by pleader."

This reply of Sir Basil Blackett caused somewhat of a surprise in my Province, and it was discussed in the course of a letter which was signed by two well-known counsel of Patna, Mr. K. P. Jayaswal and Mr. Manohar Lal, who have made a special study of the income-tax law. This letter was published in the *Searchlight* of 22nd July, 1928, and I cannot do better than reproduce a part of this letter:

"The view of the Government expressed therein that 'persons who have presented review petitions to the Commissioner have as a matter of fact no legal right to be heard in person or by pleader' is not only terribly inequitable, but also against the letter of the law. The proviso to section 33 which deals with the power of 'review' (i.e., revision) by the Commissioner, is clear that no order prejudicial to an assessee should be passed by the Commissioner without hearing the assessee. The actual words of the proviso are 'provided that he (the Commissioner) shall not pass any order prejudicial to the assessee without hearing him or giving him a reasonable opportunity of being heard.' It should be noted that the above passage stands as a proviso to the whole section 33. If the assessee is not granted the complete relief claimed by him in his 'review' application, the order passed is obviously prejudicial to him; while if an order is passed allowing the whole claim of the assessee, in that case (and in that case alone) it can undoubtedly be said that such an order is not an order 'prejudicial to an assessee'. It follows that under section 33, no order can be passed without hearing the assessee where an order is to grant an allowance short of the complete claim of the assessee. In other words, the Commissioner cannot dismiss an application under this section summarily, nor can he pass an order which is only partially favourable to the assessee, without hearing him.

To a layman it would appear that it must be a strange departure from the accepted principles of jurisprudence and elementary rules of common justice and fairness that the income-tax administration denies a person the right of being heard to explain his grievances, while the consequences entailed by statute are so grave as to result in the passing of an order where further relief is entirely barred."

[Mr. Gaya Prasad Singh.]

Sir, even in criminal cases, accused are given the right of being heard either in person, or by pleader at every stage of the proceedings; then why this exceptional procedure in income-tax cases?

Sir, these are some of the points to which I have briefly referred; and I hope my Honourable friend, the Finance Member, as well as my Honourable friend the Law Member will take early steps to bring about a reformation of the Income-tax Act on the lines suggested by me, so as to put it on an equitable footing, and remove the grievances of the assessee.

Several Honourable Members: The question may be now put.

Mr. President: I take it no Honourable Member desires to speak now?

The Honourable Sir George Schuster: Sir, I rise to reply at the end of what appears, on recollection, to have been a very long period of discussion, in which almost every subject that can be connected with finance has been discussed again and again. Therefore, Sir, I do not think it is necessary for me to weary this House with anything in the nature of a long speech. It was not open to me, Sir, to reply on the amendment which I moved, and there are one or two things in connection with the arguments which came from my Honourable friends on the opposite side to which I should like to make some reference. It was argued on the other side that the sum which we were seeking to restore to the revenues of the Government, by moving the amendment which I moved earlier this afternoon, was of such small dimensions that it did not justify the action which we were taking. I think, Sir, that certain misleading things have been said about that particular sum. It is quite true that I gave to this House an estimate of Rs. 65 lakhs, that might be the actual loss for this year. That was a very optimistic estimate; it is quite likely that it might have been much larger. The sum which I really have to consider is the full sum of Rs. 140 lakhs which that reduction makes in our permanent revenue. Now, Sir, it will be within the recollection of Honourable Members that, in presenting the budget, when this debate originally opened, I was unable to present a very cheerful picture of the next year's financial prospects. I argued that the picture was not quite so gloomy as the figures themselves might make it appear. But it was quite obvious that we were in a tight position. It was argued against me on the other side, that the position was much worse than I had represented, and I remember well my Honourable friend, Mr. Shanmukham Chetty, arguing that, in fact, there was a deficit, not of Rs. 90 lakhs, but of Rs. 140 lakhs, because we were making no adequate provision for redeeming the liability on the Post Office Cash Certificates. I think that picture is too pessimistic; but still, Sir, if you add a possible deficit of, let us say, 90 to 140 lakhs, to the loss of 140 lakhs on this cut on salt tax, it discloses a situation which might cause very serious difficulty. In those circumstances, Sir, I think it is fair to say that the Government could not afford to face any additional risks. I am not at all pessimistic as to the future; I hope that in the course of next year it may be possible so to adjust the expenditure and to see an improvement in trade which will bring about an improvement in general revenue, that we may have, in the following year, some margin to deal with. But it would be impossible for me to take any action which treated such a

fortunate eventuality as a certainty now. It might well have been that, if we had lost part of the salt tax revenue, we might have got into a very desperate position indeed.

Sir, the other general line of argument, to which we have listened, is that, by taking the action which we took, we were denying to the Opposition any chance of feeling a real sense of responsibility. I think, Sir, it must be admitted on all sides that the present stage of Government and of the constitution is a very difficult stage. We here on our side are responsible for carrying on the business of the country; and we cannot put that responsibility on other shoulders. We are all of us anxious to get such advantage as we can from Honourable Members on the other side, and, where we consider it consistent with the public interests, to give effect to their views. But my Honourable friend, Mr. Srinivasa Iyengar, has told us that we are not to expect help from the other side, that they are out to oppose the Government and to make things difficult for us; and in that state, Sir, it is very difficult for us to share responsibility with the other side. Moreover, however much we wish to put responsibility on the other side, we are at present confronted with this limitation, that, whatever arguments are advanced from that side in the present stage of the constitution, there is no chance of Honourable Members opposite being called upon to come over here and make good their policy. ("Hear, hear.")

Mr. Lalchand Navarlal: But when is the better constitution coming?

The Honourable Sir George Schuster: At any rate let us face the facts as they are.

Mr. S. Srinivasa Iyengar: Do not make too many promises.

The Honourable Sir George Schuster: That is the position today, and as I argued in an earlier speech in the course of this debate on the budget, it is our duty here to carry on the Government as best as we can under the present constitution; and in taking the action which we have done, in adopting an unusual course in dealing with the amendment and cut on the salt duty, we have done no more than that. Sir, I do not think that the Government could have taken a more straightforward and honest course than the course which they have taken. It was taken only after very careful consideration and I feel confident,—and we all of us feel confident,—that in taking that course the Government was acting in the best interests of the country.

Sir, I have very little more to say. We are closing a long series of discussions on these subjects. I might perhaps be allowed to end, as indeed I began, on something like a personal note. I have been taunted by my Honourable friend Mr. Rangaswami Iyengar with the number of promises which I have made, and he said it would take 10 years at least for me to make good those promises. Sir, I think if my Honourable friend will look through my speeches, he will find that I have committed myself to one promise, and that was that I would do my best to serve the interests of India while I hold this office. I did not claim, and I do not expect, to be able to achieve much, but I believe that, by following suggestions from the other side when I get them, and by paying attention to the actual administration of the country, it will be possible, at least, to carry

[Sir George Schuster.]

on the business of the country until we find that the time has come for some other form of Government. Sir, I move that the Bill be passed.

Mr. President: The question is:

"That the Indian Finance Bill, as recommended, be passed."

The Assembly divided:

AYES—50.

Abdul Aziz, Khan Bahadur Mian.
 Ahmed, Mr. K.
 Alexander, Mr. William.
 Allison, Mr. F. W.
 Anwar-ul-Azim, Mr.
 Ashrafuddin Ahmed, Khan Bahadur
 Nawabzada Sayid.
 Bajpai, Mr. G. S.
 Bower, Mr. E. H. M.
 Bray, Sir Denys.
 Chalmers, Mr. T. A.
 Costman, Mr. J.
 Cocke, Sir Hugh.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Dakhan, Khan Bahadur W. M. P.
 Ghulam Kadir Khan.
 Dalal, Sardar Sir Bomanji.
 French, Mr. J. C.
 Ghazanfar Ali Khan, Mr.
 Ghuznavi, Mr. A. H.
 Gidney, Lieut.-Colonel H. A. J.
 Hira Singh, Brar, Sardar Bahadur,
 Honorary Captain.
 Hussain Shah, Sayyed.
 Jawahir Singh, Sardar Bahadur
 Sardar.
 Keane, Mr. M.

Lall, Mr. S.
 Lamb, Mr. W. S.
 Lindsay, Sir Darcy.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Mitter, The Honourable Sir
 Brojendra.
 Muhammad Nawaz Khan, Sardar.
 Mukharji, Rai Bahadur A. K.
 Mukherjee, Mr. S. C.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Rao, Mr. V. Panduranga.
 Ran, Mr. H. Shankar.
 Ran, Mr. P. R.
 Rogers, Mr. P. G.
 Roy, Mr. K. C.
 Schuster, The Honourable Sir George.
 Shah Nawaz, Mian Mohammad.
 Shillidy, Mr. J. A.
 Singh, Rai Bahadur S. N.
 Stevenson, Mr. H. L.
 Suhrawardy, Dr. A.
 Sykes, Mr. E. F.
 Webb, Mr. M.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.
 Zulfikar Ali Khan, Nawab Sir.

NOES—39.

Acharya, Mr. M. K.
 Ayyangar, Mr. K. V. Rangaswami.
 Chaman Lall, Diwan.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Dutt, Mr. Amar Nath.
 Dutta, Mr. Srish Chandra.
 Farookhi, Mr. Abdul Latif Saheb.
 Gulab Singh, Sardar.
 Haji, Mr. Sarabhai Nemchand.
 Hans Raj, Lala.
 Iswar Saran, Munshi.
 Iyengar, Mr. A. Rangaswami.
 Iyengar, Mr. S. Srinivasa.
 Jayakar, Mr. M. B.
 Jogiah, Mr. V. V.
 Kelkar, Mr. N. C.
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.

Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jammadas M.
 Mitra, Mr. S. C.
 Moonje, Dr. B. S.
 Mukhtar Singh, Mr.
 Munshi, Mr. Jehangir K.
 Naidu, Mr. B. P.
 Nehru, Pandit Motilal.
 Neogy, Mr. K. C.
 Ranga Iyer, Mr. C. S.
 Roy, Mr. B. C.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Singh, Kumar Rananjaya.
 Singh, Mr. Gaya Prasad.
 Singh, Mr. Narayan Prasad.
 Singh, Mr. Ram Narayan.
 Sinha, Kumar Ganganand.
 Sinha, Mr. Siddheswar Prasad.
 Yusuf Imam, Mr.

The motion was adopted.

THE PUBLIC SAFETY BILL.

Mr. President: Honourable Members would perhaps like to take up the Public Safety Bill now. Sir Brojendra Mitter.

The Honourable Sir Brojendra Mitter (Law Member): I am entirely in the hands of the House. (*An Honourable Member:* "We do not want it now".) I regret to say that the Honourable the Home Member, on account of an attack of fever, is unable to be present to move this motion. He has requested me to express his apologies to you and to take up this duty . . .

Mr. President: And also to the House.

The Honourable Sir Brojendra Mitter: Yes, and also to the House and to take up this duty on his behalf. I move that the Bill to check the dissemination in British India from other countries of certain forms of propaganda, as reported by the Select Committee, be taken into consideration.

Honourable Members, I take it, have read the report of the Select Committee. I need not take up the time of the House at any great length at this late hour, but I may generally mention that two important changes have been made by the Select Committee in deference to the criticisms and suggestions made in the House when this Bill was last discussed.

The changes are of this nature. It was suspected, or at any rate, expression was given to the suspicion, that the real object of the Bill was to hit the political and labour movements in this country. In order to meet that criticism, a change has been made in section 2 to the effect that what are intended to be hit are activities which advocate the employment of force or violence. That immediately takes all legitimate movements outside the category of this Bill. The next important change, which has been effected in deference to criticism, is about the information to be given to the persons who are to be dealt with under this measure. It was said that it was unfair and iniquitous that the man who was to be proceeded against under the Act should not know the details of the case against him. Honourable Members know that this is not a punitive measure at all; it is a preventive measure, and all that the Bill aims at is to exclude British communists from this country. That is the object of the Bill. It was said that, when action was proposed to be taken against any person under this measure he ought to know why action was being taken against him, and he should be given details and particulars of the case. In view of that criticism a change has been made in section 7 . . .

Diwan Chaman Lal (West Punjab: Non-Muhammadan): I am loath to interrupt the Honourable Member. Did I understand him to say that the object of the Bill is to turn out British communists from India?

The Honourable Sir Brojendra Mitter: British communists who advocate the employment of force or violence. In view of the criticism which I have just mentioned, a change was effected by the Select Committee that, along with the removal order, the person to be proceeded against should be furnished with such details or particulars, if any, as the Bench, with the consent of the Governor General in Council, may include therein. Full details cannot obviously be given to these persons, because very often, as Honourable Members will appreciate, there may be documents in the nature of secret documents, the disclosure of which would be against public interests and would defeat the very object for which this measure is being enacted. Therefore, power has been given to the Bench to furnish such

[Sir Brojendra Mitter.]

details and particulars as may safely be given. So that, in these two respects, that is to say, in limiting the operation of the Bill to persons who directly or indirectly advocate the employment of force or violence and authorising the Bench to give the persons to be proceeded against such facts and particulars of the case as may safely be given to them, this Bill has been considerably improved. I feel that the whole of the criticism which the Leader of the Opposition levelled against the Bill, that it was aimed against legitimate political movements like the Congress, has been met because we are limiting the Bill to the advocacy of violence. As most of these political and labour organisations are committed to non-violence, they go outside the category of the Bill . . .

Mr. President: The Bill as introduced was aimed against the Congress?

The Honourable Sir Brojendra Mitter: No; it was suspected that it might include the Congress because the words "force or violence" were not mentioned in every section. But now these words have been inserted in every relevant section, so that there is no longer any room for suspicion. That is all I say on that point . . .

Mr. S. Srinivasa Iyengar (Madras City: Non-Muhammadan Urban): What about non-violent communists?

The Honourable Sir Brojendra Mitter: Non-violent communists will be here. They will get a safe home in India so long as they continue to be non-violent.

I need not detain the House by referring to the other slight changes here and there. Most of the changes are in the nature of drafting changes, but the two important changes I have mentioned already. Sir, I move.

Mr. M. R. Jayakar (Bombay City: Non-Muhammadan Urban): Sir, having regard to the circumstances under which the Bill comes before this House now, I think I am voicing the sentiment of a large section of this side of the House when I say that Government would be well advised in postponing the consideration of this Bill. The reasons on which I base this view are the following. The first reason, Sir, is this. The events which occurred last week prove, that the ordinary law has been found to be quite sufficient for the purpose of bringing to justice all those, who, according to the Government's statement before this House a few days ago, are concerned in communist activities of a violent character, and in subverting His Majesty's rule in this country. This one thing has been made perfectly clear, which was not clear before in the last Simla session, or when the Bill was before this House some time ago in this session, we now know clearly that the ordinary law of the land, under the Indian Penal Code, is quite sufficient for the purpose of reaching the mischief created by the infusion of communistic ideas. Therefore I think there is no particular urgency in passing this Bill in this session. The second, and perhaps a stronger reason, is that, in the course of the debate on this Bill, which is bound to be long and bitter, if not acrimonious, many statements are likely to be made on both sides of the House which may be regarded as affecting matters which are *sub judice*. Sir, without going into the merits of the disallowance of the adjournment motion, by the Governor General, I can say that the principle behind the disallowance was that, whether we willed it or not, we would be tending to refer to many matters which might affect prejudicially the merits of the trial which will take

place in the course of the next few months. On that ground, Sir, the head of the administration thought it fit to disallow the adjournment motion. On exactly the same ground, Sir, I submit, that however much we may try, this side or the other side is bound to go, while discussing the merits of the provisions of this Bill, into many matters which may reflect upon questions which are now *sub judice* and which will remain *sub judice* for many months yet. For instance, the spread of the communistic movement, its connection with the political movement of this country, the extent to which foreign money comes into this country, the necessity of all those provisions in the present Bill which give power to the Government to impound money in the banks, the provisions, which I personally regard as drastic, for procuring information at the hands of the Secretary of the Bank and all similar questions, I say that the discussion of these matters, if it is to be free and full—and I suppose it is the wish of the Government that it should be full and free—is bound to draw into the debate many questions which, speaking as a lawyer and as a public man, it will be best to avoid in the circumstances of the country at present. We are all anxious, as I think, the Government are anxious, that nothing should be said or done in this House which is likely prejudicially to affect the impartiality or fairness of the inquiry which is going to take place.

I do not wish here to go into the merits of the policy which has brought into trouble so many young men. That is not my present purpose, nor is this the occasion for referring to that aspect of the question. My present point is very narrow, that both on the ground of expediency and on other ground, namely, that there is no particular urgency for passing this measure in this session, it will be wise to postpone this Bill till the Simla session, when it can be considered in a calmer atmosphere. Even from the Government point of view, this course is advisable, for a great many things will come to light in the course of the next trial which may support their view of things. The Government's contention is that, at the present moment, there is a widespread conspiracy in this country, that there are communistic ideas, the infusion of which is more widespread than Members on this side suspect. If the next trial proves by the evidence coming to light that, as the Government believe, there is a large spread of communistic ideas in this country, a few on this side may gladly support their measure. The Government have procured for the prosecution the best legal talent available in this country, and they ought to be content. Who knows what the public may not have to learn, in the course of the next two months' trial. It may bring to light a large number of unimpeachable facts which may support the Government point of view. Things may come to light which may indicate that the communist conspiracy in this country is of a far deeper character, its tentacles are spread much wider than the public imagine at present. I believe that it is not unlikely, on the contrary very probable, that, in the course of this trial, which I am sure will be very thorough, a large amount of information will be available to the public as regards the extent of the communistic mischief in this country, the depths of this alleged conspiracy, the connection between the political and youth movement in India and the Bolshevic movement outside. All these, I submit, will go to the very root of the implications of this Bill and it may be that a few in this House, who are holding their minds free from any political bias against the Bill, will be furnished with better material for enabling them to come to a decision for or against the Bill

[Mr. M. R. Jayakar.]

in the Simla session. If the Government are at all disposed to consider the criticisms of this side—though from this morning's incidents I think that they are not so disposed—then I do assert even at this late hour on a hardworked day, that the Government will show greater wisdom in postponing the consideration of this Bill to the Simla session, when the matter can be considered in a calmer atmosphere, and with fuller facts before us.

Mr. President: I understand the Honourable Member has merely made a suggestion to the Government. I have got in my hands a notice of a motion for adjournment from Mr. Jogiah—that the consideration of the Bill be postponed pending the disposal of the case against the 31 persons filed before the Meerut magistrate under section 121A. I propose to call upon Mr. Jogiah, if the Government are not prepared to accept the suggestion made by the Honourable Member from Bombay.

The Honourable Sir Brojendra Mitter: The Government are not prepared to accept the suggestion that the consideration of the Bill be postponed, and in due course I shall state the reasons why Government have come to that decision.

Mr. President: In that case, I propose to adjourn at this stage.

Mr. S. Srinivasa Iyengar: May we have some of the documents upon which this Bill before us is based? It is impossible for us to see some of the documents.

Mr. President: You can go to the Law Member.

The Honourable Sir Brojendra Mitter: I shall state the reasons here in this House.

Mr. President: Does the Honourable Member wish to state them in his reply?

The Honourable Sir Brojendra Mitter: What I said was this. Government are not inclined to accept the suggestion that the consideration of the Bill be postponed and I shall state my reasons.

Mr. President: That is not the question raised by the Honourable Member.

The Honourable Sir Brojendra Mitter: I do not quite appreciate my Honourable friend's point.

Mr. S. Srinivasa Iyengar: It was said, and very properly said, that a disclosure of documents may be against public interests. I should like to see the documents upon which this Bill, as I understand it, is based. I should like copies of those documents circulated to Members, so that we may be in a position to make up our minds.

The Honourable Sir Brojendra Mitter: I am afraid I have not quite appreciated the nature of the documents which the Honourable Member is referring to.

Mr. S. Srinivasa Iyengar: Documents in the Meerut case.

The Honourable Sir Brojendra Mitter: We have nothing whatsoever to do with the documents in the Meerut case.

Mr. President: I think we will leave matters there at present.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 2nd April, 1929.